

STATE OF KANSAS

2026 SESSION LAWS OF KANSAS VOL. 1

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

PASSED DURING THE 2026 REGULAR
SESSION OF THE LEGISLATURE OF
THE STATE OF KANSAS

Date of Publication of this Volume
July 1, 2026

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 2026 regular session of the Legislature of the State of Kansas, begun on the 12th day of January, AD 2026, and concluded on the 10th day of April, AD 2026; 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 2026, except when otherwise provided.

Given under my hand and seal this 1st day of July, AD 2026.

(SEAL)

SCOTT SCHWAB
Secretary of State

EXPLANATORY NOTES

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

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

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

Approval and publication dates are included.

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 The bill index, subject index, and list of statutes repealed or amended will assist you in locating bills of interest.

NOTICE

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

Scott Schwab
Secretary of State
915 SW Harrison St.
Topeka, KS 66612
785-296-BOOK (2665)

TABLE OF CONTENTS

	<i>Page</i>
Title page	i
Authentication	iii
Explanatory Notes and Notice	iv
Table of Contents	v

2026 Regular Session

Official Directory	x
Legislative Directory	xi

2026 Session Laws - Volume 1

Ch. 1—House Bill 2183	1
Ch. 2—House Bill 2347	2
Ch. 3—House Substitute for Senate Bill 244	18
Ch. 4—House Bill 2274	28
Ch. 5—House Bill 2223	37
Ch. 6—Senate Bill 348	59
Ch. 7—Senate Bill 335	62
Ch. 8—Senate Substitute for Substitute for House Bill 2299	64
Ch. 9—House Bill 2477	73
Ch. 10—House Bill 2624	78
Ch. 11—Senate Bill 146	80
Ch. 12—House Bill 2733	85
Ch. 13—House Bill 2557	91
Ch. 14—House Bill 2711	111
Ch. 15—Senate Bill 445	112
Ch. 16—House Bill 2555	114
Ch. 17—House Bill 2332	116
Ch. 18—Senate Bill 299	118
Ch. 19—House Bill 2433	120
Ch. 20—House Bill 2478	124
Ch. 21—House Bill 2540	125
Ch. 22—Senate Bill 358	126
Ch. 23—Senate Bill 396	128
Ch. 24—Senate Bill 427	129
Ch. 25—Senate Bill 473	139
Ch. 26—Senate Bill 368	141
Ch. 27—House Bill 2635	155
Ch. 28—House Bill 2511	159
Ch. 29—House Bill 2519	160
Ch. 30—House Bill 2761	206

Ch. 31 – Senate Substitute for House Bill 2212	213
Ch. 32 – Senate Bill 55	215
Ch. 33 – Senate Bill 334	228
Ch. 34 – Senate Bill 425	232
Ch. 35 – House Bill 2393	235
Ch. 36 – House Bill 2702	274
Ch. 37 – House Substitute for Senate Bill 366	298
Ch. 38 – House Bill 2622	311
Ch. 39 – House Bill 2467	313
Ch. 40 – House Bill 2487	319
Ch. 41 – House Bill 2440	321
Ch. 42 – House Bill 2470	326
Ch. 43 – House Bill 2374	327
Ch. 44 – House Bill 2536	336
Ch. 45 – House Bill 2537	339
Ch. 46 – House Bill 2562	342
Ch. 47 – House Bill 2747	344
Ch. 48 – House Bill 2320	349
Ch. 49 – Substitute for House Bill 2435	357
Ch. 50 – House Bill 2520	362
Ch. 51 – House Bill 2524	367
Ch. 52 – House Bill 2552	373
Ch. 53 – House Bill 2574	378
Ch. 54 – House Bill 2618	399
Ch. 55 – House Bill 2644	436
Ch. 56 – House Bill 2378	439
Ch. 57 – House Bill 2769	442
Ch. 58 – House Bill 2781	443
Ch. 59 – House Bill 2737	444
Ch. 60 – House Bill 2237	451
Ch. 61 – House Bill 2323	455
Ch. 62 – House Bill 2444	468
Ch. 63 – House Bill 2602	487
Ch. 64 – Senate Substitute for House Bill 2571	500
Ch. 65 – House Bill 2416	501
Ch. 66 – Senate Bill 364	503
Ch. 67 – House Bill 2539	504
Ch. 68 – Substitute for House Bill 2595	507
Ch. 69 – House Bill 2331	512
Ch. 70 – House Bill 2652	518
Ch. 71 – Senate Bill 398	522
Ch. 72 – Senate Bill 459	523
Ch. 73 – House Bill 2528	551

Ch. 74—House Bill 2739.....	574
Ch. 75—House Substitute for Senate Bill 260	579
Ch. 76—Senate Bill 418.....	596
Ch. 77—Senate Bill 84.....	606
Ch. 78—Senate Substitute for House Bill 2402	615
Ch. 79—House Bill 2653.....	619
Ch. 80—House Bill 2573.....	620
Ch. 81—Senate Bill 20.....	632
Ch. 82—House Bill 2615.....	654
Ch. 83—House Bill 2647.....	656
Ch. 84—House Bill 2158.....	660
Ch. 85—Senate Bill 325.....	664
Ch. 86—Senate Bill 23.....	670
Ch. 87—House Bill 2124.....	680
Ch. 88—Senate Bill 408.....	682
Ch. 89—Senate Bill 480.....	710
Ch. 90—House Bill 2482.....	716
Ch. 91—House Bill 2596.....	720
Ch. 92—Substitute for House Bill 2250	722
Ch. 93—House Bill 2533.....	735
Ch. 94—House Bill 2464.....	817
Ch. 95—House Bill 2068.....	821
Ch. 96—House Bill 2481.....	832
Ch. 97—House Bill 2497.....	835
Ch. 98—House Bill 2590.....	837
Ch. 99—House Bill 2700.....	850
Ch. 100—House Bill 2507.....	860
Ch. 101—Senate Substitute for House Bill 2501	873
Ch. 102—House Bill 2591.....	897
Ch. 103—House Bill 2192.....	925
Ch. 104—Senate Substitute for House Bill 2099	934
Ch. 105—Senate Bill 487.....	935
Ch. 106—House Bill 2613.....	948
Ch. 107—Senate Bill 403.....	954
Ch. 108—Senate Bill 353.....	962
Ch. 109—Senate Bill 321.....	967
Ch. 110—Senate Bill 412.....	969
Ch. 111—Senate Bill 435.....	972
Ch. 112—Senate Bill 232.....	999
Ch. 113—Senate Bill 92.....	1001
Ch. 114—House Bill 2479.....	1010
Ch. 115—Senate Bill 271.....	1029
Ch. 116—House Bill 2042.....	1036

Ch. 117—Senate Bill 382.....	1037
Ch. 118—House Substitute for Senate Bill 356	1051
Ch. 119—Senate Bill 374.....	1052
Ch. 120—Senate Bill 380.....	1069
Ch. 121—House Bill 2462.....	1070
Ch. 122—Substitute for House Bill 2114.....	1082
Ch. 123—House Bill 2116.....	1090
Ch. 124—House Bill 2509.....	1092

2026 Session Laws - Volume 2

Ch. 125—House Bill 2601.....	1111
Ch. 126—House Bill 2413.....	1129
Ch. 127—House Bill 2466.....	1149
Ch. 128—House Bill 2534.....	1195
Ch. 129—House Bill 2485.....	1209
Ch. 130—House Bill 2518.....	1228
Ch. 131—House Bill 2560.....	1235
Ch. 132—Substitute for House Bill 2357	1245
Ch. 133—House Bill 2365.....	1247
Ch. 134—House Bill 2603.....	1276
Ch. 135—House Bill 2727.....	1278
Ch. 136—House Bill 2729.....	1280
Ch. 137—House Bill 2593.....	1290
Ch. 138—House Bill 2719.....	1294
Ch. 139—Senate Substitute for House Bill 2004	1310
Ch. 140—House Bill 2329.....	1313
Ch. 141—House Bill 2437.....	1355
Ch. 142—Senate Substitute for House Bill 2372	1363
Ch. 143—House Bill 2333.....	1379
Ch. 144—House Bill 2521.....	1387
Ch. 145—Senate Bill 30.....	1391
Ch. 146—Senate Bill 375.....	1395
Ch. 147—Senate Bill 361.....	1401
Ch. 148—Senate Bill 462.....	1403
Ch. 149—Substitute for House Bill 2018.....	1406
Ch. 150—House Bill 2513.....	1410
Ch. 151—Substitute for House Bill 2731	1788
Ch. 152—Senate Bill 391.....	1813
Ch. 153—House Substitute for Senate Bill 51	1815
Ch. 154—Senate Bill 300.....	1821
Ch. 155—House Bill 2029.....	1840
Ch. 156—Senate Bill 82.....	1928
Ch. 157—Senate Bill 430.....	1936

2026 Concurrent Resolutions

Ch. 158—House Concurrent Resolution 5019.....1959

Ch. 159—House Concurrent Resolution 5020.....1960

Ch. 160—Senate Concurrent Resolution 1604.....1961

Ch. 161—Senate Concurrent Resolution 1615.....1963

Ch. 162—Senate Concurrent Resolution 1622.....1964

Ch. 163—House Concurrent Resolution 5033.....1965

Ch. 164—House Concurrent Resolution 5022.....1966

Ch. 165—House Concurrent Resolution 5036.....1968

Ch. 166—Senate Concurrent Resolution 1626.....1969

Messages from the Governor 1970

Index to Bills 2024

Statutes Repealed, Amended, or Revived 2026

General Index 2031

OFFICIAL DIRECTORY

ELECTIVE STATE OFFICERS

<i>Office</i>	<i>Name</i>	<i>Residence</i>	<i>Party</i>
Governor.....	Laura Kelly	Topeka	Dem.
Lieutenant Governor	David Toland	Iola.....	Dem.
Secretary of State	Scott Schwab	Overland Park.....	Rep.
State Treasurer.....	Steven Johnson	Assaria	Rep.
Attorney General.....	Kris Kobach	Lecompton	Rep.
Commissioner of Insurance.....	Vicki Schmidt	Topeka	Rep.

STATE BOARD OF EDUCATION

<i>Dist.</i>	<i>Name and residence</i>	<i>Dist.</i>	<i>Name and residence</i>
1	Danny Zech , Leavenworth	6	Dr. Beryl Ann New , Topeka
2	Melanie Haas , Overland Park	7	Dennis Hershberger , Hutchinson
3	Michelle Dombrosky , Olathe	8	Betty J. Arnold , Wichita
4	Connie O’Brien , Tonganoxie	9	Jim Porter , Fredonia
5	Cathy Hopkins , Hays	10	Debby Potter , Garden Plain

UNITED STATES SENATORS

<i>Name and residence</i>	<i>Party</i>	<i>Term</i>
Roger Marshall , MD, Great Bend	Republican	term expires Jan. 3, 2027
Jerry Moran , Manhattan	Republican	term expires Jan. 3, 2029

UNITED STATES REPRESENTATIVES

(Terms expire January 3, 2027)

<i>District</i>	<i>Name</i>	<i>Residence</i>	<i>Party</i>
First.....	Tracey Mann	Salina.....	Rep.
Second.....	Derek Schmidt	Independence	Rep.
Third.....	Sharice Davids	Roeland Park.....	Dem.
Fourth.....	Ron Estes	Wichita.....	Rep.

LEGISLATIVE DIRECTORY

STATE SENATE

<i>Name, city and county</i>	<i>Party</i>	<i>Dist.</i>
Alley, Larry , Winfield, Cowley County.....	Rep.	32
Argabright, Mike , Olpe, Lyon County	Rep.	17
Billinger, Rick , Goodland, Sherman County	Rep.	40
Blasi, Chase , Andale, Sedgwick County	Rep.	26
Blew, Tory Marie , Great Bend, Barton County.....	Rep.	33
Bowers, Elaine , Concordia, Cloud County	Rep.	36
Bowser, Craig , Holton, Jackson County.....	Rep.	1
Claeys, Joseph , Maize, Sedgwick County.....	Rep.	27
Clifford, William , Garden City, Finney County	Rep.	39
Corson, Ethan , Prairie Village, Johnson County	Dem.	7
Dietrich, Brenda , Topeka, Shawnee County	Rep.	20
Erickson, Renee , Wichita, Sedgwick County	Rep.	30
Fagg, Michael , El Dorado, Butler County	Rep.	14
Faust-Goudeau, Oletha , Wichita, Sedgwick County	Dem.	29
Francisco, Marci , Lawrence, Douglas County	Dem.	2
Gossage, Beverly , Eudora, Johnson County.....	Rep.	9
Halley, David , Kansas City, Wyandotte County	Dem.	4
Hill, Scott , Abilene, Dickinson County	Rep.	24
Holscher, Cindy , Overland Park, Johnson County	Dem.	8
Klemp, Jeff , Lansing, Leavenworth County.....	Rep.	5
Kloos, Rick , Berryton, Shawnee County.....	Rep.	3
Masterson, Ty , Andover, Butler County.....	Rep.	16
Miller, Silas , Wichita, Sedgwick County	Dem.	25
Murphy, Michael , Sylvia, Reno County	Rep.	34
Owens, Stephen , Hesston, Harvey County.....	Rep.	31
Peck, Virgil , Havana, Montgomery County.....	Rep.	15
Petersen, Mike , Wichita, Sedgwick County	Rep.	28
Pettey, Pat , Kansas City, Wyandotte County	Dem.	6
Rose, TJ , Olathe, Johnson County	Rep.	35
Ryckman, Ronald , Meade, Meade County.....	Rep.	38
Schmidt, Patrick , Topeka, Shawnee County	Dem.	19
Shallenburger, Tim , Baxter Springs, Cherokee County.....	Rep.	13
Shane, Doug , Louisburg, Miami County	Rep.	37
Starnes, Brad , Riley, Riley County	Rep.	22
Sykes, Dinah , Lenexa, Johnson County	Dem.	21
Thomas, Adam , Olathe, Johnson County	Rep.	23
Thompson, Mike , Shawnee, Johnson County	Rep.	10
Titus, Kenny , Wamego, Pottawatomie County.....	Rep.	18
Tyson, Caryn , Parker, Linn County	Rep.	12
Warren, Kellie , Leawood, Johnson County	Rep.	11

HOUSE OF REPRESENTATIVES

<i>Name, city and county</i>	<i>Party</i>	<i>Dist.</i>
Alcala, John , Topeka, Shawnee County	Dem.	57
Amyx, Mike , Lawrence, Douglas County	Dem.	45
Anderson, Avery , Newton, Harvey County	Rep.	72
Awerkamp, Francis , St. Marys, Pottawatomie County	Rep.	61
Ballard, Barbara , Lawrence, Douglas County	Dem.	44
Barrett, Bradley , Osage City, Osage County	Rep.	76
Bergkamp, Brian , Wichita, Sedgwick County	Rep.	93
Bergquist, Emil , Park City, Sedgwick County	Rep.	91
Blex, Doug , Independence, Montgomery County	Rep.	12
Bloom, Lewis , Clay Center, Clay County	Rep.	64
Boatman, Abi , Wichita, Sedgwick County	Dem.	86
Bohi, Lauren , Olathe, Johnson County	Rep.	15
Borjon, Jesse , Topeka, Shawnee County	Rep.	52
Brantley, Sherri , Great Bend, Barton County	Rep.	112
Brownlee Paige, Wanda , Kansas City, Wyandotte County	Dem.	35
Brunk, Steve , Wichita, Sedgwick County	Rep.	85
Bryce, Ron , Coffeyville, Montgomery County	Rep.	11
Buehler, David , Lansing, Leavenworth County	Rep.	40
Butler, Nathan , Junction City, Geary County	Rep.	68
Caiharr, Carolyn , Edwardsville, Wyandotte County	Rep.	33
Carlin, Sydney , Manhattan, Riley County	Dem.	66
Carmichael, John , Wichita, Sedgwick County	Dem.	92
Carpenter, Blake , Derby, Sedgwick County	Rep.	81
Carpenter, Will , El Dorado, Butler County	Rep.	75
Carr, Ford , Wichita, Sedgwick County	Dem.	84
Chauncey, Shawn , Junction City, Geary County	Rep.	65
Collins, Kenneth , Mulberry, Crawford County	Rep.	2
Corbet, Ken , Topeka, Shawnee County	Rep.	54
Croft, Chris , Overland Park, Johnson County	Rep.	8
Curtis, Pam , Kansas City, Wyandotte County	Dem.	32
Delperdang, Leo , Wichita, Sedgwick County	Rep.	94
Droge, Duane , Eureka, Greenwood County	Rep.	13
Ellis, Ronald , Meriden, Jefferson County	Rep.	47
Esau, Charlotte , Olathe, Johnson County	Rep.	14
Essex, Robyn , Olathe, Johnson County	Rep.	78
Estes, Susan , Wichita, Sedgwick County	Rep.	87
Fairchild, Brett , St. John, Stafford County	Rep.	113
Featherston, Linda , Overland Park, Johnson County	Dem.	16
Francis, Shannon , Liberal, Seward County	Rep.	125
Gardner, Fred , Garnett, Anderson County	Rep.	9
Goddard, Dan , Parsons, Labette County	Rep.	7
Goetz, Jason , Dodge City, Ford County	Rep.	119
Haskins, Kirk , Topeka, Shawnee County	Dem.	53
Hawkins, Daniel , Wichita, Sedgwick County	Rep.	100
Helgersen, Henry , Eastborough, Sedgwick County	Dem.	83
Helwig, Dale , Columbus, Cherokee County	Rep.	1
Hoffman, Kyle , Coldwater, Comanche County	Rep.	116

<i>Name, city and county</i>	<i>Party</i>	<i>Dist.</i>
Hoheisel, Nick , Wichita, Sedgwick County	Rep.	97
Howe, Steven , Salina, Saline County	Rep.	71
Howell, Leah , Derby, Sedgwick County	Rep.	82
Howerton, Cyndi , Wichita, Sedgwick County	Rep.	98
Hoye, Jo Ella , Lenexa, Johnson County	Dem.	17
Huebert, Steve , Valley Center, Sedgwick County	Rep.	90
Humphries, Susan , Wichita, Sedgwick County	Rep.	99
James, Rick , La Cygne, Linn County	Rep.	4
Johnson, Timothy , Basehor, Leavenworth County	Rep.	38
Kessler, Tom , Wichita, Sedgwick County	Rep.	96
King, Mike , Hesston, Harvey County	Rep.	74
Lewis, Bob , Garden City, Finney County	Rep.	123
Long, Marty , Ulysses, Grant County	Rep.	124
Martinez, Angela , Wichita, Sedgwick County	Dem.	103
McDonald, Nikki , Olathe, Johnson County	Dem.	49
McNorton, Kyle , Topeka, Shawnee County	Rep.	50
Melton, Lynn , Kansas City, Wyandotte County	Dem.	36
Meyer, Heather , Overland Park, Johnson County	Dem.	29
Minnix, Jim , Scott City, Scott County	Rep.	118
Moser, Lisa M. , Wheaton, Pottawatomie County	Rep.	106
Mosley, Brooklynne , Lawrence, Douglas County	Dem.	46
Neelly, Lance , Tonganoxie, Leavenworth County	Rep.	42
Neighbor, Cindy , Shawnee, Johnson County	Dem.	18
Ohaebosim, KC , Wichita, Sedgwick County	Dem.	89
Oropeza, Melissa , Kansas City, Wyandotte County	Dem.	37
Osman, Dan , Overland Park, Johnson County	Dem.	48
Ousley, Jarrod , Merriam, Johnson County	Dem.	24
Pickert, Sandy , Wichita, Sedgwick County	Rep.	88
Pishny, Lon , Garden City, Finney County	Rep.	122
Poetter Parshall, Samantha , Paola, Miami County	Rep.	6
Poskin, Mari-Lynn , Leawood, Johnson County	Dem.	20
Proctor, Pat , Fort Leavenworth, Leavenworth County	Rep.	41
Rahjes, Ken , Agra, Phillips County	Rep.	110
Reavis, Allen , Atchison, Atchison County	Rep.	63
Rhiley, Bill , Wellington, Sumner County	Rep.	80
Roeser, Angelina , Manhattan, Riley County	Rep.	67
Roth, Webster , Winfield, Cowley County	Rep.	79
Ruiz, Louis , Kansas City, Wyandotte County	Dem.	31
Ruiz, Susan , Shawnee, Johnson County	Dem.	23
Sanders, Clarke , Salina, Saline County	Rep.	69
Sappington, Courtney , Baldwin City, Douglas County	Rep.	5
Sawyer, Tom , Wichita, Sedgwick County	Dem.	95
Sawyer Clayton, Stephanie , Overland Park, Johnson County	Dem.	19
Schlingensiepen, Tobias , Topeka, Shawnee County	Dem.	55
Schmoe, Rebecca , Ottawa, Franklin County	Rep.	59
Schreiber, Mark , Emporia, Lyon County	Rep.	60
Schwertfeger, Kevin , Turon, Reno County	Rep.	114
Seiwert, Joe , Pretty Prairie, Reno County	Rep.	101
Simmons, Alexis , Topeka, Shawnee County	Dem.	58

<i>Name, city and county</i>	<i>Party</i>	<i>Dist.</i>
Smith, Adam , Weskan, Wallace County.....	Rep.	120
Smith, Chuck , Pittsburg, Crawford County.....	Rep.	3
Steele, Megan , Manhattan, Pottawatomie County.....	Rep.	51
Stiens, Angela , Shawnee, Johnson County.....	Rep.	39
Stogsdill, Jerry , Prairie Village, Johnson County	Dem.	21
*Storm, Mike , Olathe, Johnson County	Rep.	121
Sutton, Bill , Gardner, Johnson County	Rep.	43
Sweely, Kyler , Hutchinson, Reno County.....	Rep.	102
Tarwater, Sean , Stilwell, Johnson County.....	Rep.	27
Turk, Adam , Shawnee, Johnson County	Rep.	117
Turner, Carl , Leawood, Johnson County	Rep.	28
VanHouden, Charles , Spring Hill, Johnson County	Rep.	26
Vaughn, Lindsay , Overland Park, Johnson County	Dem.	22
Waggoner, Paul , Hutchinson, Reno County.....	Rep.	104
Ward, Jill , Wichita, Sedgwick County	Rep.	105
Wasinger, Barb , Hays, Ellis County	Rep.	111
Waymaster, Troy , Bunker Hill, Russell County	Rep.	109
Weigel, Virgil , Topeka, Shawnee County.....	Dem.	56
White, Gary , Ashland, Clark County	Rep.	115
Wikle, Suzanne , Lawrence, Douglas County	Dem.	10
Wilborn, Rick , McPherson, McPherson County.....	Rep.	73
Willcott, Sean , Holton, Jackson County	Rep.	62
Williams, Laura , Lenexa, Johnson County	Rep.	30
Williams, Kristey , Augusta, Butler County.....	Rep.	77
Wilson, Greg , Abilene, Dickinson County.....	Rep.	70
Winn, Valdenia , Kansas City, Wyandotte County	Dem.	34
Wolf, Dawn , Bennington, Ottawa County.....	Rep.	107
Woodard, Brandon , Lenexa, Johnson County.....	Dem.	108
Xu, Rui , Westwood, Johnson County	Dem.	25

*Mike Storm was sworn in March 16, 2026, to fill the vacancy created by the death of John Resman.

OFFICERS OF THE SENATE

Ty Masterson.....	President
Tim Shallenburger.....	Vice President
Chase Blasi	Majority Leader
Dinah Sykes	Minority Leader

OFFICERS OF THE HOUSE

Daniel R. Hawkins.....	Speaker
Blake Carpenter.....	Speaker Pro Tem
Chris Croft	Majority Leader
Brandon Woodard.....	Minority Leader

LEGISLATIVE COORDINATING COUNCIL

Speaker of the House of Representatives:	Daniel R. Hawkins, Wichita, Chairman
President of the Senate:	Ty Masterson, Andover, Vice-Chairman
Vice President of the Senate:	Tim Shallenburger, Baxter Springs
Speaker Pro Tem of the House of Representatives:	Blake Carpenter, Derby
Senate Majority Leader:	Chase Blasi, Wichita
House Majority Leader:	Chris Croft, Overland Park
Senate Minority Leader:	Dinah Sykes, Lenexa
House Minority Leader:	Brandon Woodard, Lenexa

LEGISLATIVE DIVISION OF POST AUDIT

Chris Clarke, Legislative Post Auditor
Kristen Rottinghaus, Deputy Post Auditor
Matt Etzel, Performance Audit Manager
Katrin Osterhaus, IT Audit Manager

LEGISLATIVE RESEARCH DEPARTMENT

Shirley D. Morrow, Director

Edward Penner, Assistant Director for Research

Dylan Dear, Assistant Director for Fiscal Affairs

DIVISION OF LEGISLATIVE ADMINISTRATIVE SERVICES

Thomas A. Day, Director

OFFICE OF REVISOR OF STATUTES

Revisor of Statutes

Gordon L. Self

First Assistant Revisor

Jill A. Wolters

Editor of Statutes

Gordon L. Self

Senior Assistant Revisors

Michael R. Heim

Tamera M. Lawrence

Jason B. Long

Natalie C. Scott

Adam M. Siebers

Jason W. Thompson

David P. Wiese

Assistant Revisors

Carly K. Choi

Stephanie L. Ellis

Kyle D. Hamilton

Amelia S. Kovar-Donohue

Eileen D. Ma

Jenna R. Moyer

Nicholas P. Myers

Jessie S. Pringle

Charles R. Reimer

Dahnika K. Short

Christopher J. Waggoner

Information Systems Administrator

Chad L. Champney

Office Manager

Rebecca C. Cole

Publications Manager

Pearlie D. Shupe

Publications Staff

Hannah R. Crouch

Carla F. Jenn Torres

Merideth Van Genderen

2026 SESSION LAWS OF KANSAS

CHAPTER 1

HOUSE BILL No. 2183*

AN ACT concerning state agencies; relating to interpretation of statutes, rules and regulations and documents with the force and effect of law; prohibiting deference to the agency's interpretation by a state court or an administrative hearing officer hearing an administrative action.

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

Section 1. (a) In interpreting a state statute, rule and regulation or document that has the force and effect of law, a state court or an administrative hearing officer hearing an administrative action may consider but shall not defer to a state agency's interpretation of such statute, rule and regulation or document and shall interpret the meaning and effect of such statute, rule and regulation or document de novo.

(b) In an action brought by or against a state agency, after applying all customary tools of interpretation and rules of statutory construction pursuant to law, a state court or an administrative hearing officer hearing an administrative action shall exercise any remaining doubt in a way that is consistent with an individual's fundamental constitutional rights.

(c) As used in this section, "rule and regulation" and "state agency" mean the same as defined in K.S.A. 77-602, and amendments thereto.

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

Approved February 5, 2026.

CHAPTER 2

HOUSE BILL No. 2347
(Amended by Chapter 157)

AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against public morals; requiring certain offenders to complete an educational or treatment program regarding commercial sexual exploitation and requiring the attorney general to approve such programs in consultation with the office of judicial administration; creating the crime of unlawful use of a laser pointer and providing criminal penalties therefor; removing provisions regarding city ordinances prohibiting buying sexual relations and increasing the criminal penalties therefor; relating to theft; changing the culpability required for certain types of theft; increasing the criminal penalty when the property is a motor vehicle of the value of at least \$500 but less than \$1,500; modifying criminal use of a financial card to include certain conduct involving gift cards; amending K.S.A. 12-4106, 12-4120, 12-4416, 21-5426, 21-5801, 21-5828, 21-6421, 21-6422 and 22-2909 and repealing the existing sections.

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

New Section 1. (a) On or before July 1, 2027, the attorney general, in consultation with the office of judicial administration, shall approve one or more educational or treatment programs regarding commercial sexual exploitation for use under K.S.A. 21-5426, 21-6421, 21-6422 and 22-2909, and amendments thereto, and as otherwise permitted by law.

(b) (1) In accordance with the provisions of the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto, the attorney general shall adopt, amend and revoke rules and regulations governing the educational or treatment programs described in subsection (a), including, but not limited to:

(A) Criteria for the evaluation, approval and monitoring of such programs;

(B) any form required to implement such programs;

(C) any requirements for staff who will be directly providing services to clients of such programs; and

(D) any report, record or other information that may be required to be kept and maintained by such programs.

(2) On or before January 1, 2027, the attorney general shall adopt rules and regulations required for the approval and operation of the educational or treatment programs described in subsection (a).

New Sec. 2. (a) Unlawful use of a laser pointer is knowingly directing light from a laser pointer at:

(1) A law enforcement officer while such officer is engaged in the performance of such officer's duties; or

(2) an aircraft in flight or the flight path of an aircraft.

(b) Unlawful use of a laser pointer as defined in:

(1) Subsection (a)(1) is a class A person misdemeanor; and

- (2) subsection (a)(2) is a severity level 9, person felony.
- (c) The provisions of subsection (a)(2) shall not apply to:
 - (1) Any person who is authorized by an aircraft manufacturer or the federal aviation administration to conduct research and development or flight test operations while such person is conducting research and development or flight test operations;
 - (2) members or elements of the department of defense or department of homeland security acting in an official capacity for the purpose of research, development, operations, testing or training; or
 - (3) an individual using a laser emergency signaling device to send an emergency distress signal.
- (d) As used in this section, “laser pointer” means a device that emits light amplified by the stimulated emission of radiation that is visible to the human eye.
- (e) A person who violates the provisions of this section may also be prosecuted for, convicted of and punished for assault or battery.
- (f) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 3. K.S.A. 12-4106 is hereby amended to read as follows: 12-4106.

(a) The municipal judge shall have the power to administer the oaths and enforce all orders, rules and judgments made by such municipal judge, and may fine or imprison for contempt in the same manner and to the same extent as a judge of the district court.

(b) The municipal judge shall have the power to hear and determine all cases properly brought before such municipal judge to: Grant continuances; sentence those found guilty to a fine or confinement in jail, or both; commit accused persons to jail in default of bond; determine applications for parole; release on probation; grant time in which a fine may be paid; correct a sentence; suspend imposition of a sentence; set aside a judgment; permit time for post trial motions; and discharge accused persons.

(c) The municipal judge shall maintain a docket in which every cause commenced before such municipal judge shall be entered. Such docket shall contain the names of the accused persons and complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the finding of the court, the judgment and sentence, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in each case.

(d) The municipal judge shall promptly make such reports and furnish the information requested by any departmental justice or the judicial administrator, in the manner and form prescribed by the supreme court.

(e) The municipal judge shall ensure that information concerning dispositions of city ordinance violations that result in convictions comparable to convictions for offenses under Kansas criminal statutes is forwarded to

the Kansas bureau of investigation central repository. This information shall be transmitted, on a form or in a format approved by the attorney general, within 30 days of final disposition.

(f) In all cases alleging a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144, 8-1567, ~~21-6419~~ or 32-1131 ~~or K.S.A. 21-6419 or 21-6421~~, and amendments thereto, the municipal court judge shall ensure that the municipal court ~~reports the filing and disposition of such case to the Kansas bureau of investigation central repository, and, on and after July 1, 2014,~~ reports the filing and disposition of such case electronically to the Kansas bureau of investigation central repository.

(g) In all cases in which a fine is imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567 ~~or K.S.A. 21-6421~~, and amendments thereto, the municipal court judge shall ensure that the municipal court remits the appropriate amount of such fine to the state treasurer as provided in K.S.A. 12-4120, and amendments thereto.

Sec. 4. K.S.A. 12-4120 is hereby amended to read as follows: 12-4120.

(a) ~~On and after July 1, 2012,~~ The amount of \$250 from each fine imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-1567 or 8-2,144, and amendments thereto, shall be remitted by the judge or clerk of the municipal 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.

(b) ~~One-half of each fine imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 21-6421, and amendments thereto, shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and the remainder shall be remitted as otherwise permitted by law. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the human trafficking victim assistance fund established by K.S.A. 75-758, and amendments thereto.~~

(c) ~~On and after July 1, 2017,~~ The amount of \$20 from each fine imposed for a violation of a city ordinance requiring the use of safety belts for those individuals required by K.S.A. 8-2503(a)(1), and amendments thereto, shall be remitted by the judge or clerk of the municipal 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 seat belt safety fund established by K.S.A. 8-1,181, and amendments thereto.

Sec. 5. K.S.A. 12-4416 is hereby amended to read as follows: 12-4416.

(a) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the city

attorney, the city attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to counsel, a speedy arraignment, a speedy trial, and the right to trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services. The diversion agreement shall state:

- (1) The defendant's full name;
 - (2) the defendant's full name at the time the complaint was filed, if different from the defendant's current name;
 - (3) the defendant's sex, race and date of birth;
 - (4) the crime with which the defendant is charged;
 - (5) the date the complaint was filed; and
 - (6) the municipal court with which the agreement is filed.
- (b) ~~If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 21-6421, and amendments thereto, the agreement:~~

~~(1) Shall include a requirement that the defendant pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 21-6421, and amendments thereto; and~~

~~(2) may include a requirement that the defendant enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation.~~

(c) ~~If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging an alcohol related offense, the diversion agreement shall include a stipulation, agreed to by the defendant and the city attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement shall include a requirement that the defendant:~~

~~(1) Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, consonant with K.S.A. 8-1567, and amendments thereto; and~~

(2) participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.

~~(d)~~(c) If the person entering into a diversion agreement is a non-resident, the city attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person's state of residence.

~~(e)~~(d) If the city attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to all of the terms of the proposed agreement, the diversion agreement shall be filed with the municipal court and the municipal court shall stay further proceedings on the complaint. If the defendant declines to accept diversion, the municipal court shall resume the criminal proceedings on the complaint.

~~(f)~~(e) The city attorney shall forward to the division of vehicles of the state department of revenue a copy of the diversion agreement at the time such agreement is filed with the municipal court. The copy of the agreement shall be made available upon request to any county, district or city attorney or court.

Sec. 6. K.S.A. 21-5426 is hereby amended to read as follows: 21-5426.

(a) Human trafficking is:

(1) Except as provided in subsection (b)(4) and (5), the intentional recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjecting the person to involuntary servitude or forced labor;

(2) intentionally ~~benefiting~~ *benefiting* financially or by receiving anything of value from participation in a venture that the person has reason to know has engaged in acts set forth in subsection (a)(1);

(3) knowingly coercing employment by obtaining or maintaining labor or services that are performed or provided by another person through any of the following:

(A) Causing or threatening to cause physical injury to any person;

(B) physically restraining or threatening to physically restrain another person;

(C) abusing or threatening to abuse the law or legal process;

(D) threatening to withhold food, lodging or clothing; or

(E) knowingly destroying, concealing, removing, confiscating or possessing any actual or purported government identification document of another person; or

(4) knowingly holding another person in a condition of peonage in satisfaction of a debt owed the person who is holding such other person.

(b) Aggravated human trafficking is:

(1) Human trafficking, as defined in subsection (a), involving the commission or attempted commission of kidnapping, as defined in K.S.A. 21-5408(a), and amendments thereto;

(2) human trafficking, as defined in subsection (a), committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(3) human trafficking, as defined in subsection (a), resulting in a death;

(4) recruiting, harboring, transporting, providing or obtaining, by any means, a child knowing that the child, with or without force, fraud, threat or coercion, will be used to engage in:

(A) Forced labor;

(B) involuntary servitude; or

(C) sexual gratification of the defendant or another involving the exchange of anything of value; or

(5) hiring a child by giving, or offering or agreeing to give, anything of value to any person, to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act, and the offender recklessly disregards the age of the child.

(c) (1) Human trafficking is a severity level 2, person felony.

(2) Aggravated human trafficking is a severity level 1, person felony, except as provided in subsection (c)(3).

(3) Aggravated human trafficking or attempt, conspiracy or criminal solicitation to commit aggravated human trafficking is an off-grid person felony, when the offender is 18 years of age or older and the victim is less than 14 years of age.

(4) In addition to any other sentence imposed, a person convicted under subsection (c)(1) shall be fined not less than \$2,500 nor more than \$5,000. In addition to any other sentence imposed, a person convicted under subsection (c)(2) or (c)(3) shall be fined not less than \$5,000. All fines collected pursuant to this section shall be remitted to the human trafficking victim assistance fund created by K.S.A. 75-758, and amendments thereto.

(5) In addition to any other sentence imposed, for any conviction under this section:

(A) *Occurring prior to July 1, 2027, the court may order the person convicted to enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation of a child; and*

(B) *occurring on or after July 1, 2027, the court may order the person convicted to enter into and complete an educational or treatment program approved by the attorney general pursuant to section 1, and amendments thereto, regarding commercial sexual exploitation.*

(d) If the offender is 18 years of age or older and the victim is less than 14 years of age, the provisions of:

(1) K.S.A. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of aggravated human trafficking pursuant to this section;

(2) K.S.A. 21-5302(d), and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of aggravated human trafficking pursuant to this section; and

(3) K.S.A. 21-5303(d), and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of aggravated human trafficking pursuant to this section.

(e) It shall be an affirmative defense to any prosecution under subsection (b)(4) or (5) that the defendant:

(1) Was under 18 years of age at the time of the violation; and

(2) committed the violation because such defendant, at the time of the violation, was subjected to human trafficking or aggravated human trafficking, as defined by this section.

(f) It shall not be a defense to a charge of aggravated human trafficking, as defined in subsection (b)(4) or (5), that:

(1) The victim consented or willingly participated in the forced labor, involuntary servitude or sexual gratification of the defendant or another; or

(2) the offender had no knowledge of the age of the victim.

(g) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto, or for any form of homicide.

(h) The provisions of this section shall not apply to the use of the labor of any person incarcerated in a state or county correctional facility or city jail.

(i) As used in this section:

(1) “Child” means a person under 18 years of age; and

(2) “peonage” means a condition of involuntary servitude in which the victim is forced to work for another person by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.

Sec. 7. K.S.A. 21-5801 is hereby amended to read as follows: 21-5801.

(a) Theft is any of the following acts done with intent to permanently deprive the owner of the possession, use or benefit of the owner’s property or services:

(1) Obtaining or exerting unauthorized control over property or services;

(2) obtaining control over property or services, by deception;

(3) obtaining control over property or services, by threat;

(4) obtaining control over stolen property or services knowing, or *having reason to know*, the property or services ~~to have been~~ *were* stolen ~~by~~ *from* another; or

(5) knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.

(b) Theft of:

(1) Property or services of the value of \$100,000 or more is a severity level 5, nonperson felony;

(2) property or services of the value of at least \$25,000 but less than \$100,000 is a severity level 7, nonperson felony;

(3) property or services of the value of at least \$1,500 but less than \$25,000 is a severity level 9, nonperson felony, except as provided in subsection (b)(7);

(4) property or services of the value of less than \$1,500 is a class A nonperson misdemeanor, except as provided in subsection (b)(5), (b)(6), (b)(7) or (b)(8);

(5) property of the value of less than \$1,500 from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;

(6) property of the value of at least \$50 but less than \$1,500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two or more times;

(7) property that is a firearm of the value of less than \$25,000 is a severity level 9, nonperson felony; ~~and~~

(8) property that is mail of the value of less than \$1,500 from three separate locations within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony; *and*

(9) *property that is a motor vehicle of the value of at least \$500 but less than \$1,500 is a severity level 10, nonperson felony.*

(c) As used in this section:

(1) “Conviction” or “convicted” includes being convicted of a violation of K.S.A. 21-3701, prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;

(2) “mail” means a letter, postal card, package or bag sent through the United States postal service or other delivery service, or any other article or thing contained therein;

(3) “regulated scrap metal” means the same as defined in K.S.A. 50-6,109, and amendments thereto;

(4) “remote service unit” means the same as defined in K.S.A. 9-1111, and amendments thereto, and includes, but is not limited to, automated cash dispensing machines and automated teller machines; and

(5) “value” means the value of the property or, if the property is regulated scrap metal or a remote service unit, the cost to restore the site of the theft of such regulated scrap metal or remote service unit to its condition at the time immediately prior to the theft of such regulated scrap metal or remote service unit, whichever is greater.

Sec. 8. K.S.A. 21-5828 is hereby amended to read as follows: 21-5828.

(a) Criminal use of a financial card *or gift card* is any of the following acts done with intent to defraud and to obtain money, goods, property or services:

(1) Using a financial card without the consent of the cardholder;

(2) using a financial card, or the number or description thereof, which has been revoked or canceled;~~or~~

(3) using a falsified, mutilated, altered or nonexistent financial card or a number or description thereof;

(4) *acquiring or retaining possession of a gift card or gift card redemption information without the consent of the cardholder, gift card issuer or gift card seller; or*

(5) *altering or tampering with a gift card.*

(b) Criminal use of a financial card *or gift card* is a:

(1) Severity level 7, nonperson felony if the money, goods, property or services obtained within any seven-day period are of the value of \$25,000 or more;

(2) severity level 9, nonperson felony if the money, goods, property or services obtained within any seven-day period are of the value of at least \$1,000 but less than \$25,000; and

(3) class A nonperson misdemeanor if the money, goods, property or services obtained within a seven-day period are of the value of less than \$1,000.

(c) As used in this section:

(1) “Cardholder” means:

(A) *The person or entity to whom or for whose benefit a financial card is issued; or*

(B) *the person to whom a physical or virtual gift card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a gift card to another person;*

(2) “closed-loop gift card” means a card, code or device that is issued to a consumer on a prepaid basis primarily for personal, family or household purposes in a specified amount, regardless of whether that amount

may be increased or reloaded in exchange for payment, and is redeemable upon presentation by a consumer at a single merchant or group of affiliated merchants;

(3) “financial card” means an identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property or services or to conduct other financial transactions; ~~and~~

~~(2) “cardholder” means the person or entity to whom or for whose benefit a financial card is issued~~

(4) “gift card” *means a physical or digital closed-loop gift card or open-loop gift card that is either activated or inactivated;*

(5) “gift card issuer” *means any person that issues a gift card or the agent of that person with respect to such card;*

(6) “gift card redemption information” *means information unique to each gift card that allows the cardholder to access, transfer or spend the funds on such gift card;*

(7) “gift card seller” *means a merchant that is engaged in the business of selling gift cards to consumers; and*

(8) “open-loop gift card” *means a card, code or device that is issued to a consumer on a prepaid basis primarily for personal, family or household purposes in a specified amount, regardless of whether that amount may be increased or reloaded in exchange for payment, and is redeemable upon presentation at multiple unaffiliated merchants for goods or services within the payment card network.*

(d) For the purposes of subsection (a)(2), a financial card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company.

Sec. 9. K.S.A. 21-6421 is hereby amended to read as follows: 21-6421.

(a) Buying sexual relations is knowingly:

(1) Entering or remaining in a place where sexual relations are being sold or offered for sale with intent to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act with a person selling sexual relations who is 18 years of age or older; or

(2) hiring a person selling sexual relations who is 18 years of age or older to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act.

(b) (1) Buying sexual relations is a:

~~(A) Class A person misdemeanor, except as provided in subsection (b)(1)(B); and~~

(B)—severity level 9, person felony ~~when committed by a person who has, prior to the commission of the crime, been convicted of a violation of this section, or any prior version of this section.~~

(2) In addition to any other sentence imposed, a person convicted under this section shall be fined not less than ~~\$1,200~~ \$2,000 nor more than \$5,000. One-half of all fines collected pursuant to this section shall be remitted to the human trafficking victim assistance fund created by K.S.A. 75-758, and amendments thereto, and the remainder shall be remitted as otherwise provided by law.

(3) In addition to any other sentence imposed, for any conviction under this section;

(A) *Occurring prior to July 1, 2027, the court may shall order the person convicted to enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation; and*

(B) *occurring on or after July 1, 2027, the court shall order the person convicted to enter into and complete an educational or treatment program approved by the attorney general pursuant to section 1, and amendments thereto, regarding commercial sexual exploitation.*

(c) (1)—~~For the purpose of determining whether a conviction is a first, second or subsequent conviction in sentencing under this section:~~

(1)—~~Convictions for a violation of this section, or any prior version of this section, or a violation of an ordinance of any city or resolution of any county which 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; and~~

(2)—~~A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance which prohibits the acts of this section only once during the person's lifetime.~~

(2) *A person shall not enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section if such person has entered into a diversion agreement for a violation of an ordinance that prohibits the acts prohibited by this section that occurred prior to July 1, 2026.*

(d) (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.~~

Sec. 10. K.S.A. 21-6422 is hereby amended to read as follows: 21-6422. (a) Commercial sexual exploitation of a child is knowingly:

(1) Hiring a person younger than 18 years of age by giving, or offering or agreeing to give, anything of value to any person, to engage in a manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act;

(2) establishing, owning, maintaining or managing any property, whether real or personal, where sexual relations are being sold or offered for sale by a person younger than 18 years of age, or participating in the establishment, ownership, maintenance or management thereof; or

(3) permitting any property, whether real or personal, partially or wholly owned or controlled by the defendant to be used as a place where sexual relations are being sold or offered for sale by a person who is younger than 18 years of age.

(b) (1) Commercial sexual exploitation of a child is a:

(A) Severity level 4, person felony, except as provided in subsections (b)(1)(B) and (b)(2); and

(B) severity level 2, person felony when committed by a person who has, prior to the commission of the crime, been convicted of a violation of this section, except as provided in subsection (b)(2).

(2) Commercial sexual exploitation of a child or attempt, conspiracy or criminal solicitation to commit commercial sexual exploitation of a child is an off-grid person felony when the offender is 18 years of age or older and the victim is less than 14 years of age.

(3) In addition to any other sentence imposed, a person convicted under subsection (b)(1)(A) shall be fined not less than \$2,500 nor more than \$5,000. In addition to any other sentence imposed, a person convicted under subsection (b)(1)(B) or (b)(2) shall be fined not less than \$5,000. All fines collected pursuant to this section shall be remitted to the human trafficking victim assistance fund created by K.S.A. 75-758, and amendments thereto.

(4) In addition to any other sentence imposed, for any conviction under this section;

(A) *Occurring prior to July 1, 2027, the court may order the person convicted to enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation of a child; and*

(B) *occurring on or after July 1, 2027, the court may order the person convicted to enter into and complete an educational or treatment program approved by the attorney general pursuant to section 1, and amendments thereto, regarding commercial sexual exploitation.*

(c) If the offender is 18 years of age or older and the victim is less than 14 years of age, the provisions of:

(1) K.S.A. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of commercial sexual exploitation of a child pursuant to this section;

(2) K.S.A. 21-5302(d), and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of commercial sexual exploitation of a child pursuant to this section; and

(3) K.S.A. 21-5303(d), and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of commercial sexual exploitation of a child pursuant to this section.

Sec. 11. K.S.A. 22-2909 is hereby amended to read as follows: 22-2909. (a) (1) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the attorney general or county or district attorney, such attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to a speedy arraignment, preliminary examinations and hearings, and a speedy trial, and in the case of diversion under subsection (c) waiver of the rights to counsel and trial by jury. The diversion agreement may include, but is not limited to, provisions concerning:

- (A) Payment of restitution, including court costs and diversion costs;
- (B) residence in a specified facility;
- (C) maintenance of gainful employment;
- (D) participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services; and
- (E) supervision by the county or district attorney, or by court services or community correctional services pursuant to a memorandum of understanding entered into by the county or district attorney pursuant to K.S.A. 22-2907, and amendments thereto, including the diversion supervision fee and urinalysis costs described in K.S.A. 22-2907, and amendments thereto, when applicable.

(2) If a county creates a local fund under the property crime restitution and compensation act, a county or district attorney may require in all diversion agreements as a condition of diversion the payment of a diversion fee in an amount not to exceed \$100. Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the local board under the property crime restitution and victims compensation act.

(3) If the attorney general enters into a diversion agreement:

(A) Any diversion costs or fees collected pursuant to such agreement shall be deposited in the fraud and abuse criminal prosecution fund established by K.S.A. 75-765, and amendments thereto; and

(B) the attorney general may enter into agreements with the appropriate county or district attorney or other appropriate parties regarding the supervision of conditions of such diversion agreement.

(b) The diversion agreement shall state:

(1) The defendant's full name;

(2) the defendant's full name at the time the complaint was filed, if different from the defendant's current name;

(3) the defendant's sex, race and date of birth;

(4) the crime with which the defendant is charged;

(5) the date the complaint was filed; and

(6) the district court with which the agreement is filed.

(c) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, the diversion agreement shall include a stipulation, agreed to by the defendant, the defendant's attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement shall include a requirement that the defendant:

(1) Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, in accordance with K.S.A. 8-1567, and amendments thereto; and

(2) participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.

(d) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a domestic violence offense, as defined in K.S.A. 21-5111, and amendments thereto, the diversion agreement shall include a requirement that the defendant undergo a domestic violence offender assessment and follow all recommendations unless otherwise agreed to with the prosecutor in the diversion agreement. The defendant shall be required to pay for such assessment and, unless otherwise agreed to with the prosecutor in the diversion agreement, for completion of all recommendations.

(e) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation other than K.S.A. 8-1567, and amendments thereto, the diversion agreement may include a stipulation, agreed to by the defendant, the defendant's attorney if

the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint.

(f) If the person entering into a diversion agreement is a nonresident, the attorney general or county or district attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person's state of residence.

(g) If the attorney general or county or district attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to all of the terms of the proposed agreement, the diversion agreement shall be filed with the district court and the district court shall stay further proceedings on the complaint. If the defendant declines to accept diversion, the district court shall resume the criminal proceedings on the complaint.

(h) Except as provided in subsection (i), if a diversion agreement is entered into in lieu of further criminal proceedings alleging commission of a misdemeanor by the defendant, while under 21 years of age, under K.S.A. 21-5701 through 21-5717, and amendments thereto, or K.S.A. 41-719, 41-727, 41-804, 41-2719 or 41-2720, and amendments thereto, the agreement shall require the defendant to participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.

(i) If the defendant is 18 or more years of age but less than 21 years of age and allegedly committed a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (h) are permissive and not mandatory.

(j) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 21-6421, and amendments thereto, the agreement *shall include*:

(1) ~~shall include~~ A requirement that the defendant pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 21-6421, and amendments thereto; and

(2) (A) ~~may include~~ *for agreements entered into prior to July 1, 2027, a requirement that the defendant enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation; and*

(B) *for agreements entered into on or after July 1, 2027, a requirement that the defendant enter into and complete an educational or treatment*

program approved by the attorney general pursuant to section 1, and amendments thereto, regarding commercial sexual exploitation.

(k) Except diversion agreements reported under subsection (l), the attorney general or county or district attorney shall forward to the Kansas bureau of investigation a copy of the diversion agreement at the time such agreement is filed with the district court. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.

(l) At the time of filing the diversion agreement with the district court, the attorney general or county or district attorney shall forward to the division of vehicles of the state department of revenue a copy of any diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.

Sec. 12. K.S.A. 12-4106, 12-4120, 12-4416, 21-5426, 21-5801, 21-5828, 21-6421, 21-6422 and 22-2909 are hereby repealed.

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

Approved February 5, 2026.

CHAPTER 3

House Substitute for SENATE BILL No. 244

AN ACT concerning identification of biological sex; requiring the designation of multiple-occupancy private spaces in public buildings for use by only one sex; imposing criminal and civil penalties for violations; providing a cause of action for individuals aggrieved by an invasion of privacy or other harm when accessing a multiple-occupancy private space; amending the women's bill of rights; defining the term "gender" to mean biological sex at birth for purposes of statutory construction; directing the director of the division of vehicles to invalidate and reissue driver's licenses when necessary to correct the gender identification on such licenses; directing the office of vital statistics to invalidate and reissue birth certificates when necessary to correct the sex identification on such certificates; removing the definition of "gender" from the help not harm act; amending K.S.A. 8-234a and K.S.A. 2025 Supp. 8-243, 65-28,137 and 77-207 and repealing the existing sections.

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

New Section 1. (a) As used in this section:

(1) "Female" means the same as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto.

(2) "Governmental entity" means the same as defined in K.S.A. 75-6102, and amendments thereto.

(3) "Male" means the same as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto.

(4) "Multiple-occupancy private space" means a facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy. "Multiple-occupancy private space" includes, but is not limited to, a restroom, locker room, changing room or shower room.

(5) "Public building" means a building owned or leased by a governmental entity. "Public building" does not include a building owned by a governmental entity that is leased to a private entity, whether for profit or not for profit, if the lease agreement for such building between the governmental entity and the private entity was in force and effect on the effective date of this act.

(6) "Sex" means the same as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto.

(7) "Single-occupancy private space" means a facility designed or designated for use by only one individual at a time and in which the individual may be in a state of undress. "Single-occupancy private space" includes, but is not limited to:

(A) A single toilet restroom with a locking door that is designed or designated as unisex; or

(B) a family restroom or changing room.

(b) (1) The governing body, or chief administrative officer if no governing body exists, of each public building shall designate each multiple-occupancy private space in such building for use only by individuals of one sex. The governing body, or chief administrative officer if no governing body exists, shall take every reasonable step to ensure an individual does not enter a multiple-occupancy private space that is designated for use only by individuals of the opposite sex.

(2) This subsection shall not be construed to prohibit a governing body, or chief administrative officer if no governing body exists, from:

(A) Adopting a policy in accordance with the Americans with disabilities act of 1990, 42 U.S.C. § 12101 et seq., for individuals who require assistance when using a multiple-occupancy private space; or

(B) establishing a single-occupancy private space.

(c) Notwithstanding the provisions of subsections (b) and (g):

(1) An individual may enter a multiple-occupancy private space designated for use only by individuals of the opposite sex:

(A) For custodial purposes;

(B) for maintenance or inspection purposes;

(C) to render medical or other emergency assistance;

(D) to accompany and provide assistance to an individual who needs assistance using the facility;

(E) for law enforcement purposes;

(F) to render assistance necessary in preventing a serious threat to proper order or safety; or

(G) to provide coaching or athletic training during athletic events, provided such individual is a member of the coaching or athletic training staff and such individual ensures that no individual of the opposite sex is in a state of undress prior to entering such multiple-occupancy private space; and

(2) a child who is under nine years of age may enter a multiple-occupancy private space designated for use only by individuals of the opposite sex if accompanied by an individual caring for such child.

(d) Any governmental entity that violates this section is liable for a civil penalty of \$25,000 for the first violation and \$125,000 for each subsequent violation. Each day of a continuing violation of this section constitutes a separate violation.

(e) (1) A person may file a complaint with the attorney general against a governmental entity for a violation of this section if:

(A) Such person provides such governmental entity written notice describing the violation; and

(B) such governing body, or chief administrative officer if no governing body exists, of such governmental entity does not cure the violation before the end of the third business day after the date the written notice is received.

(2) A complaint filed under this subsection shall include a copy of the written notice provided to the governmental entity and the complainant's affidavit describing the violation.

(f) (1) Before bringing an action against a governmental entity for a violation of this section, the attorney general shall investigate the complaint filed under subsection (e) to determine whether legal action is warranted.

(2) The governmental entity subject to the complaint shall provide to the attorney general any information the attorney general requests in connection with the investigation of the complaint, including, but not limited to:

(A) Supporting documents related to the complaint; and

(B) a statement on whether the governmental entity has complied or intends to comply with this section.

(3) If the attorney general determines that legal action is warranted, the attorney general shall provide written notice to such governmental entity that:

(A) Describes the violation and location of the multiple-occupancy private space found to be in violation;

(B) the amount of the proposed penalty for the violation; and

(C) the penalty may be avoided by curing the violation on or before the 15th day after the date the attorney general's notice is received.

(4) If a violation is not cured on or before the 15th day after the date the notice is received, the attorney general may bring an action to assess the civil penalty provided in subsection (d).

(g) (1) It shall be a violation of this section for an individual to enter a multiple-occupancy private space designated for use only by individuals of the opposite sex, except as permitted under subsection (b) or (c). Upon receipt of a complaint that an individual entered a multiple-occupancy private space in violation of this section, the governing body, or chief administrative officer if no governing body exists, shall investigate and, upon a finding that such individual violated this section, shall provide written notice of such violation to such individual. Such notice shall include:

(A) The date and location of the multiple-occupancy private space where the violation occurred;

(B) a statement that repeated violations may result in fines or criminal charges; and

(C) the procedure to administratively appeal the finding that such individual violated this section.

(2) Any individual who commits a second violation after being found to have violated this section pursuant to paragraph (1) shall be liable for a civil penalty of \$1,000. An action to assess such penalty may be brought by the attorney general if the violation occurred in a state building or by the county or district attorney for the county where the violation occurred if the violation occurred in a municipal building.

(3) Any individual who commits a third or subsequent violation shall be guilty of a class B misdemeanor.

(h) (1) Any individual who, while accessing a multiple-occupancy private space designated for use only by such individual's sex, is aggrieved by the invasion of such individual's personal privacy or is otherwise harmed by a violation of this section by an individual of the opposite sex may bring a cause of action against such individual of the opposite sex. In bringing such action, the individual may seek either actual damages or liquidated damages in the amount of \$1,000, as well as declaratory and injunctive relief.

(2) It shall be an affirmative defense to any claim brought pursuant to this subsection that the defendant did not know that the multiple-occupancy private space was designated for use only by individuals of the opposite sex to that of the defendant.

(3) All civil actions brought pursuant to this subsection shall be commenced within two years after the violation occurred. An individual bringing any such action who prevails shall recover reasonable attorney fees and costs.

(i) Any civil penalty collected by the attorney general pursuant to this section shall be deposited to the credit of the crime victims compensation fund established under K.S.A. 74-7317, and amendments thereto. Any civil penalty collected by a county or district attorney pursuant to this section shall be deposited to the credit of the general fund of the county where such action was brought.

New Sec. 2. (a) Any birth certificate issued prior to July 1, 2026, that identifies the sex of the individual named on such certificate in a manner that is contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto, shall be invalid.

(b) The state registrar shall correct any birth certificate records that identify the sex of the individual named in such record in a manner that is contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto.

(c) This section shall be a part of and supplemental to the uniform vital statistics act.

Sec. 3. K.S.A. 8-234a is hereby amended to read as follows: 8-234a.

(a) As used in the motor vehicle drivers' license act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(1) "Drivers' license examiner" or "examiner" means a drivers' license examiner of the division of vehicles or any person whom the director of vehicles has authorized, pursuant to the authority granted by this act, to accept applications for drivers' licenses and administer the examinations required for the issuance or renewal of drivers' licenses. Any county treasurer authorized to accept applications for drivers' licenses or administer

drivers' license examinations shall be deemed to be acting as an agent of the state of Kansas;

(2) "nonresident" means every person who is not a resident of this state. For the purposes of the motor vehicle drivers' license act any person who owns, rents or leases real estate in Kansas as such person's residence and engages in a trade, business or profession within Kansas or registers to vote in Kansas or enrolls such person's children in a school in this state or purchases Kansas registration for a motor vehicle, shall be deemed a resident of the state of Kansas 90 days after the conditions stated in this subsection commence, except that military personnel on active duty and their military dependents who are residents of another state, shall not be considered residents of the state of Kansas for the purpose of this act;

(3) "patrol" means the state highway patrol;

(4) "address of principal residence" means: (A) The place where a person makes his or her permanent principal home; (B) place where a person resides, has an intention to remain and where they intend to return following an absence; or (C) place of habitation to which, whenever the person is absent, the person intends to return. If a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's address of principal residence;

(5) "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of Northern Mariana Islands;

(6) "wireless communication device" means any wireless electronic communication device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer; ~~and~~

(7) "religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined to be organized and created as a bona fide religious organization; *and*

(8) "*gender*" means the same as defined in K.S.A. 77-207, and amendments thereto.

(b) As used in this act, the words and phrases defined by the sections in article 14 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall have the meanings respectively ascribed to them

therein, unless a different meaning is ascribed to any such word or phrase by subsection (a) ~~of this section~~.

Sec. 4. K.S.A. 2025 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.

(g) (1) *Any driver's license issued prior to July 1, 2026, that identifies the gender of the individual named on such license in a manner that is contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto, shall be invalid.*

(2) *The director shall correct any driver's license records that identify the gender of the individual named in such record in a manner that is contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-207, and amendments thereto. The director shall send written notice to each such individual notifying such individual that such license is invalid and to surrender such license to the division of vehicles. Upon the surrender of any such license, the director shall issue a new driver's license to such individual with the correct gender identification for such individual.*

Sec. 5. K.S.A. 2025 Supp. 65-28,137 is hereby amended to read as follows: 65-28,137. (a) The provisions of K.S.A. 2025 Supp. 65-28,137 through 65-28,142, 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)(4) "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)(5) "Male" means an individual who is a member of the male sex.

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

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

(9)(8) "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)(9) "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.

Sec. 6. K.S.A. 2025 Supp. 77-207 is hereby amended to read as follows: 77-207. (a) Notwithstanding any provision of state law to the contrary, with respect to the application of an individual's biological sex pursuant to any state law or rules and regulations, the following shall apply:

(1) An individual's "sex" or "gender" means such individual's biological sex, either male or female, at birth;

(2) a "female" is an individual whose biological reproductive system is developed to produce ova, and a "male" is an individual whose biological reproductive system is developed to fertilize the ova of a female;

(3) the terms "woman" and "girl" refer to human females, and the terms "man" and "boy" refer to human males;

(4) the term "mother" means a parent of the female sex, and the term "father" means a parent of the male sex;

(5) with respect to biological sex, the term "equal" does not mean "same" or "identical";

(6) with respect to biological sex, separate accommodations are not inherently unequal; and

(7) an individual born with a medically verifiable diagnosis of "disorder/differences in sex development" shall be provided legal protections and accommodations afforded under the Americans with disabilities act and applicable Kansas statutes.

(b) Laws and rules and regulations that distinguish between the sexes are subject to intermediate constitutional scrutiny. Intermediate constitutional scrutiny forbids unfair discrimination against similarly situated male and female individuals but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives. Notwithstanding any provision of state law to the contrary, distinctions between the sexes with respect to athletics, prisons or other detention facilities, domestic violence shelters, rape crisis centers, locker rooms, restrooms and other areas where biology, safety or privacy are implicated that result in separate accommodations are substantially related to the important governmental objectives of protecting the health, safety and privacy of individuals in such circumstances.

(c) Any school district, or public school thereof, and any state agency, department or office or political subdivision that collects vital statistics for the purpose of complying with anti-discrimination laws or for the purpose of gathering accurate public health, crime, economic or other data shall *only* identify each individual who is part of the collected data set as either male or female at birth.

New Sec. 7. Sections 1 through 6, and amendments thereto, are declared severable. Any provision of sections 1 through 6, 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 6, and amendments thereto, or the applicability of such provisions to any person or circumstance.

Sec. 8. K.S.A. 8-234a and K.S.A. 2025 Supp. 8-243, 65-28,137 and 77-207 are 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 26, 2026.

CERTIFICATE

In accordance with K.S.A. 45-304, it is certified that **House Substitute for Senate Bill 244** was not approved by the Governor on February 13, 2026; was returned by objections and approved on February 17, 2026 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, 2026, 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, 2026 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 4

HOUSE BILL No. 2274

AN ACT concerning veterans and military; designating Kansas as a purple heart state; permitting homeless veterans to use alternative forms of proof of identity and residency when applying for nondriver identification cards; eliminating fees for homeless veterans to obtain birth certificates for purposes of nondriver identification card applications; prohibiting such cards from expiring; amending K.S.A. 8-1325 and K.S.A. 2025 Supp. 8-1324 and 65-2418 and repealing the existing sections.

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

New Section 1. (a) The state of Kansas is hereby designated as a purple heart state in recognition of the many citizens of the state who have earned the purple heart medal as a result of being wounded while engaged in combat with an enemy force.

(b) Each year, the governor shall issue a proclamation recognizing the purple heart day, to be observed on August 7 of each year, following the tradition established by George Washington in 1782 and revived in 1932 that distinguishes the purple heart as a decoration of honor awarded to members of the armed forces and United States citizens who were honorably wounded in action. The award has been limited to members of the military since 1997 by congressional action.

(c) The executive director of the office of veterans services shall promote the observance of purple heart day with appropriate activities and direct each local chapter of all veterans' organizations to plan special activities and events to honor the purple heart recipients in each chapter.

(d) All residents of this state are enjoined to devote some portion of purple heart day to recognizing and commemorating the recipients of the purple heart who have demonstrated a commitment to fighting for the ideals that have made this nation great, have served this nation so valiantly and are role models for all to emulate.

Sec. 2. K.S.A. 2025 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 *to the Kansas office of veterans services to verify such person's character of service.*

(2) (A) *Any person who is a veteran and homeless may apply for and be issued an identification card pursuant to this section without providing an address of principal residence.*

(B) *In addition to any documents proving identity and residency in Kansas accepted for an application for an identification card pursuant to this section, a homeless veteran may provide to the division and the division shall accept a letter or certificate from the Kansas office of veterans services, any veterans services medical center located in Kansas, any jail or correctional facility or any nonprofit organization located in Kansas for the provision of services for the homeless verifying such applicant resides at or receives services from such entity, and either:*

(i) *Copies or digital forms of accepted documents for proof of identity in lieu of original documents; or*

(ii) *certain expired forms of identification, including, but not limited to, common access cards, Kansas driver's licenses or Kansas voter registration cards.*

~~(2)~~(3) 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)~~(4) The director of vehicles may adopt any rules and regulations necessary to carry out the provisions of this subsection.

(1) 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, *except as provided in subsection (k)(2)*, 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 con-

tain 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, *or persons who meet the qualifications and apply for an identification card as described in subsection (k)(2)*.

(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 director of vehicles or the director’s designee. The division shall not renew a nondriver’s identification card through an electronic online or equivalent process if the identification card has been previously renewed through an electronic online application in the immediately preceding card’s expiration period. No renewal under this subsection shall be granted to any person who is a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto.

Sec. 3. K.S.A. 8-1325 is hereby amended to read as follows: 8-1325.

(a) Every identification card shall expire, unless earlier canceled or ~~subsection (e) of~~ K.S.A. 8-1324(c), and amendments thereto, applies, on the sixth birthday of the applicant following the date of original issue, except as otherwise provided by K.S.A. 8-1329, and amendments thereto. Re-

newal of any identification card shall be made for a term of six years and shall expire in a like manner as the originally issued identification card, unless surrendered earlier or ~~subsection (e) of K.S.A. 8-1324(c),~~ and amendments thereto, applies. For any person who has been issued an identification card, the division shall mail a notice of expiration or renewal at least 30 days prior to the expiration of such person's identification card at the address shown on such identification card. The division shall include with such notice, written information required under subsection (b). Any application for renewal received later than 90 days after expiration of the identification card shall be considered to be an application for an original identification card. The division shall require payment of a fee of \$14 for each identification card renewal, except that persons who are 65 or more years of age or who are persons with a disability, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of \$10. ~~Any identification card holder, whose identification card has expired after March 12, 2020, and before March 31, 2021, shall have until June 30, 2021, to renew such identification card.~~

(b) The division shall reference the website of the agency in a person's notice of expiration or renewal under subsection (a). The division shall provide the following information on the website of the agency:

(1) Information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-1328, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto;

(2) information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing such information on the website of the agency; or

(B) providing printed material to an applicant who personally applies for an identification card; and

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry described, the division shall within 10 days forward the applicant's name, gender, date of birth and address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

(c) *Any identification card issued to a person who is a veteran and homeless as provided in K.S.A. 8-1324, and amendments thereto, shall not expire.*

Sec. 4. K.S.A. 2025 Supp. 65-2418 is hereby amended to read as follows: 65-2418. (a) (1) The secretary shall fix and charge by rules and regulations the fees to be paid for certified copies or abstracts of certificates or for search of the files for birth, death, fetal death, marriage or divorce records when no certified copy or abstract is made. Except as otherwise provided in this section, the secretary shall remit all moneys received by or for the secretary from fees, charges or penalties, under the uniform vital statistics act, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 65-2418e, and amendments thereto.

(2) The secretary shall not charge any fee for a certified copy of a certificate or abstract or for a search of the files or records if the certificate, abstract or search is requested by a person who exhibits correspondence from the United States department of veterans affairs or the Kansas office of veterans services that indicates that the person is applying for benefits from the United States department of veterans affairs and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent certified copy of a certificate, abstract or search of the files requested by the person, the usual fee shall be charged. The secretary may provide by rules and regulations for exemptions from such fees.

(3) *The secretary shall not charge or accept any fee for a certified copy of a certificate or abstract or for a search of the files or records if the cer-*

tificate, abstract or search is requested by a homeless veteran who exhibits correspondence from the Kansas office of veterans services, the Kansas soldiers' home, the Kansas veterans' home, any veterans services medical center located in Kansas, any jail or correctional facility or any nonprofit organization located in Kansas for the provision of services for the homeless indicating that the person is applying for a nondriver identification card pursuant to K.S.A. 8-1324, and amendments thereto, and that such person needs the requested information to apply for such identification card. The secretary may adopt rules and regulations for exemption from such fees. For purposes of this paragraph, "veteran" means the same as defined in K.S.A. 8-1324, and amendments thereto.

(4) The secretary shall not charge or accept any fee for a certified copy of a birth certificate if the certificate is requested by any person who is 17 years of age or older for purposes of voting if the applicant lacks the identification required by K.S.A. 25-2908(h), and amendments thereto, or to meet the voter registration requirements of K.S.A. 25-2309, and amendments thereto. For voter registration purposes, an applicant for registration shall swear under oath: (1) That such person plans to register to vote in Kansas; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The secretary shall adopt rules and regulations in order to implement the provisions of this subsection.

(4)(5) Upon receipt of any such remittance of a fee for a certified copy of a birth certificate or abstract, \$3 of each such fee for the first copy of a birth certificate or abstract and \$1 of each such fee for each additional copy of the same birth certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto. The balance of the money received for a fee for a certified copy of a birth certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created under this act.

~~(5)(6)~~ Upon receipt of any such remittance of a fee for a certified copy of a death certificate or abstract, \$4 of each such fee for the first certified copy of a death certificate or abstract and \$2 of each such fee for each additional copy of the same death certificate or abstract requested at the

same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the district coroners fund created by K.S.A. 22a-245, and amendments thereto. The balance of the money received for a fee for a certified copy of a death certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 65-2418e, and amendments thereto.

(b) Subject to K.S.A. 65-2415, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.

Sec. 5. K.S.A. 8-1325 and K.S.A. 2025 Supp. 8-1324 and 65-2418 are hereby repealed.

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

Approved March 12, 2026.

CHAPTER 5

HOUSE BILL No. 2223
(Amended by Chapter 155)

AN ACT concerning health professions and practices; relating to optometry; modifying certain provisions of the optometry law related to scope of practice, definitions and credentialing requirements; amending K.S.A. 40-3402, 40-3403, 65-1501, 65-1509a, 65-1512, 65-1523, 74-1504 and 74-1505 and K.S.A. 2025 Supp. 65-1501a and 65-1505 and repealing the existing sections; also repealing K.S.A. 65-1514.

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

Section 1. K.S.A. 40-3402 is hereby amended to read as follows: 40-3402. (a) Prior to January 1, 2022, a policy of professional liability insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer's liability is not less than \$200,000 per claim, subject to not less than a \$600,000 annual aggregate for all claims made during the policy period, shall be maintained in effect by each resident healthcare provider as a condition of active licensure or other statutory authorization to render professional service as a healthcare provider in this state, unless such healthcare provider is a self-insurer. For all new policies and policies that renew on and after January 1, 2022, a policy of professional liability insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer's liability is not less than \$500,000 per claim, subject to not less than a \$1,500,000 annual aggregate for all claims made during the policy period, shall be maintained by each resident healthcare provider as a condition of active licensure or other statutory authorization to render professional service as a healthcare provider in this state, unless such healthcare provider is a self-insurer. This provision shall not apply to optometrists, *except as provided in subsection (f)*, and pharmacists on and after July 1, 1991, to physical therapists on and after July 1, 1995, or to health maintenance organizations on and after July 1, 1997. Such policy shall provide as a minimum coverage for claims made during the term of the policy that were incurred during the term of such policy or during the prior term of a similar policy. Any insurer offering such policy of professional liability insurance to any healthcare provider may offer to such healthcare provider a policy as prescribed in this section with deductible options. Such deductible shall be within such policy limits.

(1) Each insurer providing basic coverage shall, within 30 days after the effective date of any policy issued in accordance with this subsection, notify the board of governors that such coverage is or will be in effect. Such notification shall be on a form approved by the board of governors and shall include information identifying the professional liability policy

issued or to be issued, the name and address of all healthcare providers covered by the policy, the amount of the annual premium, the effective and expiration dates of the coverage and such other information as the board of governors shall require. A copy of the notice required by this subsection shall be furnished to the named insured.

(2) In the event of termination of basic coverage by cancellation, non-renewal, expiration or otherwise by either the insurer or named insured, notice of such termination shall be furnished by the insurer to the board of governors, the state agency which licenses, registers or certifies the named insured and the named insured. Such notice shall be provided no less than 30 days prior to the effective date of any termination initiated by the insurer or within 10 business days after the date coverage is terminated at the request of the named insured and shall include the name and address of the healthcare provider or providers for whom basic coverage is terminated and the date basic coverage will cease to be in effect. No basic coverage shall be terminated by cancellation or failure to renew by the insurer unless such insurer provides a notice of termination as required by this subsection.

(3) Any professional liability insurance policy issued, delivered or in effect in this state on and after July 1, 1976, shall contain or be endorsed to provide basic coverage as required by subsection (a). Notwithstanding any omitted or inconsistent language, any contract of professional liability insurance shall be construed to obligate the insurer to meet all the mandatory requirements and obligations of this act. The liability of an insurer for claims made prior to July 1, 1984, shall not exceed those limits of insurance provided by such policy prior to July 1, 1984.

(b) A nonresident healthcare provider shall not be licensed to actively render professional service as a healthcare provider in this state unless such healthcare provider maintains continuous coverage in effect as prescribed by subsection (a), except such coverage may be provided by a nonadmitted insurer who has filed the form required by subsection (b) (1). This provision shall not apply to optometrists, *except as provided in subsection (f)*, and pharmacists on and after July 1, 1991, or to physical therapists on and after July 1, 1995.

(1) Every insurance company authorized to transact business in this state, that is authorized to issue professional liability insurance in any jurisdiction, shall file with the commissioner, as a condition of its continued transaction of business within this state, a form prescribed by the commissioner declaring that its professional liability insurance policies, wherever issued, shall be deemed to provide at least the insurance required by this subsection when the insured is rendering professional services as a nonresident healthcare provider in this state. Any nonadmitted insurer may file such a form.

(2) Every nonresident healthcare provider that is required to maintain basic coverage pursuant to this subsection shall pay the surcharge

levied by the board of governors pursuant to K.S.A. 40-3404(a), and amendments thereto, directly to the board of governors and shall furnish to the board of governors the information required in subsection (a)(1).

(c) Every healthcare provider that is a self-insurer, the university of Kansas medical center for persons engaged in residency training, as described in K.S.A. 40-3401(r)(1), and amendments thereto, the employers of persons engaged in residency training, as described in K.S.A. 40-3401(r)(2), and amendments thereto, the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or a medical care facility or mental health center for self-insurers under K.S.A. 40-3414(e), and amendments thereto, shall pay the surcharge levied by the board of governors pursuant to K.S.A. 40-3404(a), and amendments thereto, directly to the board of governors and shall furnish to the board of governors the information required in subsections (a)(1) and (a)(2).

(d) In lieu of a claims made policy otherwise required under this section, a person engaged in residency training who is providing services as a healthcare provider but, while providing such services, is not covered by the self-insurance provisions of K.S.A. 40-3414(d), and amendments thereto, may obtain basic coverage under an occurrence form policy, if such policy provides professional liability insurance coverage and limits that are substantially the same as the professional liability insurance coverage and limits required by K.S.A. 40-3402(a), and amendments thereto. Where such occurrence form policy is in effect, the provisions of the healthcare provider insurance availability act referring to claims made policies shall be construed to mean occurrence form policies.

(e) In lieu of a claims made policy otherwise required under this section, a nonresident healthcare provider employed pursuant to a locum tenens contract to provide services in this state as a healthcare provider may obtain basic coverage under an occurrence form policy, if such policy provides professional liability insurance coverage and limits that are substantially the same as the professional liability insurance coverage and limits required by K.S.A. 40-3402, and amendments thereto. Where such occurrence form policy is in effect, the provisions of the healthcare provider insurance availability act referring to claims made policies shall be construed to mean occurrence form policies.

(f) (1) *Except as provided in paragraph (2), an optometrist shall be subject to the professional liability insurance requirements of subsection (a) if such optometrist has been credentialed to provide the incision and curettage of a chalazion, removal and biopsy of skin lesions, laser capsulotomy and laser trabeculoplasty.*

(2) *An optometrist shall not be subject to the requirements of subsection (a) if the initial surcharge to participate in the healthcare stabilization fund exceeds 15%.*

(3) *This subsection shall take effect on and after January 1, 2028.*

Sec. 2. K.S.A. 40-3403 is hereby amended to read as follows: 40-3403.

(a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a healthcare provider, self-insurer or inactive health care provider subsequent to the time that such healthcare provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the healthcare stabilization fund. The fund shall be held in trust in the state treasury and accounted for separately from other state funds. The board of governors shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

(b) (1) There is hereby created a board of governors that shall be composed of such members and shall have such powers, duties and functions as are prescribed by this act. The board of governors shall:

(A) Administer the fund and exercise and perform other powers, duties and functions required of the board under the healthcare provider insurance availability act;

(B) provide advice, information and testimony to the appropriate licensing or disciplinary authority regarding the qualifications of a healthcare provider;

(C) prepare and publish, on or before October 1 of each year, a report for submission to the healthcare stabilization fund oversight committee that includes a summary of the fund's activity during the preceding fiscal year, including, but not limited to, the amount collected from surcharges, the highest and lowest surcharges assessed, the amount paid from the fund, the number of judgments paid from the fund, the number of settlements paid from the fund and the fund balance at the end of the fiscal year; and

(D) have the authority to grant temporary exemptions from the provisions of K.S.A. 40-3402 and 40-3404, and amendments thereto, to healthcare providers who have exceptional circumstances and verify in writing that the healthcare provider will not render professional services in this state during the period of exemption. Whenever the board grants such an exemption, the board shall notify the state agency that licenses the exempted healthcare provider.

(2) The board shall consist of ~~11~~ 12 persons appointed by the commissioner of insurance, as provided by this subsection and as follows:

(A) Three members who are on a list of nominees submitted to the commissioner by the Kansas medical society, at least two of whom are doctors of medicine who are licensed to practice medicine and surgery in Kansas;

(B) three members who are on a list of nominees submitted to the commissioner by the Kansas hospital association and who are representatives of Kansas hospitals;

(C) two members who are on a list of nominees submitted to the commissioner by the Kansas association of osteopathic medicine, who are licensed to practice medicine and surgery in Kansas and who are doctors of osteopathic medicine;

(D) one member who is on a list of nominees submitted to the commissioner by the Kansas chiropractic association and who is licensed to practice chiropractic in Kansas;

(E) one member who is on a list of nominees submitted to the commissioner by the Kansas association of nurse anesthetists and who is a licensed professional nurse authorized to practice as a registered nurse anesthetist; ~~and~~

(F) one member who is on a list of nominees submitted to the commissioner by statewide associations comprised of members who represent adult care homes and who is a representative of adult care homes; *and*

(G) *one member who is on a list of nominees submitted to the commissioner by the Kansas optometric association and who is a licensed optometrist authorized to practice as an optometrist.*

(3) When a vacancy occurs in the membership of the board of governors created by this act, the commissioner shall appoint a successor of like qualifications from a list of three nominees submitted to the commissioner by the professional society or association prescribed by this section for the category of healthcare provider required for the vacant position on the board of governors. All appointments made shall be for a term of office of four years, but no member shall be appointed for more than two successive four-year terms. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board of governors created by this act for any reason other than the expiration of a member's term of office, the commissioner shall appoint a successor of like qualifications to fill the unexpired term. In each case of a vacancy occurring in the membership of the board of governors, the commissioner shall notify the professional society or association that represents the category of healthcare provider required for the vacant position and request a list of three nominations of healthcare providers from which to make the appointment.

(4) The board of governors shall organize in July of each year and shall elect a chairperson and vice chairperson from among its membership. Meetings shall be called by the chairperson or by a written notice signed by three members of the board.

(5) The board of governors, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(6) (A) The board shall appoint an executive director who shall be in the unclassified service under the Kansas civil service act and may employ

attorneys and other employees who shall also be in the unclassified service under the Kansas civil service act. Such executive director, attorneys and other employees shall receive compensation fixed by the board, in accordance with appropriation acts of the legislature, not subject to approval of the governor.

(B) The board may provide all office space, services, equipment, materials and supplies, and all budgeting, personnel, purchasing and related management functions required by the board in the exercise of the powers, duties and functions imposed or authorized by the healthcare provider insurance availability act or may enter into a contract with the commissioner of insurance for the provision, by the commissioner, of all or any part thereof.

(7) The commissioner shall:

(A) Provide technical and administrative assistance to the board of governors with respect to administration of the fund upon request of the board; and

(B) provide such expertise as the board may reasonably request with respect to evaluation of claims or potential claims.

(c) Except as otherwise provided by any other provision of this act, the fund shall be liable to pay:

(1) Any amount due from a judgment or settlement that is in excess of the basic coverage liability of all liable resident healthcare providers or resident self-insurers for any personal injury or death arising out of the rendering of or the failure to render professional services within or without this state;

(2) subject to the provisions of subsection (f), any amount due from a judgment or settlement that is in excess of the basic coverage liability of all liable nonresident healthcare providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident healthcare providers or nonresident self-insurers who have not complied with this act or for claims against nonresident healthcare providers or nonresident self-insurers that arose outside of this state;

(3) subject to the provisions of subsection (f), any amount due from a judgment or settlement against a resident inactive healthcare provider for any such injury or death arising out of the rendering of or failure to render professional services;

(4) subject to the provisions of subsection (f), any amount due from a judgment or settlement against a nonresident inactive healthcare provider for any injury or death arising out of the rendering or failure to render professional services within this state, but in no event shall the fund be obligated for claims against nonresident inactive healthcare providers:

- (A) Who have not complied with this act; or
- (B) for claims that arose outside of this state, unless such healthcare provider was a resident healthcare provider or resident self-insurer at the time such act occurred;
- (5) subject to K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees, depositions, expert witnesses and other costs incurred in defending the fund against claims, and such expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;
- (6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the board of governors, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, but shall not be subject to the provisions of K.S.A. 75-4101, and amendments thereto;
- (7) reasonable and necessary actuarial expenses incurred in administering the act, including expenses for any actuarial studies contracted for by the legislative coordinating council, and such expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;
- (8) periodically to the plan or plans, any amount due pursuant to K.S.A. 40-3413(a)(3), and amendments thereto;
- (9) reasonable and necessary expenses incurred by the board of governors in the administration of the fund or in the performance of other powers, duties or functions of the board under the healthcare provider insurance availability act;
- (10) surcharge refunds payable when the notice of cancellation requirements of K.S.A. 40-3402, and amendments thereto, are met;
- (11) subject to K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or any 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 from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider;
- (12) any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or any nonprofit corporation organized to administer the graduate medical educa-

tion programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine;

(13) subject to the provisions of K.S.A. 65-429, and amendments thereto, reasonable and necessary expenses for the development and promotion of risk management education programs and for the medical care facility licensure and risk management survey functions carried out under K.S.A. 65-429, and amendments thereto;

(14) any amount, but not less than the required basic coverage limits, owed pursuant to a judgment or settlement for any injury or death arising out of the rendering of or failure to render professional services by a person, other than a person described in paragraph (12), who was engaged in a postgraduate program of residency training approved by the state board of healing arts but who, at the time the claim was made, was no longer engaged in such residency program;

(15) subject to K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person described in paragraph (14);

(16) expenses incurred by the commissioner in the performance of duties and functions imposed upon the commissioner by the healthcare provider insurance availability act, and expenses incurred by the commissioner in the performance of duties and functions under contracts entered into between the board and the commissioner as authorized by this section; and

(17) periodically to the state general fund reimbursements of amounts paid to members of the healthcare stabilization fund oversight committee for compensation, travel expenses and subsistence expenses pursuant to K.S.A. 40-3403b(e), and amendments thereto.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, if the amount for which the fund is liable is \$500,000 or more, it shall be paid by installment payments of \$500,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full.

(e) In no event shall the fund be liable to pay in excess of \$3,000,000 pursuant to any one judgment or settlement against any one healthcare provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1984, and before July 1, 1989, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$6,000,000 for each healthcare provider.

(f) In no event shall the fund be liable to pay in excess of the amounts specified in the option selected by an active or inactive healthcare provid-

er pursuant to subsection (l) for judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services by such healthcare provider on or after July 1, 1989.

(g) A healthcare provider shall be deemed to have qualified for coverage under the fund:

- (1) On and after July 1, 1976, if basic coverage is then in effect;
- (2) subsequent to July 1, 1976, at such time as basic coverage becomes effective; or
- (3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(h) A healthcare provider who is qualified for coverage under the fund shall have no vicarious liability or responsibility for any injury or death arising out of the rendering of or the failure to render professional services inside or outside this state by any other healthcare provider who is also qualified for coverage under the fund. The provisions of this subsection shall apply to all claims filed on or after July 1, 1986.

(i) Notwithstanding the provisions of K.S.A. 40-3402, and amendments thereto, if the board of governors determines due to the number of claims filed against a healthcare provider or the outcome of those claims that an individual healthcare provider presents a material risk of significant future liability to the fund, the board of governors is authorized by a vote of a majority of the members thereof, after notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, to terminate the liability of the fund for all claims against the healthcare provider for damages for death or personal injury arising out of the rendering of or the failure to render professional services after the date of termination. The date of termination shall be 30 days after the date of the determination by the board of governors. The board of governors, upon termination of the liability of the fund under this subsection, shall notify the licensing or other disciplinary board having jurisdiction over the healthcare provider involved of the name of the healthcare provider and the reasons for the termination.

(j) (1) Subject to the provisions of paragraph (7), upon the payment of moneys from the healthcare stabilization fund pursuant to subsection (c) (11), the board of governors shall certify to the secretary of administration the amount of such payment, and the secretary of administration shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) or (4), from the state general fund to the healthcare stabilization fund.

(2) Subject to the provisions of paragraph (7), upon the payment of moneys from the healthcare stabilization fund pursuant to subsection (c) (12), the board of governors shall certify to the secretary of administration the amount of such payment that is equal to the basic coverage liability of

self-insurers, and the secretary of administration shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) or (4), from the state general fund to the healthcare stabilization fund.

(3) The university of Kansas medical center private practice foundation reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$500,000 on July 1 of any year, the private practice corporations or foundations referred to in K.S.A. 40-3402(c), and amendments thereto, shall remit the amount necessary to increase such balance to \$500,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any private practice corporation or foundation or any of its full-time physician faculty employed by the university of Kansas, the secretary of administration shall transfer an amount equal to the amount paid from the university of Kansas medical center private practice foundation reserve fund to the healthcare stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

(4) The graduate medical education administration reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$40,000 on July 1 of any year, the nonprofit corporations organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall remit the amount necessary to increase such balance to \$40,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited

to such reserve fund. Upon payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any nonprofit corporations organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine the secretary of administration shall transfer an amount equal to the amount paid from the graduate medical education administration reserve fund to the healthcare stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

(5) Upon payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(14) or (c)(15), the board of governors shall certify to the secretary of administration the amount of such payment, and the secretary of administration shall transfer an amount equal to the amount certified from the state general fund to the healthcare stabilization fund.

(6) Transfers from the state general fund to the healthcare stabilization fund pursuant to this subsection shall not be subject to the provisions of K.S.A. 75-3722, and amendments thereto.

(7) The funds required to be transferred from the state general fund to the healthcare stabilization fund pursuant to paragraphs (1) and (2) for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013, shall not be transferred prior to July 1, 2013. The secretary of administration shall maintain a record of the amounts certified by the board of governors pursuant to paragraphs (1) and (2) for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. Beginning July 1, 2013, in addition to any other transfers required pursuant to subsection (j), the state general fund transfers that are deferred pursuant to this paragraph shall be transferred from the state general fund to the healthcare stabilization fund in the following manner: On July 1, 2013, and annually thereafter through July 1, 2018, an amount equal to 20% of the total amount of state general fund transfers deferred pursuant to this paragraph for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. The amounts deferred pursuant to this paragraph shall not accrue interest thereon.

(k) Notwithstanding any other provision of the healthcare provider insurance availability act, no psychiatric hospital licensed under K.S.A. 39-2001 et seq., and amendments thereto, shall be assessed a premium surcharge or be entitled to coverage under the fund if such hospital has not paid any premium surcharge pursuant to K.S.A. 40-3404, and amendments thereto, prior to January 1, 1988.

(l) (1) On or after July 1, 1989, and prior to January 1, 2022, every healthcare provider shall make an election to be covered by one of the following options provided in subparagraph (A) that shall limit the liability

of the fund with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after July 1, 1989. On and after January 1, 2022, every healthcare provider shall make an election to be covered by one of the following options provided in subparagraph (B) that shall limit the liability of the fund with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after January 1, 2022. Such election shall be made at the time the healthcare provider renews the basic coverage, or, if basic coverage is not in effect, such election shall be made at the time such coverage is acquired pursuant to K.S.A. 40-3402, and amendments thereto. A medical care facility or a healthcare facility deemed qualified as a self-insurer under K.S.A. 40-3414(a), and amendments thereto, may opt out of the requirements set forth in subparagraph (B) if such medical care facility or healthcare facility substantially meets the minimum coverage requirements of this section through coverage provided by the captive insurance company of such medical care facility or healthcare facility. Notice of the election shall be provided by the insurer providing the basic coverage in the manner and form prescribed by the board of governors and shall continue to be effective from year to year unless modified by a subsequent election made prior to the anniversary date of the policy. The healthcare provider may at any subsequent election reduce the dollar amount of the coverage for the next and subsequent fiscal years, but may not increase the same, unless specifically authorized by the board of governors. Any election of fund coverage limits, whenever made, shall be with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after the effective date of such election of fund coverage limits. Such election shall be made for persons engaged in residency training and persons engaged in other postgraduate training programs approved by the state board of healing arts at medical care facilities or mental health centers in this state by the agency or institution paying the surcharge levied under K.S.A. 40-3404, and amendments thereto, for such persons. The election of fund coverage limits for 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 shall be deemed to be effective at the highest option. Such options shall be as follows:

(A) (i) **OPTION 1.** The fund shall not be liable to pay in excess of \$100,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$300,000 for such provider.

(ii) OPTION 2. The fund shall not be liable to pay in excess of \$300,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$900,000 for such provider.

(iii) OPTION 3. The fund shall not be liable to pay in excess of \$800,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$2,400,000 for such healthcare provider.

(B) (i) OPTION 1. The fund shall not be liable to pay in excess of \$500,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$1,500,000 for such healthcare provider.

(ii) OPTION 2. The fund shall not be liable to pay in excess of \$1,500,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$4,500,000 for such healthcare provider.

(2) The board of governors shall have the authority to adjust the amounts provided in subparagraph (B) as the board deems necessary to effectuate the provisions of the healthcare provider insurance availability act, except that the minimum coverage for a healthcare provider shall not be less than \$1,000,000 per claim and \$3,000,000 in the aggregate.

(m) In the event of a claim against a healthcare provider for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider, the liability of the fund shall be limited to the amount of coverage selected by the healthcare provider at the time of the incident giving rise to the claim.

(n) Notwithstanding anything in article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, to the contrary, the fund shall in no event be liable for any claims against any healthcare provider based upon or relating to the healthcare provider's sexual acts or activity, but in such cases the fund may pay reasonable and necessary expenses for attorney fees incurred in defending the fund against such claim. The fund may recover all or a portion of such expenses for attorney fees if an adverse judgment is returned against the healthcare provider for damages resulting from the healthcare provider's sexual acts or activity.

Sec. 3. K.S.A. 65-1501 is hereby amended to read as follows: 65-1501. (a) The practice of optometry means:

(1) The examination of the human eye and its ~~adnexae~~ *adnexa* and the employment of objective or subjective means or methods, (including

the administering, prescribing or dispensing, of ~~topical~~ pharmaceutical drugs, for the purpose of diagnosing the refractive, muscular, or pathological condition thereof;

(2) *the use of medical devices and the prescribing, dispensing or adapting of lenses, (including any ophthalmic lenses which are classified as drugs by any law of the United States or of this state), prisms, low vision rehabilitation services, orthoptic exercises and visual training therapy for the relief of any insufficiencies or abnormal conditions of the human eye and its adnexae adnexa; and*

(3) *the use of medical devices and the prescribing, administering or dispensing of ~~topical~~ pharmaceutical drugs and oral drugs through all routes of administration, except intraocular injections, for the examination, diagnosis and treatment of ocular conditions and any insufficiencies or abnormal conditions of the human eye and its adnexae including adult open-angle glaucoma adnexa;*

(4) *the removal of non-perforating foreign bodies from the cornea, conjunctiva or eyelids, removal of eyelashes, scraping the cornea for diagnostic tests, smears or cultures, the dilation, probing, irrigation or closing the tear drainage structure of the eye, expression of conjunctival follicles or cysts, debridement of the corneal epithelium, incision and curettage of a chalazion, removal and biopsy of skin lesions without known malignancy, laser capsulotomy and laser trabeculoplasty; and*

(5) *the performance of additional procedures that are not otherwise prohibited by subsection (b) that are within the scope of a licensee's education and training for the treatment of any insufficiencies or abnormal conditions of the human eye and its adnexa as authorized pursuant to rules and regulations adopted by the board. The board shall not adopt a rule and regulation authorized pursuant to this paragraph without first receiving a recommendation from the interprofessional advisory committee that such procedure is appropriate for an optometrist to perform.*

(b) The practice of optometry shall not include the performance of the following procedures: (1) ~~The management and treatment of glaucoma, except as provided in subsection (a); (2) the performance of surgery, including the use of lasers for surgical purposes, except that licensees may remove non-perforating foreign bodies from the cornea, conjunctiva or eyelids; remove eyelashes; scrape the cornea for diagnostic tests, smears or cultures; dilate, probe, irrigate or close by punctal plug the tear drainage structures of the eye; express conjunctival follicles or cysts; debridement of the corneal epithelium and co-management of post-operative care; or (3) the performance of procedures requiring anesthesia administered by injection or general anesthesia Retinal surgery, penetrating keratoplasty or corneal transplant, administration of or surgery performed under general anesthesia, surgery related to the removal of the eye from~~

a living human being, surgical extraction of the crystalline lens, surgical intraocular implants, incisional or excisional surgery of the extraocular muscles, surgery of the bony orbit, laser-assisted in situ keratomileusis or photorefractive keratectomy, YAG laser vitreolysis, and surgery of the eyelid for cosmetic or mechanical repair of blepharochalasis, ptosis and tarsorrhaphy. However, an optometrist may provide pre-operative and post-operative care for the procedures in this subsection.

(c) A licensee shall be held to a standard of care in the diagnosis and treatment of adult open-angle glaucoma ~~commensurate to, the performance of incision and curettage of a chalazion, removal and biopsy of skin lesions, laser capsulotomy and laser trabeculoplasty~~ with that of a person licensed to practice medicine and surgery, who exercises that degree of skill and proficiency commonly exercised by an ordinary, skillful, careful and prudent person licensed to practice medicine and surgery.

(d) Under the direction and supervision of a licensee, a licensed professional nurse, licensed practical nurse, licensed physical therapist and licensed occupational therapist may assist in the provision of low vision rehabilitation services in addition to such other services ~~which that~~ such licensed professional nurse, licensed practical nurse, licensed physical therapist and licensed occupational therapist is authorized by law to provide under ~~subsection (d) of K.S.A. 65-1113(d), subsection (h) of K.S.A. 65-1124(h), subsection (b) of K.S.A. 65-2901(b) and subsection (b) of K.S.A. 65-5402(b), and amendments thereto.~~

Sec. 4. K.S.A. 2025 Supp. 65-1501a is hereby amended to read as follows: 65-1501a. ~~For the purposes of this act the following terms shall have the meanings respectively ascribed to them As used in the optometry law,~~ unless the context requires otherwise:

(a) "Board" means the board of examiners in optometry established under K.S.A. 74-1501, and amendments thereto.

(b) "License" means a license to practice optometry granted under the optometry law.

(c) "Licensee" means a person licensed under the optometry law to practice optometry.

(d) "Adapt" means the determination, selection, fitting or use of lenses, prisms, orthoptic exercises or visual training therapy *or the modification of lenses using light or other means* for the aid of any insufficiencies or abnormal conditions of the eyes after or by examination or testing.

(e) "Lenses" means any type of ophthalmic lenses, which are lenses prescribed or used for the aid of any insufficiencies or abnormal conditions of the eyes.

(f) "Prescription" means a verbal, written or electronic order transmitted directly or by electronic means from a licensee giving or containing the name and address of the prescriber, the license registration number of

the licensee, the name and address of the patient, the specifications and directions for lenses, prisms, orthoptic exercises, low vision rehabilitation services or visual training therapy to be used for the aid of any insufficiencies or abnormal conditions of the eyes, including instructions necessary for the fabrication or use thereof and the date of issue.

(g) “Prescription for ~~topical pharmaceutical drugs or oral drugs~~” means a verbal, written or electronic order transmitted directly or by electronic means from a licensee giving or containing the name and address of the prescriber, the license registration number of the licensee, the name and address of the patient, the name and quantity of the drug prescribed, directions for use, the number of refills permitted, the date of issue and expiration date.

(h) ~~“Topical pharmaceutical drugs” means drugs administered topically and not by other means.~~

(i) “Dispense” means to deliver prescription-only medication or ophthalmic lenses to the ultimate user pursuant to the lawful prescription of a licensee and dispensing of prescription-only medication by a licensee shall be limited to a ~~twenty-four hour~~ 24-hour supply or minimal quantity necessary until a prescription can be filled by a licensed pharmacist, except that the ~~twenty-four hour~~ 24-hour supply or minimal quantity shall not apply to lenses described in ~~subsection (a)(2) of K.S.A. 65-1501(a)(2),~~ and amendments thereto.

(j) “False advertisement” means any advertisement ~~which~~ 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.

(k) “Advertisement” means all representations disseminated in any manner or by any means, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of professional services or ophthalmic goods.

(l) ~~“Health care~~Healthcare provider” ~~shall have the meaning ascribed to that term means the same as defined in subsection (f) of K.S.A. 40-3401(f), and amendments thereto.~~

(m) “Medical facility” ~~shall have the meaning ascribed to that term means the same as defined in subsection (c) of K.S.A. 65-411(c), and amendments thereto.~~

(n) “Medical care facility” ~~shall have the meaning ascribed to that term means the same as defined in K.S.A. 65-425, and amendments thereto.~~

(o) “Ophthalmologist” means a person licensed to practice medicine and surgery by the state board of healing arts who specializes in the

diagnosis and medical and surgical treatment of diseases and defects of the human eye and related structures.

~~(p)~~(o) “Low vision rehabilitation services” means the evaluation, diagnosis, management and care of the low vision patient including low vision rehabilitation therapy, education and interdisciplinary consultation under the direction and supervision of an ophthalmologist or optometrist.

~~(q)~~ “Oral drugs” means oral antibacterial drugs, oral antiviral drugs, oral antihistamines, oral analgesic drugs, oral steroids, oral antiglaucoma drugs and other oral drugs with clinically accepted ocular uses.

Sec. 5. K.S.A. 2025 Supp. 65-1505 is hereby amended to read as follows: 65-1505. (a) Persons entitled to practice optometry in Kansas shall be those persons licensed in accordance with the provisions of the optometry law. A person shall be qualified to be licensed and to receive a license as an optometrist: (1) Who is of good moral character; and in determining the moral character of any such person, the board may take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to licensure; (2) who has graduated from a school or college of optometry approved by the board; and (3) who successfully meets and completes the requirements set by the board and passes an examination given by the board.

(b) All applicants for licensure, in addition to successfully completing all other requirements for licensure, shall submit evidence satisfactory to the board of professional liability insurance in an amount acceptable to the board.

(c) Any person applying for examination by the board shall fill out and swear to an application furnished by the board, accompanied by a fee fixed by the board by rules and regulations in an amount of not to exceed \$450, and file the same with the secretary of the board at least 30 days prior to the holding of the examination. At such examinations the board shall examine each applicant in subjects taught in schools or colleges of optometry approved by the board, as may be required by the board. If such person complies with the other qualifications for licensing and passes such examination, such person shall receive from the board, upon the payment of a fee fixed by the board by rules and regulations in an amount of not to exceed \$150, a license entitling such person to practice optometry. In the event of the failure on the part of the applicant to pass the first examination, such person may, with the consent of the board, within 18 months, by filing an application accompanied by a fee fixed by the board by rules and regulations in an amount of not to exceed \$150, take a second examination; for the third and each subsequent examination a fee fixed by the board by rules and regulations in an amount of not to exceed \$150. Any examination fee and license fee fixed by the board under this subsection which is in effect on the day

preceding the effective date of this act shall continue in effect until the board adopts rules and regulations under this subsection fixing a different fee therefor.

(d) Any applicant for reciprocal licensure may in the board's discretion be licensed and issued a license without examination if the applicant has been in the active practice of optometry in another state for at least the three-year period immediately preceding the application for reciprocal licensure and the applicant:

(1) Presents a certified copy of a certificate of registration or license ~~which~~ *that* has been issued to the applicant by another state where the requirements for licensure are deemed by the board to be equivalent to the requirements for licensure under this act, if such state accords a like privilege to holders of a license issued by the board;

(2) submits a sworn statement of the licensing authority of such other state that the applicant's license has never been limited, suspended or revoked and that the applicant has never been censured or had other disciplinary action taken;

(3) successfully passes an examination of Kansas law administered by the board and such clinical practice examination as the board deems necessary; and

(4) pays the reciprocal license fixed by the board by rules and regulations in an amount of not to exceed \$450. The reciprocal license fee fixed by the board under this subsection ~~which~~ *that* is in effect on the day preceding the effective date of this act shall continue in effect until the board adopts rules and regulations under this subsection fixing a different fee therefor.

(e) The board shall adopt rules and regulations establishing the criteria ~~which~~ *that* a school or college of optometry shall satisfy in meeting the requirement of approval by the board established under subsection (a). The board may send a questionnaire developed by the board to any school or college of optometry for which the board does not have sufficient information to determine whether the school or college meets the requirements for approval and rules and regulations adopted under this act. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school or college to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about schools or colleges. In entering such contracts the authority to approve schools or colleges shall remain solely with the board.

(f) (1) The board may require an applicant for licensure or a licensee in connection with an investigation of the licensee to be fingerprinted and submit to a state and national criminal history record check in accordance with K.S.A.-2024 2025 Supp. 22-4714, and amendments thereto.

(2) (A) The board shall fix a fee for fingerprinting applicants or licensees in an amount necessary to reimburse the board for the cost of the fingerprinting. Fees collected under this subsection shall be deposited in the criminal history and fingerprinting fund.

(B) There is hereby created in the state treasury the criminal history and fingerprinting fund. All moneys credited to the fund shall be used to pay all costs and fees associated with processing of fingerprints and criminal history checks for the board of examiners in optometry. The fund shall be administered by the board. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.

(g) *Any licensee applying for credentialing by the board shall complete and swear to an application form furnished by the board accompanied by an additional fee fixed by the board by rules and regulations in an amount necessary to reimburse the board for the cost of credentialing.*

Sec. 6. K.S.A. 65-1509a is hereby amended to read as follows: 65-1509a. (a) In addition to the payment of the license renewal fee, each licensee applying for license renewal shall furnish to the secretary of the board satisfactory evidence of successfully completing a minimum of 24 hours of continuing education annually, five hours of which shall relate to ocular pharmacology, therapeutics or related topics of study, approved by the board in the year just preceding such application for the renewal of the license. The board, in its discretion, may increase the required hours of continuing education by rules and regulations adopted by the board. On or before April 1 of each year, the secretary of the board shall send a written notice of continuing education requirements to this effect to every person holding a valid license to practice optometry within the state as provided in ~~subsection (a) of K.S.A. 65-1509(a),~~ and amendments thereto.

(b) (1) *A licensee who seeks to administer or perform a procedure referenced by K.S.A. 65-1501(a)(4) or (5), and amendments thereto, that requires the use of injections or lasers shall be required to receive credentialing as follows:*

(A) *A licensee who graduated from an accredited college or school of optometry on or after July 1, 2020, shall be granted such credentialing by the board upon submitting a request to the board; or*

(B) *a licensee who graduated from an accredited college or school of optometry prior to July 1, 2020, shall be granted credentialing when the board receives proof of successful completion of a 32-hour certification program that:*

(i) *Includes both didactic and clinical or laboratory experiences and testing approved by the board; and*

(ii) *is presented by a school or college of optometry or school of medicine that is approved by the board.*

(2) (A) *A licensee that has received credentialing under paragraph (1) shall submit a report to the board on a quarterly basis that contains:*

(i) *The name of the optometrist;*

(ii) *the total number of procedures performed during that quarter;*

(iii) *the location where each procedure was performed; and*

(iv) *the outcome for each procedure or patient.*

(B) *A reporting optometrist shall certify the accuracy of the information contained in the report.*

(C) *Beginning July 1, 2027, and annually thereafter, the board shall compile and make public the information contained in reports received under this subsection, but shall redact any personally identifiable information prior to making such reports public.*

(D) *The provisions of this paragraph shall expire on July 1, 2031.*

Sec. 7. K.S.A. 65-1512 is hereby amended to read as follows: 65-1512. ~~This act~~ *The provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall be known and may be cited as the optometry law.*

Sec. 8. K.S.A. 65-1523 is hereby amended to read as follows: 65-1523. The board in its discretion, in addition to any other remedies provided in this act, may apply to a court of competent jurisdiction for injunctive relief *against any person* to restrain violations of the provisions of this act, *and the lawful rules and regulations promulgated by the board under authority of this act.*

Sec. 9. K.S.A. 74-1504 is hereby amended to read as follows: 74-1504. (a) The board shall administer and enforce the provisions of the optometry law, and the board is hereby granted such specific powers as are necessary for the purpose of administering and enforcing such law. In addition, the board may:

(1) Employ agents, attorneys and inspectors under such rules and regulations as the board may prescribe in accordance with the provisions of the optometry law, except that no state officer shall be eligible for employment by the board.

(2) Make all necessary disbursements; to carry out the provisions of this act, including payment for stationery supplies, ~~acquire and acquiring~~ all necessary optical instruments to be used in the conducting of examination, ~~print and distribute to all optometrists in the state a yearbook of the names and addresses of all optometrists licensed by the board~~ *maintain and make available to the public a directory including the names and addresses of all optometrists licensed by the board.*

(3) Grant all licenses as seem just and proper and to suspend, limit,

revoke or refuse to renew any such licenses granted for any of the causes specified under K.S.A. 65-1506, and amendments thereto.

(4) Administer oaths and take testimony upon granting or refusing to grant, revoking, limiting or suspending licenses.

(5) Issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the district courts. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the board, or on the refusal of any witness to testify to any matters regarding which such witness may be lawfully interrogated, the judge of the district court of any county, on application of a member of the board, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify in such court. Each witness who appears before the board by the board's order or subpoena, other than a state officer or employee, shall receive for attendance the fees and mileage provided for witnesses in civil cases in courts of record ~~which~~ *that* shall be audited and paid upon the presentation of proper vouchers sworn to by such witnesses and approved by the president and secretary-treasurer of the board.

(6) Adopt rules and regulations for the procedure and conduct of the board and for the administration of the optometry law, ~~which rules and regulations shall~~ *that are not be inconsistent* consistent with the provisions of the optometry law.

(b) The board shall meet at least annually for the purpose of examining applicants for licensure. ~~Such meetings shall be held in Topeka.~~ At least 30 days prior to the examination, the board shall cause a special notice to be published in the Kansas register stating the date and hour for holding such examination. Special meetings shall be held at such times and places as the board may direct.

(c) The board shall preserve an accurate record of all meetings and proceedings of the board including receipts and disbursements with vouchers therefor and complete minutes of all prosecutions and violations of the optometry law and of examinations held under the provisions of the optometry law and an accurate inventory of all property of the board. All such records shall be kept in the office of the board and made accessible to the public.

Sec. 10. K.S.A. 74-1505 is hereby amended to read as follows: 74-1505.

(a) The board shall appoint a seven-member committee to be known as the interprofessional advisory committee which, as requested by the board, ~~shall make recommendations on clinical or practice related issues, including procedure coding matters and appropriate treatments for ocular diseases~~

~~es and conditions may review new technologies to make recommendations for consideration by the board. The board may request that the committee meet to review a procedure and make a recommendation whether or not the procedure is appropriate for an optometrist to perform.~~

(b) The interprofessional advisory committee shall consist of one member of the board appointed by the board who shall serve as a nonvoting chair, together with three optometrists licensed to practice optometry in this state chosen by the board from those nominated by the Kansas optometric association and three ophthalmologists licensed to practice in this state chosen by the board from those nominated by the Kansas medical society and the Kansas association of osteopathic medicine of eye physicians and surgeons.

The Kansas optometric association and ~~the Kansas medical society of eye physicians and surgeons~~ shall submit six nominees to the board. ~~The Kansas association of osteopathic medicine shall submit two nominees to the board.~~ Persons appointed to the committee shall serve terms of three years and without compensation. All expenses of the committee shall be paid by the board.

(c) This section shall *a* be part of and supplemental to the optometry law.

Sec. 11. K.S.A. 40-3402, 40-3403, 65-1501, 65-1509a, 65-1512, 65-1514, 65-1523, 74-1504 and 74-1505 and K.S.A. 2025 Supp. 65-1501a and 65-1505 are hereby repealed.

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

Approved March 12, 2026.

CHAPTER 6

SENATE BILL No. 348*

AN ACT concerning the state corporation commission; relating to the jurisdiction of the commission over electric public utilities; exempting any electric public utility that is a not-for-profit wholly owned subsidiary of an electric cooperative public utility from the jurisdiction of the state corporation commission; establishing certain exceptions; authorizing the customers of such subsidiary utility to petition the commission to investigate the rates of such utility; authorizing the commission to order new rates if the commission finds that such rates are found to be unjust, unreasonable, unjustly discriminatory or unduly preferential; requiring the customers of such subsidiary utility to receive notice of and be provided access to meetings concerning electric rates; providing an option for the customers of such subsidiary utility to elect to terminate such exemption.

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

Section 1. (a) Except as otherwise provided in this section, an electric public utility shall not be subject to the jurisdiction, regulation, supervision and control of the state corporation commission if such electric public utility:

(1) Is a not-for-profit wholly owned subsidiary of a corporation organized under the electric cooperative act, K.S.A. 17-4601 et seq., and amendments thereto; and

(2) provides retail electric service to customers in this state.

(b)(1) Notwithstanding an electric public utility's exemption from the jurisdiction of the state corporation commission pursuant to this section, the commission shall investigate all rates, joint rates, tolls, charges and exactions, classifications and schedules of rates of such electric public utility if there is filed with the commission, not more than one year after a change in such utility's rates, joint rates, tolls, charges and exactions, classifications or schedules of rates, a petition signed by not less than 5% of such electric public utility's customers or 3% of the electric public utility's customers from any one rate class. If, after investigation, the commission finds that such rates, joint rates, tolls, charges or exactions, classifications or schedules of rates are unjust, unreasonable, unjustly discriminatory or unduly preferential, the commission shall have the power to fix and order substitutions to such rates, joint rates, tolls, charges and exactions, classifications or schedules of rates as are just and reasonable.

(2) The rates, joint rates, tolls, charges and exactions, classifications or schedules of rates under investigation shall remain in effect subject to change or refund pending the state corporation commission's investigation and final order.

(3) Any customer of the electric public utility that seeks to petition the commission pursuant to subsection (b)(1) may request from such utility the names, addresses and rate classifications of all the utility's customers or the utility's customers from any one or more rate classes. A utility, within 21 days after receipt of such a request, shall furnish to such customer

the requested names, addresses and rate classifications and may require such customer to pay the reasonable costs thereof.

(c) An electric public utility exempt from the jurisdiction of the state corporation commission pursuant to this section shall provide not less than 10 days' notice of the time and place of any meeting of the utility or the utility's parent cooperative at which rate changes are to be discussed and voted on. Such notice shall be given to all retail electric customers of such utility. If the meeting is held by the utility's parent cooperative, the parent cooperative shall open such meeting to the customers of such utility. Violations of this subsection shall be subject to civil penalties and enforcement in the same manner as provided by K.S.A. 75-4320 and 75-4320a, and amendments thereto, for violations of K.S.A. 75-4317 et seq., and amendments thereto.

(d) An electric public utility exempt from the jurisdiction of the state corporation commission pursuant to this section shall maintain a schedule of rates and charges at the utility's headquarters and make copies of such schedule of rates and charges available to the general public during regular business hours. If such a utility fails, neglects or refuses to maintain copies of such schedule of rates and charges pursuant to this subsection, the commission may impose a civil penalty of not more than \$500 for each such violation.

(e) Notwithstanding any provision of law to the contrary, an electric public utility exempt from the jurisdiction of the state corporation commission pursuant to this section shall not issue any dividend payments, stock repurchase or direct cash payment that is meant to transfer the equity of the electric public utility to the utility's parent cooperative without the approval of the commission.

(f) Notwithstanding any provision of law to the contrary, an electric public utility exempt from the jurisdiction of the state corporation commission pursuant to this section shall be subject to the provisions of the renewable energy standards act.

(g) Nothing in this section shall be construed to affect the authority of the state corporation commission, as otherwise provided by law, over an electric public utility exempt from the jurisdiction of the commission pursuant to this section, including, but not limited to, the authority vested in the commission with respect to:

(1) Service territory pursuant to K.S.A. 66-1,170 et seq., and amendments thereto;

(2) certificates of public convenience and necessity pursuant to K.S.A. 66-131, and amendments thereto;

(3) charges, fees or tariffs for transmission services, except any such charges, fees or tariffs for transmission services that are approved by the federal energy regulatory commission and recovered through an open access transmission tariff of a regional transmission organization;

(4) sales of power for resale, other than sales between:

(A) An electric public utility that does not provide retail electric service in the state and is owned and governed by four or more corporations organized under the electric cooperative act, K.S.A. 17-4601 et seq., and amendments thereto, one of which corporations shall be the parent corporation of the electric public utility exempt from the jurisdiction of the state corporation commission pursuant to this section; and

(B) the electric public utility that is exempt from the jurisdiction of the state corporation commission pursuant to this section;

(5) wire stringing pursuant to K.S.A. 66-183, and amendments thereto;

(6) transmission line siting pursuant to K.S.A. 66-1,177 et seq., and amendments thereto; or

(7) petitioning for relief pursuant to K.S.A. 66-144, and amendments thereto.

(h) (1) Notwithstanding the provisions of this section, the customers of an electric public utility that is exempt from the jurisdiction of the state corporation commission pursuant to this section may elect to terminate such utility's exemption by filing a petition requesting an election to terminate the utility's exemption pursuant to this section. Such petition shall be signed by not less than 10% of the customers of such exempt utility and filed with the board of trustees of the utility's parent cooperative. Notice of the proposition to terminate the utility's exemption pursuant to this section shall be presented to a meeting of the members of the parent cooperative, which shall be open to the customers of the exempt utility and held at a location in the service territory of such exempt utility. The parent cooperative shall provide written notice to the members of the parent cooperative and the customers of such exempt utility not less than 21 nor more than 45 days before the date of the meeting. Such written notice shall include the proposition to terminate such utility's exemption pursuant to this section and the time and location of the meeting.

(2) If the proposition to terminate the utility's exemption pursuant to this section is approved by the affirmative vote of not less than a majority of the customers of such exempt utility voting on the proposition, the parent cooperative shall notify the state corporation commission in writing of the results within 10 days after the date of the election. Voting on the proposition to terminate the utility's exemption pursuant to this section shall be by mail ballot. An election pursuant to this subsection may be held not more than once every two years.

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

Approved March 12, 2026.

Published in the *Kansas Register* March 19, 2026.

CHAPTER 7

SENATE BILL No. 335

AN ACT concerning public construction contracts; amending the Kansas fairness in public construction contract act; requiring such contracts to include a mutual waiver of consequential damages; amending K.S.A. 16-1901 and 16-1907 and repealing the existing sections.

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

New Section 1. (a) On and after the effective date of this act, any contract for public construction entered into by a public entity and a contractor shall include a mutual waiver of consequential damages. Such mutual waiver of consequential damages shall be substantially in the following form:

Waiver of claims for consequential damages

The contractor and owner waive claims against each other for consequential damages arising out of or relating to this contract. This mutual waiver includes, but is not limited to:

(1) Damages incurred by the owner for rental expenses, for loss of use, income, profit, financing, business and reputation and for loss of management or employee productivity or of the services of such persons; and

(2) damages incurred by the contractor for principal office expenses, including, but not limited to, the compensation of personnel stationed in such principal office, for losses of financing, business and reputation and for loss of profit, except anticipated profit arising directly from the construction.

(b) The public entity and contractor may identify in such contract additional items of consequential damage that are waived as specifically needed for the applicable construction project. Such mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination rights in accordance with the contract. Nothing contained in this section shall preclude:

(1) An owner's claims of liquidated damages or a contractor's claims for extended general conditions, when applicable, in accordance with the requirements of the contract; or

(2) either party's claims of direct damages arising from delay to the extent not otherwise liquidated, limited or prohibited by the applicable terms of the contract.

(c) On and after the effective date of this act, if a public entity and a contractor enters into any contract containing language that conflicts with the provisions of this section, the provisions of this section shall control.

(d) This section shall be a part of and supplemental to the Kansas fairness in public construction contract act, K.S.A. 16-1901 et seq., and amendments thereto.

Sec. 2. K.S.A. 16-1901 is hereby amended to read as follows: 16-1901. (a) K.S.A. 16-1901 through ~~16-1908~~ 16-1909, and amendments thereto, *and section 1, and amendments thereto*, shall be known and may be cited as the Kansas fairness in public construction contract act.

(b) *Except as provided in section 1, and amendments thereto:*

(1) The rights and duties prescribed by this act shall not be waivable or varied under the terms of a contract; *and*

(2) the terms of any contract waiving the rights and duties prescribed by this act shall be unenforceable.

Sec. 3. K.S.A. 16-1907 is hereby amended to read as follows: 16-1907. *Except as provided in section 1, and amendments thereto*, any provision in a contract that purports to waive the rights of a party to the contract to collect damages for delays caused by another party to the contract shall be void, unenforceable and against public policy. This provision is not intended to create a contract between parties where a contract did not otherwise exist.

Sec. 4. K.S.A. 16-1901 and 16-1907 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 12, 2026.

CHAPTER 8

Senate Substitute for Substitute for HOUSE BILL No. 2299
(Amended by Chapter 155)

AN ACT concerning education; relating to school districts and accredited nonpublic schools; providing that certain statutory references to accredited nonpublic schools mean nonpublic schools accredited by the state board of education; requiring that schools accredited by a national or regional accrediting agency have the same rights as nonpublic schools accredited by the state board; prohibiting students from using personal electronic communication devices during the school day and providing certain exceptions; prohibiting school employees from communicating with students through social media platforms for official school purposes and providing certain exceptions; requiring the adoption of policies and procedures relating thereto; amending K.S.A. 72-7114 and K.S.A. 2025 Supp. 72-5170 and repealing the existing sections.

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

New Section 1. Whenever accredited nonpublic schools, accredited nonpublic elementary or secondary schools, accredited nonpublic high schools, accredited private schools, or words of like effect, are referred to or designated by a statute in chapter 72 of the Kansas Statutes Annotated, and amendments thereto, such references or designations shall be deemed to mean a nonpublic school accredited by the state board of education unless otherwise indicated in such statute.

New Sec. 2. (a) Each board of education of a school district and governing authority of an accredited nonpublic elementary or secondary school shall adopt policies and procedures to govern the use of personal electronic communication devices by students during the school day. Such policies and procedures shall:

(1) Prohibit students from using or accessing personal electronic communication devices during the school day;

(2) require that all personal electronic communication devices be turned off and securely stored away from the student's person in an inaccessible location during the school day;

(3) authorize students to not bring personal electronic communication devices to school by leaving such devices at a house or in a vehicle, even if such vehicle is located on the school premises;

(4) set forth enforcement procedures and disciplinary actions for violations of such policies and procedures;

(5) authorize any student to use a personal electronic communication device during the school day only if the use is:

(A) (i) Required for the implementation of a student's individualized education program or 504 plan; or

(ii) approved by a licensed physician as a medical necessity to support the health or well-being of the student; and

(B) the intervention of last resort such that there is no other reasonable alternative option available for such student; and

(6) authorize a student to contact the student's parent or person acting as parent through the use of a school telephone or other communications device that is designated and made available by the school for such purpose.

(b) The board of education of a school district and the governing authority of an accredited nonpublic elementary or secondary school may adopt policies and procedures that limit or prohibit use of personal electronic communication devices by students during school-sponsored activities or events that occur outside of the school day.

(c) Subsections (a) and (b) shall not apply to any time associated with a student's travel to or from a learning experience that is not located on the school premises, including any postsecondary educational course, career technical education course, work-based learning program or other alternative educational opportunity.

(d) As used in this section:

(1) "Accredited nonpublic elementary or secondary school" means a nonpublic elementary or secondary school that is accredited by the state board of education. "Accredited nonpublic elementary or secondary school" includes any nonpublic elementary or secondary school that is dually accredited by the state board and an accrediting entity other than the state board.

(2) "Personal electronic communication device" means any wireless electronic communication device that:

(A) Provides for voice, text or video communication between two or more parties, including, but not limited to, a mobile or cellular phone, tablet, computer, watch, wireless headphones or earbuds, text messaging device or personal digital assistant; and

(B) is not owned or issued to students by the school district or accredited nonpublic elementary or secondary school.

(3) "School day" means the time from the start of school until dismissal at the end of the day on the school premises, including, but not limited to, the time in any classroom, structured or unstructured learning setting, recess, lunch or passing period.

New Sec. 3. (a) Each board of education of a school district and governing authority of an accredited nonpublic elementary or secondary school shall adopt policies and procedures to prohibit each employee of the school district or accredited nonpublic elementary or secondary school from:

(1) Privately or directly communicating with any student through social media platforms except as otherwise provided in subsection (b); and

(2) requiring the use of social media for any assignment or extracurricular activity.

(b) The board of education of a school district or governing authority of an accredited nonpublic elementary or secondary school may approve a social media platform to be used for official school purposes.

(c) As used in this section:

(1) “Official school purposes” means the broadcasting or posting of public, one-way communications that pertain to school functions, activities or events. “Official school purposes” does not include private communications, direct communications or two-way communications with any student.

(2) “Social media platform” means an online website or application that permits a person to become a registered user, create an account or a profile for the primary purpose of creating, sharing or interacting with user-generated content that is publicly viewable by users. “Social media platform” includes, but is not limited to, snapchat, instagram, facebook, X and tiktok. “Social media platform” does not include:

(A) Any online website or application whose primary purpose is educational;

(B) any platform approved by the board of education or the governing authority of an accredited nonpublic elementary or secondary school if such platform:

(i) Is owned, licensed or contractually controlled by the school district or nonpublic school;

(ii) allows for required user accounts;

(iii) allows communications to be monitored, archived, retained or audited in compliance with policy or law;

(iv) is accessible to parents or guardians; and

(v) used by employees in accordance with policy;

(C) email;

(D) direct messaging services that only share messages between a sender and named recipient and does not display or post messages publicly or to users not identified as recipients by the sender of the message; and

(E) any online product or service that does not have school-specific features or identifiers and the predominant purpose is to post educational materials, news or resources and user comments or other interactive functionality that is incidental to such predominant purpose.

New Sec. 4. On or before September 1, 2026, each board of education of a school district and governing authority of an accredited nonpublic elementary or secondary school shall submit to the state board of education, on a form and in the manner prescribed by the state board, a certification that the board of education of the school district or governing authority of the accredited nonpublic elementary or secondary school has adopted the policies and procedures required pursuant to sections 2 and 3, and amendments thereto.

New Sec. 5. No board of education of a school district, employee or agent of such school district, governing authority of an accredited nonpublic elementary or secondary school, employee or agent of such school

shall be liable for any damage to or storage of personal electronic communication devices brought to school.

New Sec. 6. The provisions of sections 2 through 5, and amendments thereto, and any policies and procedures adopted thereunder, shall not apply to any virtual school as defined in K.S.A. 72-3712, and amendments thereto.

Sec. 7. K.S.A. 2025 Supp. 72-5170 is hereby amended to read as follows: 72-5170. (a) (1) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 72-3218(c), and amendments thereto, and is measurable. The state board shall hold all school districts accountable through the Kansas education systems accreditation rules and regulations, or any successor accreditation system and accountability plan adopted by the state board. The state board also shall ensure that all school districts and the public schools operated by such districts have programs and initiatives in place for providing those educational capacities set forth in K.S.A. 72-3218(c), and amendments thereto. On or before January 15 of each year, the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature.

(2) The accountability measures established pursuant to paragraph (1) shall be applied both at the district level and at the school level. Such accountability measures shall be reported by the state board for each school district and each school. All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2025 Supp. 72-1181, and amendments thereto.

(3) If a school district is not fully accredited and a corrective action plan is required by the state board, such corrective action plan, and any subsequent reports prepared by the state board regarding the progress of such school district in implementing and executing such corrective action plan, shall be published on the state department of education's internet website and such school district's internet website in accordance with K.S.A. 2025 Supp. 72-1181, and amendments thereto.

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

(5) *Any nonpublic school operating in Kansas may voluntarily seek accreditation by the state board of education. Any nonpublic school ac-*

credited by the state board of education may also be accredited by a regional or national accrediting agency. Each nonpublic school accredited by a regional or national accrediting agency recognized by the state board of education shall be entitled to the same rights as nonpublic schools accredited by the state board of education. Accrediting agencies recognized by the state board of education on or before March 1, 2026, shall not lose such recognition unless approved by the legislature.

(b) The state board shall establish curriculum standards that reflect high academic standards for the core academic areas of mathematics, science, reading, writing and social studies. The curriculum standards may be reviewed at least every seven years. The state board shall not substantially revise or update the English language arts or mathematics curriculum standards that are in effect on July 1, 2024, in a manner that would necessitate the development of new statewide assessments in English language arts or mathematics until the state board's long-term goal for all students submitted to the United States department of education in the consolidated state plan is achieved such that 75% of all students score in performance levels 3 and 4 combined on the statewide assessments in English language arts and mathematics by 2030. Nothing in this subsection shall be construed in any manner so as to impinge upon any school district's authority to determine its own curriculum.

(c) (1) The state board shall provide for statewide assessments in the core academic areas of mathematics, science, reading, writing and social studies. The board shall ensure compatibility between the statewide assessments and the curriculum standards established pursuant to subsection (b). Such assessments shall be administered at three grade levels, as determined by the state board. The state board shall determine performance levels on the statewide assessments, the achievement of which represents high academic standards in the academic area at the grade level to which the assessment applies. The state board should specify high academic standards both for individual performance and school performance on the assessments.

(2) (A) On or before January 15 of each year, the state board shall prepare and submit to the legislature a report on students who take the statewide assessments. Such report shall include:

(i) The number of students and such number expressed as a percentage of the total number of students who took the statewide assessments during the immediately preceding school year disaggregated by core academic area and by grade level; and

(ii) the percentage of students who took the statewide assessments in grade 10 who, two years after graduating from high school, obtained some postsecondary education disaggregated by statewide assessment achievement level.

(B) When such information becomes available, or as soon thereafter as practicable, the state board shall publish the information required for the report under subparagraph (A) on the website of the state department of education and incorporate such information in the performance accountability reports and longitudinal achievement reports required under K.S.A. 2025 Supp. 72-5178, and amendments thereto.

(C) The provisions of this paragraph shall expire on July 1, 2029.

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

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

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

Sec. 8. K.S.A. 72-7114 is hereby amended to read as follows: 72-7114.

(a) Any association with a majority of the high schools of the state as members and the purpose of which association is the statewide regulation, supervision, promotion and development of any of the activities defined in K.S.A. 72-7117, and amendments thereto, and in which any public high school of this state may participate directly or indirectly shall:

(1) On or before September 1 of each year make a full report of its operation for the preceding calendar year to the state board of education. The report shall contain a complete and detailed financial statement under the certificate of a certified public accountant.

(2) File with the state board a copy of all reports and publications issued from time to time by such association.

(3) Be governed by a board of directors which shall exercise the legislative authority of the association and shall establish policy for the association.

(4) Submit to the state board of education, for its approval or disapproval prior to adoption, any amendments, additions, alterations or modifications of its articles of incorporation or bylaws. If any articles of incorporation, bylaws or any amendment, addition or alteration thereto is disapproved by the state board of education, the same shall not be adopted.

(5) Establish a system for the classification of member high schools according to student attendance.

(6) Be subject to the provisions of the Kansas open meetings law.

(7) Be subject to the provisions of the open records law.

(8) *Recognize and accept accreditation of a nonpublic school by a regional or national agency.*

(b) (1) The board of directors shall consist of not less than 60 members as follows:

(A) At least eight directors shall be members of boards of education, elected by local boards of education. At least two of such directors shall be elected from each congressional district of the state;

(B) at least two directors shall be representatives of the state board of education, appointed by the state board;

(C) (i) directors who are representatives of the senior high schools which are affiliated with a league shall be elected by the league;

(ii) the senior high schools which are not affiliated with a league shall be represented by at least one director;

(D) at least four directors shall be representatives of the middle/junior high schools, elected by the middle/junior high schools;

(E) at least one director shall be representative of and selected by athletic administrators;

(F) at least one director shall be representative of and selected by coaches;

(G) at least one director shall be representative of and selected by speech communications educators;

(H) at least one director shall be representative of and selected by music educators; and

(I) at least one director shall be representative of and selected by scholars' bowl coaches.

(2) The directors appointed by the state board of education from the public at-large prior to July 1, 2014, whose terms are set to expire after July 1, 2014, may continue to serve on the board of directors until such director's term expires. Upon the expiration of the term of any such director, the governor shall appoint a successor member of the board of directors. In the event of a vacancy or the expiration of the term of any director appointed by the governor, the governor shall appoint a successor member of the board of directors. Any person appointed by the governor shall not be employed by any school affiliated with a league in the Kansas state high school activities association, nor shall such person be a member of the state board of education. The governor shall be provided a list of those directors appointed pursuant to subsection (b)(1). The governor shall make appointments pursuant to this subsection in order to attain, when necessary, and insofar as possible, representation of ethnic minority groups and both genders on the board of directors and to ensure that a resident from each congressional district is appointed to the board of directors.

(3) All directors are limited to six consecutive years of service.

(c) (1) An executive board which shall be responsible for the administration, enforcement and interpretation of policy established by the board of directors shall be elected by the board of directors from its membership, provided that a director shall serve at least one year as a member of the board of directors prior to being elected to the executive board.

(2) At least two members of the board of directors elected to the executive board shall be directors appointed by the governor under subsection (b)(2), provided such directors are eligible for election to the executive board under this subsection. Members of the executive board elected pursuant to this paragraph shall only be eligible to serve on the executive board during the second, fourth and sixth years of such director's term.

(3) Insofar as possible, membership on the executive board shall be representative of ethnic minority groups, both genders, and all geographical areas of the state.

(d) An appeal board which shall be responsible for conducting hearings provided for in K.S.A. 72-7118, and amendments thereto, shall be elected as provided in this subsection. The appeal board shall consist of eight members. The membership of the appeal board shall include four members who are board of education members, elected by the boards of education of the member schools of the association; and four members who are school administrators, elected by the member schools of the association. No member of the board of directors shall be eligible for election to membership on the appeal board. All members of the appeal board are limited to six consecutive years of service.

(e) The executive board is authorized to employ an executive director and such other personnel as may be necessary to the exercise of the

powers and the performance of the functions and duties of the board of directors, the executive board, and the appeal board. The executive director and all other personnel, except custodial, clerical or maintenance personnel, employed by the executive board pursuant to this subsection, shall file written statements of substantial interests, as provided by K.S.A. 46-248 through 46-252, and amendments thereto.

Sec. 9. K.S.A. 72-7114 and K.S.A. 2025 Supp. 72-5170 are hereby repealed.

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

Approved March 19, 2026.

CHAPTER 9

HOUSE BILL No. 2477

AN ACT concerning water; relating to the Kansas department of agriculture; requiring the department to publish a map on the department's official website that shows the location of all applied-for diversions of water and requested changes of more than 300 feet; requiring any resulting orders to be posted on the department's official website; expanding the current individual notice requirement to apply to all landowners that are within half a mile of such applied-for diversions or changes; removing the requirement for such individual notice to be made by the department in conjunction with the applicable ground-water management district; amending K.S.A. 82a-745 and 82a-1906 and repealing the existing sections.

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

Section 1. K.S.A. 82a-745 is hereby amended to read as follows: 82a-745. (a) Any water right owner or a group of water right owners in a designated area may enter into a consent agreement and order with the chief engineer to establish a water conservation area. The water right owner or group of water right owners shall submit a management plan to the chief engineer. Such management plan shall be the basis of the consent agreement and order designating a water conservation area and shall:

- (1) Include clear geographic boundaries;
 - (2) include the written consent of all participating water right owners within the geographic boundaries described in paragraph (1) to enter into the consent agreement and order;
 - (3) include a finding or findings that one or more of the circumstances specified in K.S.A. 82a-1036(a) through (d), and amendments thereto, exist, or include a finding or findings that the area within the geographic boundaries described in paragraph (1) has been closed to new appropriations by rule, regulation or order of the chief engineer;
 - (4) include provisions regarding the proposed duration of the water conservation area and any process by which water right owners may request to be added or removed from the water conservation area;
 - (5) include goals and one or more of the corrective control provisions provided in subsection (b);
 - (6) give due consideration to water users who have previously implemented reductions in water use resulting in voluntary conservation measures;
 - (7) include compliance monitoring and enforcement; and
 - (8) be consistent with state law.
- (b) A consent agreement and order of designation of a water conservation area pursuant to this section shall define the boundaries of the water conservation area and may include any of the following corrective control provisions:

(1) Closing the water conservation area to any further appropriation of groundwater. In which event, the chief engineer shall thereafter refuse to accept any application for a permit to appropriate groundwater located within such area;

(2) determining the permissible total withdrawal of groundwater in the water conservation area each day, month or year, and apportioning such permissible total withdrawal among the valid groundwater right holders in such area in accordance with the relative dates of priority of such rights;

(3) reducing the permissible withdrawal of groundwater by any one or more appropriators thereof, or by wells in the water conservation area;

(4) requiring and specifying a system of rotation of groundwater use in the water conservation area; and

(5) any other provisions necessary to effectuate agreed-upon water conservation goals consistent with the public interest.

The chief engineer shall be responsible for the monitoring and enforcement of any corrective control provisions ordered for a water conservation area.

(c) The order of designation shall be in full force and effect from the date of its entry in the records of the chief engineer's office. The chief engineer upon request shall deliver a copy of such order to any interested person who is affected by such order and shall file a copy of the same with the register of deeds of any county within which any part of the water conservation area lies.

(d) If any corrective control provisions of a water conservation area conflict with rules and regulations of a groundwater management district or requirements of a local enhanced management plan or intensive groundwater use control area that result in greater overall conservation of water resources within which a participating water right is situated, the chief engineer is authorized to amend the provisions of the water conservation area to conform to any rules and regulations or requirements that result in greater conservation of water resources, as determined by the chief engineer.

(e) To provide flexibility in the management of water resources, as part of the consent agreement and order of designation, the chief engineer may authorize a management plan that allots water authorized by existing water rights, subject to the following limitations:

(1) The management plan shall be limited to the term of the water conservation area;

(2) the management plan may allow, in any given calendar year, the water use of an individual water right or rights to exceed the annual authorized quantity of the individual water right or rights participating in the management plan, provided that the water use shall not exceed the

total annual authorized aggregate quantity and rate of all the water rights participating in the management plan in any given calendar year;

(3) the authority granted through the management plan shall supersede the participating water rights during the term of the water conservation area or until the management plan is suspended by the chief engineer in accordance with this subsection; and

(4) for purposes of determining priority, the management plan shall be assigned the priority date of its effectuation.

(f) In addition to a management plan under subsection (e), as a part of the consent agreement and order of designation, the chief engineer may include the use of multi-year flex accounts as authorized by K.S.A. 82a-736, and amendments thereto.

(g) No management plan authorized under a water conservation area shall be allowed to impair any water right. At any time during the term of a water conservation area, if the chief engineer determines that impairment may be occurring, following a complaint and preliminary investigation into relevant physical facts, the chief engineer may suspend operation of the water conservation area. In the event of such suspension, each participating water right may be operated in accordance with its permitted terms and conditions as in effect prior to operation of the water conservation area. Upon conclusion of an investigation by the chief engineer and a finding of impairment, the chief engineer may terminate the water conservation area, or may modify the water conservation area subject to consent of the participating water right owners, to alleviate any impairment.

(h) Prior to execution of a proposed water conservation area consent agreement and order of designation pursuant to this section, the chief engineer shall notify in writing the groundwater management district within which any participating water right is situated. Such groundwater management district shall be given an opportunity to provide a written recommendation regarding the proposed water conservation area and management plan within 45 days of notification by the chief engineer. The review period may be extended by up to 30 days upon approval by the chief engineer. Subject to subsection (d), any participating water right in a water conservation area shall continue to be subject to all applicable rules and regulations and management plans of the groundwater management district in which the water right is situated.

(i) ~~The chief engineer shall provide notification, as specified in K.S.A. 82a-1906, and amendments thereto, to all water right owners with a point of diversion within $\frac{1}{2}$ a mile, or farther if deemed necessary by a rule and regulation of the chief engineer, of the boundaries of a water conservation area. Notification shall include a reference to an electronic publication of the management plan and any relevant technical analysis.~~

(j) The consent agreement and order of designation shall provide for periodic review of the consent agreement and order, which may be initiated by the chief engineer or upon request of the water right owners in the water conservation area. The consent agreement and order shall specify the frequency of such periodic review, but a review shall be conducted at least once every 10 years.

~~(k)~~(j) (1) The chief engineer may, with the consent of all participating water right owners, amend a consent agreement and order of designation in order to:

(A) Modify corrective control provisions or the boundaries of the designated area;

(B) add or remove water rights upon request of such water right owners;

(C) terminate a water conservation area upon the request of the water right owners in the designated area; or

(D) make other changes the water right owners may request.

(2) Any amendments to a consent agreement and order of designation, except amendments that remove a water right upon request of the owner so long as the consent of all participating water right owners is not required pursuant to the management plan, shall be consented to by all participating water right owners within the designated area and the chief engineer and shall be based upon a revised management plan submitted by the participating water right owners.

~~(h)~~(k) No water right shall be perfected pursuant to a water conservation area.

~~(m)~~(l) Notwithstanding K.S.A. 82a-1039, and amendments thereto, nothing in this section shall be construed as limiting or affecting any duty or power of a groundwater management district granted to such district by the Kansas groundwater management district act.

~~(n)~~(m) The chief engineer shall adopt rules and regulations to effectuate and administer the provisions of this section.

~~(o)~~(n) The provisions of this section shall be a part of and supplemental to the Kansas water appropriation act.

Sec. 2. K.S.A. 82a-1906 is hereby amended to read as follows: 82a-1906. (a) The division of water resources of the Kansas department of agriculture shall ~~post all complete applications and all orders issued by the division pursuant to K.S.A. 82a-706b, 82a-708a and 82a-708b, and amendments thereto, and K.S.A. 82a-745, and amendments thereto, publish a map on its the department's official website showing the location of, and any other pertinent information related to, all diversions of water sought by all applications filed with the division:~~

(1) Pursuant to K.S.A. 82a-711, and amendments thereto; and

(2) that request a change in the point of diversion of a water right of more than 300 feet pursuant to K.S.A. 82a-708b, and amendments thereto.

(b) *The division shall post all orders on the department's official website that:*

(1) *Are issued pursuant to K.S.A. 82a-711, and amendments thereto; and*

(2) *allow a change in the point of diversion of a water right of more than 300 feet issued pursuant to K.S.A. 82a-708b, and amendments thereto.*

(c) ~~The division, in conjunction with the groundwater management district within which such water right is situated, shall notify all water right owners with a point of diversion landowners within half a mile, or further if deemed necessary by a rule and regulation of the chief engineer, of a water right pending request or application pursuant to K.S.A. 82a-706b, 82a-708a and 82a-708b, and amendments thereto, and K.S.A. 82a-745, and amendments thereto, except for change applications requesting a point of diversion move 300 feet or less from the currently authorized location~~ *all applications filed with the division:*

(1) *Pursuant to K.S.A. 82a-711, and amendments thereto; and*

(2) *that seek a change in the point of diversion of a water right of more than 300 feet pursuant to K.S.A. 82a-708b, and amendments thereto.*

Sec. 3. K.S.A. 82a-745 and 82a-1906 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 20, 2026.

CHAPTER 10

HOUSE BILL No. 2624

AN ACT concerning fire districts; authorizing the disorganization of a county fire district by the board of county commissioners when such district contains no territory; amending K.S.A. 19-3604 and repealing the existing section.

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

Section 1. K.S.A. 19-3604 is hereby amended to read as follows: 19-3604. (a) Any fire district may be disorganized by the board of county commissioners at any time after four years from the date of the publication of the final resolution for the first organization of such district upon a petition to the board and the making of an order in like manner as in the case of organizing any fire district under K.S.A. 19-3603, and amendments thereto.

(b) *Any fire district that has been altered by the exclusion of lands such that the district has no territory may be disorganized at any time upon motion by the board of county commissioners and the making of an order in like manner as in the case of organizing any fire district under K.S.A. 19-3602, and amendments thereto.*

(c) Subject to the provisions of K.S.A. 19-270, the territory of any organized fire district may be subsequently altered by the inclusion of new lands or by the exclusion of lands ~~therein~~ *within the territory of such district* upon a petition to the board of county commissioners signed by the owners of at least 10% of the area of the lands sought to be included or excluded, ~~which~~. Such petition shall conform, as near as may be possible, to the petition required for the organization of a fire district. If the board of county commissioners finds the petition is sufficient, the board may adopt and publish a resolution attaching or detaching the lands described in the petition to or from the fire district. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the area where the lands are located. Such publication shall include a map showing the territory of the district and the lands proposed to be attached to or detached ~~therefrom~~ *from such district*. If within 30 days after the last publication of the resolution and map, a petition protesting the inclusion or detachment of such lands, signed by the owners, whether residents of the county or not, of more than 19% of the area of the lands sought to be included in or excluded from the fire district is filed with the county clerk, the resolution shall have no force or effect. If such a protest petition shall not be filed within such time, the resolution shall become final, and the lands shall ~~thereupon~~ be deemed attached to or detached from the fire district. In any case where lands are included in or excluded from a fire district ~~as provided herein~~ *pursuant to this section*, the board

shall declare the new boundary of the district by the adoption and publication of a resolution in like manner as the boundaries were declared at the time of the original organization ~~thereof~~ *of such district*.

Sec. 2. K.S.A. 19-3604 is hereby repealed.

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

Approved March 20, 2026.

CHAPTER 11

SENATE BILL No. 146

AN ACT concerning real property; relating to the conveyance of certain real property in Miami county, Kansas, to the city of Osawatomie, Kansas, for economic development; requiring the secretary for aging and disability services and the city of Osawatomie to execute and record an amendment to the original deed for conveyance that amends the reversionary interest of the state of Kansas in such real property to July 1, 2046; amending K.S.A. 75-3369a and repealing the existing section.

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

Section 1. K.S.A. 75-3369a is hereby amended to read as follows: 75-3369a. (a) The secretary of social and rehabilitation services shall convey, without consideration, to the city of Osawatomie, Kansas, the following described tracts of real estate located in Miami county, Kansas:

TRACT 1

That portion of the East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas lying East of US 169 Highway and South of 343rd Street, being more particularly described as follows:

Commencing at the Northeast corner of the East Half (E $\frac{1}{2}$) of said Southwest Quarter (SW $\frac{1}{4}$); Thence South 02 Degrees 18 Minutes 25 Seconds West (Assumed Bearings based on the Kansas State Plane Coordinate System) along the East line of said East Half (E $\frac{1}{2}$) a distance of 1074.10 feet to the intersection with the Northerly right-of-way of K 279 Highway, said intersection being the point of beginning; Thence continuing South 02 Degrees 18 Minutes 25 Seconds West along said East line a distance of 1582.50 feet to the Southeast corner of said East Half (E $\frac{1}{2}$); Thence South 89 Degrees 29 Minutes 17 Seconds West along the South line of said East Half (E $\frac{1}{2}$) a distance of 1012.35 feet to a point on the Easterly right-of-way of US Highway 169, said point being 315.60 feet East of the Southwest corner of said East Half (E $\frac{1}{2}$); Thence North 17 Degrees 40 Minutes 40 Seconds East along said Easterly right-of-way a distance of 576.70 feet to the beginning of a curve to the right having a radius of 4183.22 feet; Thence Northeasterly along said right-of-way along said curve an arc distance of 473.35, chord to said curve being 473.10 feet on a bearing of North 20 Degrees 55 Minutes 40 Seconds West; Thence North 32 Degrees 08 Minutes 40 Seconds East along said right-of-way a distance of 249.54 feet; Thence North 46 Degrees 00 Minutes 27 Seconds East along said right-of-way a distance of 596.07 feet to the Southerly right-of-way of K 279 Highway; Thence South 58 Degrees 23 Minutes 59 Seconds East along said right-of-way a distance of 50.36 feet to the point of beginning.

AND

That portion of the South Half ($S \frac{1}{2}$) of the Southeast Quarter ($SE \frac{1}{4}$) and that part of the South Half ($S \frac{1}{2}$) of the North Half ($N \frac{1}{2}$) of the Southeast Quarter ($SE \frac{1}{4}$) of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas lying South and West of K 279 Highway, being more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter ($SE \frac{1}{4}$); Thence South 02 Degrees 18 Minutes 25 Seconds West (Assumed Bearings based on the Kansas State Plane Coordinate System) along the East line of said East Half ($E \frac{1}{2}$) a distance of 1074.10 feet to the intersection with the Southerly right-of-way of K 279 Highway, said intersection being the point of beginning; Thence South 58 Degrees 17 Minutes 25 Seconds East along said right-of-way a distance of 180.20 feet to the beginning of a curve to the right having a radius of 1050.91 feet; Thence Southeasterly along said right-of-way along said curve an arc length of 747.14 feet, chord to said curve being 731.50 feet on a bearing of South 32 Degrees 04 Minutes 25 Seconds East; Thence South 11 Degrees 42 Minutes 25 Seconds East along said right-of-way a distance of 204.70 feet to the beginning of a curve to the left having a radius of 913.51; Thence Southeasterly along said right-of-way along said curve an arc distance of 732.25 feet, chord to said curve being 712.80 feet on a bearing of South 34 Degrees 40 Minutes 25 Seconds East; Thence South 20 Degrees 14 Minutes 25 Seconds East along said right-of-way a distance of 36.00 feet; Thence South 02 Degrees 12 Minutes 42 Seconds West a distance of 23.55 feet to a point on the South line being 936.90 feet East of the Southwest corner of said Southeast Quarter ($SE \frac{1}{4}$); Thence South 88 Degrees 36 Minutes 43 Seconds West along the South line of said Southeast Quarter ($SE \frac{1}{4}$) a distance of 936.90 feet to the Southwest corner of said Southeast Quarter ($SE \frac{1}{4}$); Thence North 02 Degrees 18 Minutes 25 Seconds West along the West line of said Southwest Quarter ($SW \frac{1}{4}$) a distance of 1582.50 feet to the point of beginning.

AND

That portion of the South Half ($S \frac{1}{2}$) of the Southeast Quarter ($SE \frac{1}{4}$) and that part of the South Half ($S \frac{1}{2}$) of the North Half ($N \frac{1}{2}$) of the Southeast Quarter ($SE \frac{1}{4}$) of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas lying North and East of K 279 Highway and East of US Highway 169, being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter ($SE \frac{1}{4}$) of said Section 2; Thence South 88 Degrees 36 Minutes 43 Seconds West (Assumed Bearings based on the Kansas State Plane Coordinate System) along the South line of said Southeast Quarter ($SE \frac{1}{4}$) a distance of 763.57 feet to the point of beginning; Thence North 01 Degree 24 Minutes 25 Seconds West perpendicular to said South line a distance of 25.00 feet;

Thence North 88 Degrees 36 Minutes 43 Seconds East parallel with said South line a distance of 718.25 feet to a point being 45.00 feet West of the East line of said Southeast Quarter (SE $\frac{1}{4}$); Thence North 01 Degree 47 Minutes 48 Seconds West parallel with said East line a distance of 84.68 feet; Thence North 88 Degrees 12 Minutes 12 Seconds East perpendicular to the East line of said Southeast Quarter (SE $\frac{1}{4}$) a distance of 45.00 feet to a point on said East line being 130.00 feet North of the Southeast corner of said Southeast Quarter (SE $\frac{1}{4}$); Thence North 01 Degree 47 Minutes 48 Seconds West along said East line a distance of 1842.98 feet to the Northeast corner of the South Half (S $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of said Southeast Quarter (SE $\frac{1}{4}$); Thence South 89 Degrees 01 Minute 29 Seconds West along the North line of the South Half (S $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of said Southeast Quarter (SE $\frac{1}{4}$) a distance of 2406.39 feet to the intersection with the Easterly right-of-way of US Highway 69; Thence South 36 Degrees 15 Minutes 01 Second West along said right-of-way a distance of 278.07 feet to the Northerly right-of-way of K 279 Highway; Thence South 47 Degrees 21 Minutes 25 Seconds East along said K 279 right-of-way a distance of 225.50 feet to the beginning of a curve to the right having a radius of 1215.91 feet; Thence Southeasterly along said right-of-way along said curve an arc distance of 610.49 feet, chord to said curve being 604.10 feet on a bearing of South 38 Degrees 03 Minutes 25 Seconds East; Thence South 24 Degrees 34 Minutes 25 Seconds East along said right-of-way a distance of 320.80 feet; Thence South 00 Degrees 46 Minutes 35 Seconds West along said right-of-way a distance of 199.90 feet to the beginning of a curve to the left having a radius of 748.51 feet; Thence Southeasterly along said right-of-way along said curve an arc distance of 989.75 feet, chord to said curve being 919.20 feet on a bearing of South 53 Degrees 31 Minutes 25 Seconds East; Thence South 79 Degrees 43 Minutes 25 Seconds East along said right-of-way a distance of 222.30 feet; Thence South 01 Degree 24 Minutes 25 Seconds East a distance of 25.00 feet to a point on the South line being 1650.60 feet East of the Southwest corner of said Southeast Quarter (SE $\frac{1}{4}$); Thence North 88 Degrees 36 Minutes 43 Seconds East along said South line a distance of 241.60 feet to the point of beginning.

TRACT 2

That part of the West Half of the Northwest Quarter of Section 1, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas described as follows:

Beginning at the Northwest Corner of said Northwest Quarter; thence along the north line of said Northwest Quarter on an assumed bearing of N88°30'16"E, 1323.45 feet to the northeast corner of said West Half; thence along the east line of said West Half S01°58'38"E, 2319.05 feet to a point being a perpendicular distance of 275.00 feet north of the

south line of said Northwest Quarter; thence parallel with said south line S89°09'21"W, 801.13 feet; thence N21°23'10"W, 109.33 feet to a point being a perpendicular distance of 485.00 feet east of the west line of said Northwest Quarter; thence parallel with said west line N02°00'20"W, 892.81 feet to a point being a perpendicular distance of 1270.00 feet north of the south line of said Northwest Quarter; thence parallel with said south line S89°09'21"W, 485.10 feet to west line of said Northwest Quarter; thence along said west line N02°00'20"W, 1308.83 feet to the point of beginning.

TRACT 3

The Southwest Quarter ($\frac{1}{4}$) of the Southwest Quarter, also the East half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Thirty-six (36), in Township Seventeen (17) South, Range Twenty-two (22) East, Miami County, Kansas.

TRACT 4

The South one half ($\frac{1}{2}$) of the Southeast Quarter ($\frac{1}{4}$) of Section Thirty-five (35), Township Seventeen (17) South, Range Twenty-two (22) East, Miami County, Kansas.

(b) The deed conveying the real estate described under subsection (a) shall be approved by the attorney general and shall be executed by the secretary of the department of social and rehabilitation services. The deed for the conveyance shall provide that on July 1, 2026, that in the event that any portion of the above-described real estate has not been used for economic development, then all right, title and interest in such portion of such real estate shall revert to the state of Kansas. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the attorney general in consultation with the secretary of social and rehabilitation services.

(c) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 75-6609 or 75-6610, and amendments thereto.

(d) *On or before July 1, 2026, the secretary for aging and disability services on behalf of the state of Kansas and the city of Osawatomie, Kansas, shall execute and record an amendment to the original deed for the conveyance authorized by this section. Such amendment to the deed shall provide that the reversionary interest described in subsection (b) be amended such that on July 1, 2046, in the event that any portion of the real estate described in subsection (a) has not been used for economic development, then all right, title and interest in such portion of such real estate shall revert to the state of Kansas. In the event that the secretary for aging and disability services determines that the legal description of the property described by this section is incorrect, the secretary for aging and disability services may execute and record such amendment to the deed*

utilizing the correct legal description but the amendment to the deed shall be subject to the approval of the attorney general.

Sec. 2. K.S.A. 75-3369a is hereby repealed.

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

Approved March 20, 2026.

CHAPTER 12

HOUSE BILL No. 2733
(Amended by Chapter 155)

AN ACT concerning state elected officials and certain local government elected officials; requiring that such elected officials be and remain residents of the state and such official's respective district; amending K.S.A. 22a-102, 25-101a, 25-2020, 40-109, 71-1414 and 80-202 and K.S.A. 2025 Supp. 25-1903 and repealing the existing sections.

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

Section 1. K.S.A. 22a-102 is hereby amended to read as follows: 22a-102. No person shall be eligible for nomination to the office of district attorney unless such person shall have been regularly admitted to practice law in the state of Kansas for five years next preceding his nomination for such office. An attorney who shall have been a county attorney, assistant county attorney or assistant district attorney for the three years immediately preceding nomination as district attorney shall be eligible for nomination. A person so qualified may become a candidate for election to the office of district attorney by either one of the following methods:

(a) Any person who is a qualified elector of any judicial district in which a district attorney is to be elected and who is otherwise qualified under this act may petition to be a candidate for district attorney of such judicial district by filing in the office of the secretary of state a petition for candidacy, signed by not less than 5% of the qualified electors of such judicial district who voted for the office of secretary of state at the last preceding general election; or

(b) Any person who is a qualified elector of any judicial district in which a district attorney is to be elected and who is otherwise qualified under this act may become a candidate for district attorney of such judicial district by filing in the office of the secretary of state a declaration of intent to be such a candidate and payment therewith of a filing fee in an amount equal to 1% of the annual salary for such office.

(c) Any such petition or declaration of intent filed by a candidate to run in the primary election held in accordance with K.S.A. 25-203, and amendments thereto, shall be filed no later than ~~12 noon~~ 12:00 p.m., on the date described in K.S.A. 25-205(a), and amendments thereto. Any such petition or declaration of intent filed by an independent candidate for the office of district attorney shall be filed no later than ~~12 noon~~ 12:00 p.m. on the Monday preceding the date fixed for the holding of primary elections in accordance with K.S.A. 25-203, and amendments thereto. All laws applicable to the election of other state officers shall apply to elections of district attorneys to the extent the same are not in conflict with this act.

(d) *Any person who is a candidate for nomination or election to the office of district attorney, at the time of election or appointment, and during*

the term of office, shall be and must remain a qualified elector who resides in the judicial district. Failure to remain a qualified elector residing in the judicial district shall constitute an immediate vacancy in the candidacy or office.

Sec. 2. K.S.A. 25-101a is hereby amended to read as follows: 25-101a. (a) On the Tuesday succeeding the first Monday in November in 1978, and each four years thereafter, there shall be elected a governor and lieutenant governor running together, a secretary of state, an attorney general, a state treasurer and a state commissioner of insurance.

(b) Every candidate for the office of secretary of state, attorney general, state treasurer or state commissioner of insurance shall be a qualified elector of the state of Kansas by the deadline for filing for such office as provided in K.S.A. 25-205, and amendments thereto.

(c) Every candidate for the office of governor and lieutenant governor shall be a qualified elector and shall be 25 years of age or older by the deadline for filing for such office as provided in K.S.A. 25-205, and amendments thereto.

(d) Every candidate for the office of attorney general must be licensed to practice law within the state of Kansas.

(e) *Any person who is a candidate for nomination or election to the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer or state commissioner of insurance, at the time of election or appointment, and during the term of such office, shall be and must remain a qualified elector who resides in the state of Kansas. Failure to remain a qualified elector residing in Kansas shall constitute an immediate vacancy in the candidacy or office.*

Sec. 3. K.S.A. 2025 Supp. 25-1903 is hereby amended to read as follows: 25-1903. (a) A person may become a candidate for election to the office of state board member by either one of the methods provided in this section.

(1) Any person who is an elector of any board member district may petition to be a candidate for member of the state board from the board member district in which such person resides. Any such person shall file with the secretary of state a petition for the candidacy of such person signed by not-less fewer than 200 electors residing in such board member district.

(2) Any person who is an elector of any board member district may become a candidate for member of the state board from the board member district in which such candidate resides by filing in the office of the secretary of state a declaration of intent to be such a candidate and payment of a filing fee in the amount of \$25.

(b) Any such petition or declaration of intention filed by a candidate to run in the primary election held in accordance with K.S.A. 25-203, and amendments thereto, shall be filed no later than 12:00 noon p.m., June 1,

prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00~~noon~~ *p.m.* of the next following day that is not a Saturday, Sunday or a holiday. Any such petition or declaration of intention filed by an independent candidate for the office of state board member shall be filed no later than 12:00~~noon~~ *p.m.* on the Monday preceding the date fixed for the holding of primary elections in accordance with K.S.A. 25-203, and amendments thereto.

(c) *Any person who is a candidate for nomination or election to the office of state board of education, at the time of election or appointment, and during the term of office, shall be and must remain a qualified elector who resides in the state board of education district. Failure to remain a qualified elector residing in the state board of education district shall constitute an immediate vacancy in the candidacy or office.*

Sec. 4. K.S.A. 25-2020 is hereby amended to read as follows: 25-2020. (a) When a district method of election is in effect in any school district, a person may become a candidate for election to board member by any one of the following methods:

(1) Any person who is an elector in any member district may petition to be a candidate for board member from the member district in which such person resides. Any such person shall file with the county election officer, a petition for such candidacy signed by not~~less~~ *fewer* than 50 electors residing in such member district or by a number of such electors equal to not less than 10% of the electors residing in such member district, whichever is less.

(2) Any person who is an elector in any school district may petition to be a candidate for board member at-large from the school district in which such person resides. Any such person shall file with the county election officer, a petition for such candidacy signed by not~~less~~ *fewer* than 50 electors residing in such school district.

(3) Any person who is an elector in any member district may become a candidate for board member from the member district in which such person resides by filing with the county election officer a declaration of intention to become such a candidate, and payment therewith of a filing fee in the amount of \$20. Such declaration shall be prescribed by the secretary of state.

(4) Any person who is an elector in any school district may become a candidate for board member at-large from the school district in which such person resides by filing with the county election officer a declaration of intention to become such a candidate, and payment therewith of a filing fee in the amount of \$20. Such declaration shall be prescribed by the secretary of state.

(5) Any such petition or declaration shall specify the member position for which the person is a candidate.

(b) When the election at large method is in effect in any school district, a person may become a candidate for election to board member by either one of the following methods:

(1) Any person who is an elector of the school district may petition to be a candidate for board member. Any such person shall file with the county election officer a petition for such candidacy signed by not *less* fewer than 50 electors residing in the school district.

(2) Any person who is an elector in the unified school district may become a candidate for board member by filing with the county election officer a declaration of intention to become such a candidate, and payment therewith of a filing fee in the amount of \$20. Such declaration shall be prescribed by the secretary of state.

(3) Any such petition or declaration which is for an unexpired term of a member shall so specify.

(c) Any such petition or declaration of intent must be filed before the filing deadline as prescribed in K.S.A. 25-205, and amendments thereto. No candidate shall be permitted to withdraw from candidacy after the filing deadline.

(d) Within three days from the date of the filing of a nomination petition or a declaration of intention to become a candidate for board member, the county election officer shall determine the validity of such petition or declaration.

(e) If a nomination petition or declaration is found to be invalid, the county election officer shall notify the candidate on whose behalf the petition or declaration was filed that such nomination petition or declaration has been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the county election officer in accordance with K.S.A. 25-308, and amendments thereto.

(f) *Any person who is a candidate for nomination or election to the office of school board member, at the time of election or appointment, and during the term of office, shall be and must remain a qualified elector who resides in the member or at-large district. Failure to remain a qualified elector residing in the member or at-large district shall constitute an immediate vacancy in the candidacy or office.*

Sec. 5. K.S.A. 40-109 is hereby amended to read as follows: 40-109. (a) The commissioner of insurance shall be an elector of this state, and shall be a person well versed and experienced in the business of insurance and matters relating thereto; and he shall give his personal presence and attention to the duties of his office; but in no case shall such commissioner of insurance be in the employment of any insurance company or have any official connection with any insurance company, or any financial interest in any insurance company other than as a policyholder.

(b) Any person who is a candidate for nomination or election to the office of commissioner of insurance, at the time of election or appointment, and during the term of such office, shall be and must remain a qualified elector who resides in the state of Kansas. Failure to remain a qualified elector residing in Kansas shall constitute an immediate vacancy in the candidacy or office.

Sec. 6. K.S.A. 71-1414 is hereby amended to read as follows: 71-1414. (a) (1) In college districts where a district method of election is in effect, a person may become a candidate for election to trustee of a community college by any one of the following methods:

(A) Any person who is an elector of any member district may petition to be a candidate for member from the member district in which such person resides. Any such person shall file with the election officer a petition for such person's candidacy signed by not ~~less~~ *fewer* than 50 electors residing in such person's member district.

(B) Any person who is an elector of any member district may become a candidate for member from the member district in which such person resides by filing with the election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$20.

(C) If a community college adopts and implements a seven member board of trustees plan, any person who is an elector of the college district may petition to be a candidate for the at-large member position. Any such person shall file with the county election officer a petition for such candidacy signed by not ~~less~~ *fewer* than 50 electors residing in such college district.

(D) If a community college adopts and implements a seven member board of trustees plan, any person who is an elector of the college district may become a candidate for the at-large member position by filing with the county election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$20.

(2) Every petition or declaration of intent filed under this subsection must specify the member position for which the person is a candidate.

(b) In college districts where the election-at-large method of election is in effect, a person may become a candidate for election to trustee of a community college by either one of the following methods:

(1) Any person who is an elector of the college district may petition to be a candidate for trustee. Any such person shall file with the election officer a petition for such person's candidacy signed by not ~~less~~ *fewer* than 50 electors residing in the college district.

(2) Any person who is an elector of the college district may become a candidate for trustee by filing with the election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$20.

(c) Every petition or declaration of intent filed under this section must be filed on or before ~~12 noon~~ 12:00 p.m. on June 1 of each odd-numbered year as provided in K.S.A. 25-205 and 25-21a03, and amendments thereto, ~~and K.S.A. 25-205, and amendments thereto.~~

(d) *Any person who is a candidate for nomination or election to the office of community college trustee, at the time of election or appointment, and during the term of office, shall be and must remain a qualified elector who resides in the member or at-large district. Failure to remain a qualified elector residing in the member or at-large district shall constitute an immediate vacancy in the candidacy or office.*

Sec. 7. K.S.A. 80-202 is hereby amended to read as follows: 80-202. (a) Every person elected to the office of trustee, clerk or treasurer of any township, or road overseer of any road district, shall be an elector of the township or road district at the time of such election or appointment, and shall take and subscribe the oath of office prescribed by law. The oath shall be filed in the office of the county clerk. In the event any such officer shall become a nonresident of the township or road district, the office shall become vacant.

(b) *Any person who is a candidate for nomination or election to the office of trustee, clerk or treasurer of any township, or road overseer of any road district, at the time of election or appointment, and during the term of office, shall be and must remain a qualified elector who resides in the township or road district. Failure to remain a qualified elector residing in the township or road district shall constitute an immediate vacancy in the candidacy or office.*

Sec. 8. K.S.A. 22a-102, 25-101a, 25-2020, 40-109, 71-1414 and 80-202 and K.S.A. 2025 Supp. 25-1903 are hereby repealed.

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

Approved March 20, 2026.

CHAPTER 13

HOUSE BILL No. 2557

AN ACT concerning children and minors; relating to the adoption and placement of a child among states; enacting the interstate compact for the placement of children; declaring legislative findings for the enactment of the compact; authorizing the administration and implementation of such compact; allowing for supplementary or financial agreements; requiring compliance with the compact and imposing a penalty for noncompliance; repealing K.S.A. 38-1201, 38-1202, 38-1203, 38-1204, 38-1205 and 38-1206.

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

Section 1. (a) It is hereby found and declared:

(1) That finding suitable homes for children who have lost or never had homes requires the full attention and resources of the state of Kansas;

(2) that the needs of children and adults cannot be met by restricting child placement services and supervision to the state of Kansas;

(3) that would-be parents and children have a need for love, security and fulfillment that can be met only when children in need of placement are matched with adults who can care for them; and

(4) a variety of circumstances makes interstate placements of children essential and offers compelling reasons for an interstate compact under which the jurisdictional, administrative and human rights and obligations involved can be protected.

(b) It shall be the policy of this state, in adopting the interstate compact for the placement of children, to cooperate fully with other states in providing that no children shall be sent or brought into any other party state for placement in foster care or as a preliminary to a possible adoption unless the sending state complies with each and every requirement in this interstate compact.

Sec. 2. INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN

The contracting states solemnly agree that:

ARTICLE I. Purpose and Policy.

The purpose of this interstate compact for the placement of children is to:

(a) Provide a process through which children subject to this compact are placed in safe and suitable homes in a timely manner.

(b) Facilitate ongoing supervision of a placement, the delivery of services and communication between the states.

(c) Provide operating procedures that will ensure that children are placed in safe and suitable homes in a timely manner.

(d) Provide for the promulgation and enforcement of administrative rules implementing the provisions of this compact and regulating the covered activities of the member states.

(e) Provide for uniform data collection and information sharing between member states under this compact.

(f) Promote coordination between this compact, the interstate compact for juveniles, the interstate compact on adoption and medical assistance and other compacts affecting the placement of and that provide services to children otherwise subject to this compact.

(g) Provide for a state's continuing legal jurisdiction and responsibility for placement and care of a child that it would have had if the placement were intrastate.

(h) Provide for the promulgation of guidelines, in collaboration with Indian tribes, for interstate cases involving Indian children as is or may be permitted by federal law.

ARTICLE II. Definitions.

As used in this compact:

(a) "Approved placement" means the public child placing agency in the receiving state that has determined that the placement is both safe and suitable for the child.

(b) "Assessment" means an evaluation of a prospective placement by a public child placing agency in the receiving state to determine if the placement meets the individualized needs of the child, including, but not limited to, the child's safety and stability, health and well-being and mental, emotional and physical development. An assessment is only applicable to a placement by a public child placing agency.

(c) "Child" means an individual who has not attained the age of 18.

(d) "Certification" means to attest, declare or swear to before a judge or notary public.

(e) "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or rules of the interstate commission.

(f) "Home study" means an evaluation of a home environment conducted in accordance with the applicable requirements of the state where the home is located, and documents the preparation and the suitability of the placement resource for placement of a child in accordance with the laws and requirements of the state where the home is located.

(g) "Indian tribe" means any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for services provided to Indians by the U.S. secretary of the interior because of their status as Indians, including any Alaskan native village as defined in section 3(c) of the Alaska native claims settlement act, 43 U.S.C. §1602(c).

(h) "Interstate commission for the placement of children" means the commission that is created under article VIII of this compact and is generally referred to as the interstate commission.

(i) “Jurisdiction” means the power and authority of a court to hear and decide matters.

(j) “Legal risk placement” and “legal risk adoption” mean a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered to return to the sending state or the birth mother’s state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until all required consents are obtained or are dispensed with in accordance with applicable law.

(k) “Member state” means a state that has enacted this compact.

(l) “Noncustodial parent” means a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or has joint legal custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

(m) “Nonmember state” means a state that has not enacted this compact.

(n) “Notice of residential placement” means information regarding a placement into a residential facility provided to the receiving state, including, but not limited to, the name, date and place of birth of the child, the identity and address of the parent or legal guardian, evidence of authority to make the placement and the name and address of the facility where the child will be placed. Notice of residential placement shall also include information regarding a discharge and any unauthorized absence from the facility.

(o) “Placement” means the act by a public or private child placing agency intended to arrange for the care or custody of a child in another state.

(p) “Private child placing agency” means any private corporation, agency, foundation, institution or charitable organization or any private person or attorney that facilitates, causes or is involved in the placement of a child from one state to another and that is not an instrumentality of the state or acting under color of state law.

(q) “Provisional placement” means a determination made by the public child placing agency in the receiving state that the proposed placement is safe and suitable, and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of the receiving state requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement.

(r) “Public child placing agency” means any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county,

municipality or other governmental unit and that facilitates, causes or is involved in the placement of a child from one state to another.

(s) “Receiving state” means the state to where a child is sent, brought or caused to be sent or brought.

(t) “Relative” means someone who is related to the child as a parent, stepparent, sibling by half or whole blood or by adoption, grandparent, aunt, uncle or first cousin or a nonrelative with such significant ties to the child that they may be regarded as relatives as determined by the court in the sending state.

(u) “Residential facility” means a facility providing a level of care that is sufficient to substitute for parental responsibility or foster care, and is beyond what is needed for assessment or treatment of an acute condition. For purposes of the compact, “residential facility” does not include institutions primarily educational in character, hospitals or other medical facilities.

(v) “Rule” means a written directive, mandate, standard or principle issued by the interstate commission promulgated pursuant to article XI of this compact that is of general applicability and that implements, interprets or prescribes a policy or provision of the compact. “Rule” has the force and effect of an administrative rule in a member state, and includes the amendment, repeal or suspension of an existing rule.

(w) “Sending state” means the state from where the placement of a child is initiated.

(x) “Service member’s permanent duty station” means the military installation where an active duty armed services member is currently assigned and is physically located under competent orders that do not specify the duty as temporary.

(y) “Service member’s state of legal residence” means the state where the active duty armed services member is considered a resident for tax and voting purposes.

(z) “State” means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other territory of the United States.

(aa) “State court” means a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency or status offenses of individuals who have not attained the age of 18.

(bb) “Supervision” means monitoring provided by the receiving state once a child has been placed in a receiving state pursuant to this compact.

ARTICLE III. Applicability.

(a) Except as otherwise provided in subsection (b) of article III, this compact shall apply to:

(1) The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child

has been abused, neglected or deprived as defined by the laws of the sending state, provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement.

(2) The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

(A) The child is being placed in a residential facility in another member state and is not covered under another compact; or

(B) the child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact.

(3) The interstate placement of any child by a public child placing agency or private child placing agency as defined in this compact as a preliminary step to a possible adoption.

(b) The provisions of this compact shall not apply to:

(1) The interstate placement of a child in a custody proceeding when a public child placing agency is not a party, provided that the placement is not intended to effectuate an adoption.

(2) The interstate placement of a child with a nonrelative in a receiving state by a parent with the legal authority to make such a placement provided, however, that the placement is not intended to effectuate an adoption.

(3) The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state.

(4) The placement of a child, not subject to subsection (a) of article III, into a residential facility by their parent.

(5) The placement of a child with a noncustodial parent provided that:

(A) The noncustodial parent proves to the satisfaction of a court in the sending state a substantial relationship with the child; and

(B) the court in the sending state makes a written finding that placement with the noncustodial parent is in the best interests of the child; and

(C) the court in the sending state dismisses its jurisdiction in interstate placements when the public child placing agency is a party to the proceeding.

(6) A child entering the United States from a foreign country for the purpose of adoption or leaving the United States to go to a foreign country for the purpose of adoption in that country.

(7) Cases when a U.S. citizen child living overseas with their family, at least one of whom is in the U.S. armed services, and who is stationed overseas, is removed and placed in a state.

(8) The sending of a child by a public child placing agency or a private child placing agency for a visit as defined by the rules of the interstate commission.

(c) For purposes of determining the applicability of this compact to the placement of a child with a family in the armed services, the public child placing agency or private child placing agency may choose the state of the service member's permanent duty station or the service member's declared legal residence.

(d) Nothing in this compact shall be construed to prohibit the concurrent application of the provisions of this compact with other applicable interstate compacts including the interstate compact for juveniles and the interstate compact on adoption and medical assistance. The interstate commission may, in cooperation with other interstate compact commissions having responsibility for the interstate movement, placement or transfer of children, promulgate like rules to ensure the coordination of services, timely placement of children and the reduction of unnecessary or duplicative administrative or procedural requirements.

ARTICLE IV. Jurisdiction.

(a) Except as provided in subsection (h) of article IV and subsection (b)(2) and (b)(3) of article V concerning private and independent adoptions, and in interstate placements when the public child placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction over a child with respect to all matters of custody and disposition of the child that it would have had if the child had remained in the sending state. Such jurisdiction shall also include the power to order the return of the child to the sending state.

(b) When an issue of child protection or custody is brought before a court in the receiving state, such court shall confer with the court of the sending state to determine the most appropriate forum for adjudication.

(c) In cases that are before courts and subject to this compact, the taking of testimony for hearings before any judicial officer may occur in person or by telephone, audio-video conference or such other means as approved by the rules of the interstate commission and judicial officers may communicate with other judicial officers and persons involved in the interstate process as may be permitted by their canons of judicial conduct and any rules promulgated by the interstate commission.

(d) In accordance with its own laws, the court in the sending state shall have authority to terminate its jurisdiction if:

(1) The child is reunified with the parent in the receiving state who is the subject of allegations or findings of abuse or neglect, only with the concurrence of the public child placing agency in the receiving state;

(2) the child is adopted;

(3) the child reaches the age of majority under the laws of the sending state;

(4) the child achieves legal independence pursuant to the laws of the sending state;

(5) a guardianship is created by a court in the receiving state with the concurrence of the court in the sending state;

(6) an Indian tribe has petitioned for and received jurisdiction from the court in the sending state; or

(7) the public child placing agency of the sending state requests termination and has obtained the concurrence of the public child placing agency in the receiving state.

(e) When a sending state court terminates its jurisdiction, the receiving state child placing agency shall be notified.

(f) Nothing in this article shall defeat a claim of jurisdiction by a receiving state court sufficient to deal with an act of truancy, delinquency, crime or behavior involving a child as defined by the laws of the receiving state committed by the child in the receiving state that would be a violation of its laws.

(g) Nothing in this article shall limit the receiving state's ability to take emergency jurisdiction for the protection of the child.

(h) The substantive laws of the state where an adoption will be finalized shall solely govern all issues relating to the adoption of the child and the court where the adoption proceeding is filed shall have subject matter jurisdiction regarding all substantive issues relating to the adoption, except:

(1) When the child is a ward of another court that established jurisdiction over the child prior to the placement;

(2) when the child is in the legal custody of a public agency in the sending state; or

(3) when a court in the sending state has otherwise appropriately assumed jurisdiction over the child, prior to the submission of the request for approval of placement.

(i) A final decree of adoption shall not be entered in any jurisdiction until the placement is authorized as an approved placement by the public child placing agency in the receiving state.

ARTICLE V. Placement Evaluation.

(a) Prior to sending, bringing or causing a child to be sent or brought into a receiving state, the public child placing agency shall provide a written request for assessment to the receiving state.

(b) For placements by a private child placing agency, a child may be sent or brought or caused to be sent or brought, into a receiving state, upon receipt and immediate review of the required content in a request for approval of a placement in both the sending and receiving state public child placing agency. The required content to accompany a request for approval shall include all of the following:

(1) A request for approval identifying the child, birth parent(s), the prospective adoptive parent(s) and the supervising agency, signed by the person requesting approval;

(2) the appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state, or where permitted the laws of the state where the adoption will be finalized;

(3) certification by a licensed attorney or authorized agent of a private adoption agency that the consent or relinquishment is in compliance with the applicable laws of the sending state, or where permitted the laws of the state where finalization of the adoption will occur;

(4) a home study; and

(5) an acknowledgment of legal risk signed by the prospective adoptive parents.

(c) The sending state and the receiving state may request additional information or documents prior to finalization of an approved placement, but they shall not delay travel by the prospective adoptive parents with the child if the required content for approval has been submitted, received and reviewed by the public child placing agency in both the sending state and the receiving state.

(d) Approval from the public child placing agency in the receiving state for a provisional or approved placement is required as provided for in the rules of the interstate commission.

(e) The procedures for making and the request for an assessment shall contain all information and be in such form as provided for in the rules of the interstate commission.

(f) Upon receipt of a request from the public child placing agency of the sending state, the receiving state shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child placing agency of the sending state may request a determination for a provisional placement.

(g) The public child placing agency in the receiving state may request from the public child placing agency or the private child placing agency in the sending state, and shall be entitled to receive supporting or additional information necessary to complete the assessment or approve the placement.

(h) The public child placing agency in the receiving state shall approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the interstate commission.

(i) For a placement by a private child placing agency, the sending state shall not impose any additional requirements to complete the home study that are not required by the receiving state, unless the adoption is finalized in the sending state.

(j) The interstate commission may develop uniform standards for the assessment of the safety and suitability of interstate placements.

ARTICLE VI. Placement Authority.

(a) Except as otherwise provided in this compact, no child subject to this compact shall be placed into a receiving state until approval for such placement is obtained.

(b) If the public child placing agency in the receiving state does not approve the proposed placement then the child shall not be placed. The receiving state shall provide written documentation of any such determination in accordance with the rules promulgated by the interstate commission. Such determination is not subject to judicial review in the sending state.

(c) If the proposed placement is not approved, any interested party shall have standing to seek an administrative review of the receiving state's determination.

(1) The administrative review and any further judicial review associated with the determination shall be conducted in the receiving state pursuant to its applicable administrative procedures act.

(2) If a determination not to approve the placement of the child in the receiving state is overturned upon review, the placement shall be deemed approved, provided however that all administrative or judicial remedies have been exhausted or the time for such remedies has passed.

ARTICLE VII. Placing Agency Responsibility.

(a) For the interstate placement of a child made by a public child placing agency or state court:

(1) The public child placing agency in the sending state shall have financial responsibility for:

(A) The ongoing support and maintenance for the child during the period of the placement, unless otherwise provided for in the receiving state; and

(B) as determined by the public child placing agency in the sending state, services for the child beyond the public services that the child is eligible in the receiving state.

(2) The receiving state shall only have financial responsibility for:

(A) Any assessment conducted by the receiving state; and

(B) supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child placing agencies of the receiving and sending state.

(3) Nothing in this provision shall prohibit public child placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.

(b) For the placement of a child by a private child placing agency preliminary to a possible adoption, the private child placing agency shall be:

(1) Legally responsible for the child during the period of placement as provided for in the law of the sending state until the finalization of the adoption.

(2) Financially responsible for the child absent a contractual agreement to the contrary.

(c) The public child placing agency in the receiving state shall provide timely assessments, as provided for in the rules of the interstate commission.

(d) The public child placing agency in the receiving state shall provide, or arrange for the provision of, supervision and services for the child, including timely reports, during the period of the placement.

(e) Nothing in this compact shall be construed as to limit the authority of the public child placing agency in the receiving state from contracting with a licensed agency or person in the receiving state for an assessment or the provision of supervision or services for the child or otherwise authorizing the provision of supervision or services by a licensed agency during the period of placement.

(f) Each member state shall provide for coordination among its branches of government concerning the state's participation in, and compliance with, the compact and interstate commission activities, through the creation of an advisory council or use of an existing body or board.

(g) Each member state shall establish a central state compact office that shall be responsible for state compliance with the compact and the rules of the interstate commission.

(h) The public child placing agency in the sending state shall oversee compliance with the provisions of the Indian child welfare act, 25 U.S.C. 1901 et seq., for placements subject to the provisions of this compact, prior to placement.

(i) With the consent of the interstate commission, states may enter into limited agreements that facilitate the timely assessment and provision of services and supervision of placements under this compact.

ARTICLE VIII.

Interstate Commission for the Placement of Children.

The member states hereby establish, by way of this compact, a commission known as the interstate commission for the placement of 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 joint commission of the member states and shall have the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states.

(b) Consist of one commissioner from each member state who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program. The

appointed commissioner shall have the legal authority to vote on policy related matters governed by this compact binding the state.

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

(2) A majority of the 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.

(4) A representative may delegate voting authority to another person from their state for a specified meeting.

(c) In addition to the commissioners of each member state, the interstate commission shall include persons who are members of interested organizations as defined in the bylaws or rules of the interstate commission. Such members shall be ex officio and shall not be entitled to vote on any matter before the interstate commission.

(d) Establish an executive committee that shall have the authority to administer the day-to-day operations and administration of the interstate commission. It shall not have the power to engage in rulemaking.

ARTICLE IX.

Powers and Duties of the Interstate Commission.

The interstate commission shall have the following powers:

(a) To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact.

(b) To provide for dispute resolution among member states.

(c) To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules or actions.

(d) To enforce compliance with this compact or the bylaws or rules of the interstate commission pursuant to article XII.

(e) Collect standardized data concerning the interstate placement of children subject to this compact as directed through its rules that shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

(f) To establish and maintain offices as may be necessary for the transacting of its business.

(g) To purchase and maintain insurance and bonds.

(h) To hire or contract for services of personnel or consultants as necessary to carry out its functions under the compact and establish personnel qualification policies, and rates of compensation.

(i) To establish and appoint committees and officers, including, but not limited to, an executive committee as required by article X.

(j) To accept any and all donations and grants of money, equipment, supplies, materials and services and to receive, utilize and dispose thereof.

(k) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal or mixed.

(l) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.

(m) To establish a budget and make expenditures.

(n) To adopt a seal and bylaws governing the management and operation of the interstate commission.

(o) To report annually to the legislatures, governors, the judiciary and state advisory 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) To coordinate and provide education, training and public awareness regarding the interstate movement of children for officials involved in such activity.

(q) To maintain books and records in accordance with the bylaws of the interstate commission.

(r) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

ARTICLE X.

Organization and Operation of the Interstate Commission.

(a) Bylaws.

(1) Within 12 months after the first interstate commission meeting, the interstate commission shall adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact.

(2) The interstate commission's bylaws and rules shall establish 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.

(b) Meetings.

(1) The interstate commission shall 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.

(2) 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 a portion thereof, when it determines by a $\frac{2}{3}$ vote that an open meeting would be likely to:

(A) Relate solely to the interstate commission's internal personnel practices and procedures;

(B) disclose matters specifically exempted from disclosure by federal law;

(C) disclose financial or commercial information that is privileged, proprietary or confidential in nature;

(D) involve accusing a person of a crime or formally censuring a person;

(E) disclose information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy or physically endanger one or more persons;

(F) disclose investigative records compiled for law enforcement purposes; or

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

(3) For a meeting, or a 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 exemption provision. The interstate commission shall keep minutes that 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 or by court order.

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

(c) Officers and staff.

(1) The interstate commission may, through its executive committee, appoint or retain a staff director for such period, upon such terms and conditions and for such compensation as the interstate commission may deem appropriate. The staff director shall serve as secretary to the interstate commission, but shall not have a vote. The staff director may hire and supervise such other staff as may be authorized by the interstate commission.

(2) The interstate commission shall elect, from among its members, a chairperson and a vice chairperson of the executive committee and other necessary officers, each of whom shall have such authority and duties as may be specified in the bylaws.

(d) Qualified immunity, defense and indemnification.

(1) The interstate commission's staff 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 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 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 a criminal act or the intentional or willful and wanton misconduct of such person.

(A) The liability of the interstate commission's staff 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 shall 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 a criminal act or the intentional or willful and wanton misconduct of such person.

(B) The interstate commission shall defend the staff director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state shall defend the commissioner of a member state in a 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.

(C) 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 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 XI.

Rulemaking Functions of the Interstate Commission.

(a) The interstate commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

(b) Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the model state admin-

istrative procedures act, 1981 act, uniform laws annotated, volume 15, page 1 (2000) or such other administrative procedure acts as the interstate commission deems appropriate consistent with due process requirements under the United States constitution as now or hereafter interpreted by the U. S. supreme court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the interstate commission.

(c) When promulgating a rule, the interstate commission shall, at a minimum:

(1) Publish the proposed rule's entire text stating the reason or reasons for that proposed rule;

(2) allow and invite any and all persons to submit written data, facts, opinions and arguments, and such information shall be added to the record, and be made publicly available; and

(3) promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

(d) Rules promulgated by the interstate commission shall have the force and effect of administrative rules and shall be binding in the compacting states to the extent and in the manner provided for in this compact.

(e) Not later than 60 days after a rule is promulgated, an interested person may file a petition in the U.S. district court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of such rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(f) If a majority of the legislatures of the member states rejects a rule, those states may by enactment of a statute or resolution in the same manner used to adopt the compact cause that such rule shall have no further force and effect in any member state.

(g) The existing rules governing the operation of the interstate compact on the placement of children superseded by this act shall be null and void not less than 12, but not more than 24 months after the first meeting of the interstate commission created hereunder, as determined by the members during the first meeting.

(h) Within the first 12 months of operation, the interstate commission shall promulgate rules addressing the following:

- (1) Transition rules;
- (2) forms and procedures;
- (3) time lines;
- (4) data collection and reporting;
- (5) rulemaking;
- (6) visitation;

- (7) progress reports and supervision;
 - (8) sharing of information and confidentiality;
 - (9) financing of the interstate commission;
 - (10) mediation, arbitration and dispute resolution;
 - (11) education, training and technical assistance;
 - (12) enforcement; and
 - (13) coordination with other interstate compacts.
- (i) Upon determination by a majority of the members of the interstate commission that an emergency exists:
- (1) The interstate commission may promulgate an emergency rule only if it is required to:
 - (A) Protect the children covered by this compact from an imminent threat to their health, safety and well-being;
 - (B) prevent loss of federal or state funds; or
 - (C) meet a deadline for the promulgation of an administrative rule required by federal law.
 - (2) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to such rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.
 - (3) An emergency rule shall be promulgated as provided for in the rules of the interstate commission.

ARTICLE XII.

Oversight, Dispute Resolution and Enforcement.

- (a) Oversight.
 - (1) The interstate commission shall oversee the administration and operation of the compact.
 - (2) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and the rules of the interstate commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall be binding in the compacting states to the extent and in the manner provided for in this compact.
 - (3) 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.
 - (4) The interstate commission shall be entitled to receive service of process in any action when the validity of a compact provision or rule is the issue that a judicial determination has been sought and shall have standing to intervene in any proceedings. Failure to provide service of process to the interstate commission shall render any judgment, order or other determination, however so captioned or classified, void as to

the interstate commission, this compact, its bylaws or rules of the interstate commission.

(b) Dispute resolution.

(1) The interstate commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the compact and may arise among member states and between member and nonmember states.

(2) The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of such mediation or dispute resolution shall be the responsibility of the parties to the dispute.

(c) Enforcement.

(1) If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, its bylaws or rules, the interstate commission may:

(A) Provide remedial training and specific technical assistance;

(B) provide written notice to the defaulting state and other member states, of the nature of the default and the means of curing the default. The interstate commission shall specify the conditions that the defaulting state shall cure its default;

(C) by majority vote of the members, initiate against a defaulting member state 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 office, to enforce compliance with the provisions of the compact, its bylaws or 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; or

(D) avail itself of any other remedies available under state law or the regulation of official or professional conduct.

ARTICLE XIII. Financing of the 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 shall be in a total amount sufficient to cover the interstate commission's annual budget as approved by its members each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission who 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, nor shall the in-

terstate commission 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. However, 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 XIV. 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 not less than 35 states. The effective date shall be the later of July 1, 2007, or upon enactment of the compact into law by the 35th state. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The executive heads of the state human services administration with ultimate responsibility for the child welfare program of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting 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 on the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XV. Withdrawal and Dissolution.

(a) Withdrawal.

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

(2) Withdrawal from this compact shall be by the enactment of a statute repealing the same. The effective date of withdrawal shall be the effective date of the repeal of the statute.

(3) The withdrawing state shall immediately notify the president of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall then notify the other member states of the withdrawing state's intent to withdraw.

(4) The withdrawing state is responsible for all assessments, obligations and liabilities incurred through 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 members of 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 that 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 XVI. 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 concurrent applicability of other interstate compacts to which the states are members.

ARTICLE XVII. Binding Effect of Compact and Other Laws.

(a) Other laws. Nothing in this compact prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

(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.

ARTICLE XVIII. Indian Tribes.

Notwithstanding any other provision in this compact, the interstate commission may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the compact as specified in article I. The interstate commission shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.

Sec. 3. Pursuant to the interstate compact for the placement of children as adopted by this state, the governor is hereby authorized and em-

powered to designate an officer who shall be the compact administrator. The compact administrator:

- (a) Acting jointly with like officers of other party states, shall adopt rules and regulations to effectively carry out the terms of the compact;
- (b) shall serve at the pleasure of the governor; and
- (c) is authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and the government's subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state pursuant to sections 1 through 6, and amendments thereto.

Sec. 4. (a) The compact administrator is authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact.

(b) In the event that a supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, the supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction the institution or facility is operated or whose department or agency will be charged with the rendering of the service.

Sec. 5. The compact administrator, subject to the approval of the state director of accounts and reports, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into pursuant to sections 1 through 6, and amendments thereto.

Sec. 6. (a) The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and do all things appropriate to the effectuate the compact's purposes and intent that may be within their respective jurisdictions.

(b) Failure to comply with the provisions of the interstate compact for the placement of children by any professional providing services related to the placement of children is a class C misdemeanor.

(c) As used in this section, "professional" means any person who receives payment or compensation for providing services related to the placement of children for adoption.

Sec. 7. K.S.A. 38-1201, 38-1202, 38-1203, 38-1204, 38-1205 and 38-1206 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 20, 2026.

CHAPTER 14

HOUSE BILL No. 2711

AN ACT concerning cities of the third class; relating to procedures required for the dissolution of a city; amending K.S.A. 15-111 and repealing the existing section.

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

Section 1. K.S.A. 15-111 is hereby amended to read as follows: 15-111. On the petition of a majority of the ~~legal voters~~ *qualified electors* of any town or village which became a city of the third class or may hereafter become a city of the third class by virtue of section one of the act to which this section is supplementary, it shall be the duty of the council of such city, within ten days after the filing of such petition, to order an election by the legal voters of such city, to determine to place on the next primary or general election ballot, at least 60 days after the submission of the petition, the question of whether such city shall remain a city under the provisions of the act to which this is amendatory, or be dissolved as a corporate body, and remitted to the conditions of being part of the township in which such city ~~shall be located~~.

The election shall be conducted like other elections, and the ~~ballots~~ *ballot question* shall ~~have written or printed thereon be:~~ “For a city,” or “Against a city;” and Within three days after the election said ballots shall be counted by the city council, and the result recorded; and ~~county canvass has certified the election results,~~ if a two-thirds majority of the ~~legal votes shall be qualified electors is~~ against the city, then the city shall ~~thenceforth~~ cease to exist, and the territory embraced within the city limits shall ~~thenceforth~~ be a part of the township in which said such city was located, and governed in every respect under the general township laws; and. The records of such city shall be delivered to the township clerk, and if there be any debts unpaid of such city at the time ~~it~~ *such city* ceased to exist under the provisions of this act, then the township trustee shall, at the next annual levy of taxes, provide for a levy on the property within the limits of such city, sufficient to pay such debt according to its terms in the same manner as taxes are now levied for township purposes.

Sec. 2. K.S.A. 15-111 is hereby repealed.

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

Approved March 20, 2026.

CHAPTER 15

SENATE BILL No. 445

AN ACT concerning the law enforcement officers memorial advisory committee; relating to the Kansas highway patrol and the Kansas bureau of investigation; providing that the law enforcement officers memorial advisory committee may receive requests from a law enforcement agency for temporary personnel and other assistance in support of funeral services honoring law enforcement officers who have lost their lives in the line of duty in the service of the state; amending K.S.A. 2025 Supp. 75-2251 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 75-2251 is hereby amended to read as follows: 75-2251. (a) There is hereby established the law enforcement officers memorial advisory committee, which shall be composed of 11 members as follows:

- (1) A representative of the Kansas peace officers association, appointed by the governor;
- (2) a representative of the Kansas chiefs of police, appointed by the governor;
- (3) a representative of the Kansas fraternal order of police, appointed by the governor;
- (4) a representative of the Kansas state troopers association, appointed by the governor;
- (5) a representative of the Kansas sheriffs' association, appointed by the governor;
- (6) a representative of the Kansas chapter of concerns of police survivors, appointed by the governor;
- (7) the director of the Kansas bureau of investigation, or the director's designee;
- (8) the superintendent of the Kansas highway patrol, or the superintendent's designee;
- (9) the attorney general, or the attorney general's designee;
- (10) the secretary of the state historical society, or the secretary's designee; and
- (11) the secretary of corrections, or the secretary's designee.

(b) With regard to a member to be appointed by the governor as representative of the Kansas peace officers association, the Kansas chiefs of police, the Kansas fraternal order of police, the Kansas state troopers association, the Kansas sheriffs' association or the Kansas chapter of concerns of police survivors, the association or group to be represented may submit a list of at least three names for consideration by the governor in making the appointment. The governor shall consider each such list if timely submitted and may appoint from among those listed.

(c) The law enforcement officers memorial advisory committee shall be advisory to the director of architectural services and the secretary of the state historical society with regard to matters concerning the memorial to law enforcement officers on the state capitol grounds. The advisory committee may also make recommendations to the governor and the legislature regarding appropriate activities memorializing or commemorating the services of law enforcement officers in Kansas. The advisory committee may solicit grants, gifts, contributions and bequests for the memorial and shall remit all moneys so received 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 law enforcement memorial fund.

(d) The members of the advisory committee shall organize annually by electing a chairperson and vice chairperson. The advisory committee shall meet at least once each year upon call of the chairperson. The secretary of the state historical society, or the secretary's designee, shall serve as secretary for the advisory committee. Members of the advisory committee appointed by the governor under this section shall serve at the pleasure of the governor.

(e) *Upon the request of a Kansas law enforcement agency to the law enforcement officers memorial advisory committee, the superintendent of the Kansas highway patrol and the director of the Kansas bureau of investigation shall make available temporary personnel and other assistance to such agency in support of funeral services honoring law enforcement officers who have lost their lives in the line of duty in the service of the state.*

Sec. 2. K.S.A. 2025 Supp. 75-2251 is hereby repealed.

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

Approved March 20, 2026.

CHAPTER 16

HOUSE BILL No. 2555*

AN ACT concerning rural health; requiring grant applications, expenditure information, reports and other documentation concerning the rural health transformation program to be presented and provided to the state finance council, house of representatives committee on appropriations, senate committee on ways and means and legislative budget committee.

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

Section 1. (a) All grant applications from a partner, stakeholder or subawardee requesting moneys from the rural health transformation program established pursuant to section 71401 of public law 119-21, following review of such application by the Kansas rural health innovation alliance, shall be presented to the state finance council at a state finance council meeting. Such application information presented to the state finance council shall include the:

- (1) Partner, stakeholder or subawardee receiving the grant;
- (2) purpose of the grant including planned expenditures;
- (3) physical location and, if applicable, the local impacted community where the intended expenditures shall be made; and
- (4) outcomes to be achieved by each grant.

(b) As soon as practicable following the expenditure, information concerning the moneys expended by the state of Kansas from the centers for medicare and medicaid services pursuant to section 71401 of public law 119-21 for the rural health transformation program and any other federal law that appropriates moneys to the state for the rural health transformation program shall be presented to the state finance council at a state finance council meeting.

(c) Any report and other documentation required to be submitted to the centers for medicare and medicaid services pursuant to section 71401 of public law 119-21 shall be provided to the state finance council. Each grant recipient shall provide to the state finance council quarterly reports of the metrics used to measure success of the intended outcomes and key performance indicators achieved through the awarded grant.

(d) All grant applications, expenditure information, reports and other documentation required to be presented and provided pursuant to this section shall also be presented and provided to the house of representatives committee on appropriations and the senate committee on ways and means at a committee meeting during the regular session of the legislature and to the legislative budget committee when the legislature is not in regular session.

(e) The governor shall designate who will present and provide the information as required by this section.

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

Approved March 20, 2026.

Published in the *Kansas Register* April 2, 2026.

CHAPTER 17

HOUSE BILL No. 2332

AN ACT concerning the legislature; establishing a seal for the house of representatives and a seal for the senate; providing for the custody and use thereof; amending K.S.A. 75-201 and repealing the existing section.

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

New Section 1. (a) The seal affixed to the front of the podium in the chamber of the house of representatives on the effective date of this act is hereby established as the seal of the house of representatives. Such seal is described as follows: The east is represented by a rising sun, in the right-hand corner of the seal; to the left of it, commerce is represented by a river and a steamboat; in the foreground, agriculture is represented as the basis of the future prosperity of the state, by a settler's cabin and a man plowing with a pair of horses; beyond this is a train of ox-wagons, going west; in the background is seen a herd of buffalo, retreating, pursued by two Native Americans, on horseback; around the top is the motto, "Ad astra per aspera," and beneath a cluster of thirty-four stars. The circle is surrounded by the words, "Kansas House of Representatives".

(b) The seal of the house of representatives shall be kept in the office of the speaker of the house of representatives and used in attestation of official documents of the house of representatives and for such other purposes as approved by the speaker.

(c) The house of representatives seal may be used by any member of the house of representatives on any official stationery, newsletter or other official communication or for any personal use, except that such use shall not convey an official position of the house of representatives.

(d) The house of representatives seal shall not be used for any campaign purposes.

New Sec. 2. (a) The seal procured by the senate in 2025 is hereby established as the seal of the senate. Such seal is described as follows: The interior of the senate chamber is depicted, with the president's dais centered in the foreground; on either side of the dais are displayed the flag of the United States and the flag of the state of Kansas; in the background are shown the architectural features of the chamber, including columns, galleries and decorative fixtures, arranged symmetrically to represent the legislative authority and traditions of the state. The design is rendered in a single gold tone, except that the border is royal blue. Around the top is the motto, "Ad Astra Per Aspera," and around the bottom are the words, "Kansas Senate," with both appearing on the royal blue border in gold lettering.

(b) The seal of the senate shall be kept in the office of the president of

the senate and used in attestation of official documents of the senate and for such other purposes as approved by the president.

(c) The senate seal may be used by any member of the senate on any official stationery, newsletter or other official communication or for any personal use, except that such use shall not convey an official position of the senate.

(d) The senate seal shall not be used for any campaign purposes.

Sec. 3. K.S.A. 75-201 is hereby amended to read as follows: 75-201. The great seal of the state of Kansas, procured by the secretary of state, as required by the joint resolution approved May ~~twenty-fifth, eighteen hundred and sixty one~~ (which resolution was published as chapter ~~seventy-eight, Laws of eighteen hundred sixty one~~) 25, 1861, shall be and remain the great seal of this state. Such seal is described in said joint resolution as follows: The east is represented by a rising sun, in the right-hand corner of the seal; to the left of it, commerce is represented by a river and a steamboat; in the foreground, agriculture is represented as the basis of the future prosperity of the state, by a settler's cabin and a man plowing with a pair of horses; beyond this is a train of ox-wagons, going west; in the background is seen a herd of buffalo, retreating, pursued by two ~~Indians~~ *Native Americans*, on horseback; around the top is the motto, "Ad astra per aspera," and beneath a cluster of thirty-four stars. The circle is surrounded by the words, "Great seal of the state of Kansas. January 29, 1861."

Sec. 4. K.S.A. 75-201 is hereby repealed.

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

Approved March 20, 2026.

CHAPTER 18

SENATE BILL No. 299

AN ACT concerning courts; relating to the supreme court nominating commission; requiring certain records of the commission to be released under the open records act; amending K.S.A. 20-123 and repealing the existing section.

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

Section 1. K.S.A. 20-123 is hereby amended to read as follows: 20-123. (a) When the chairperson and other members of the commission chosen by the members of the bar have been elected; and after the names of the nonlawyer members appointed by the governor have been certified to the clerk of the supreme court as provided in this act, the clerk shall make a record thereof in the clerk's office and shall notify the members of the commission of their election and appointment. The commission shall meet from time to time as may be necessary to discharge the responsibilities of the commission. Such meetings shall be held at such place as the clerk of the supreme court may arrange. Such meeting shall be held upon the call of the chairperson, or in the event of the chairperson's failure to call a meeting when a meeting is necessary, upon the call of any four members of the commission. The commission shall act only at a meeting; and may act only by the concurrence of a majority of its members. The commission shall have power to adopt such reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties as are consistent with this act and the constitution of the state of Kansas.

(b) (1) The supreme court nominating commission shall be and is hereby deemed to be a public body and shall be subject to the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.

(2) Except as provided further, the commission shall not recess for a closed or executive meeting for any purpose. The commission, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting only for the purpose of discussing sensitive financial information contained within the personal financial records or official background check of a candidate for judicial nomination.

(3) ~~Nothing in this subsection shall be construed to supersede the commission's discretion to close a record or portion of a record submitted to the commission pursuant to any applicable exception to public disclosure under the open records act.~~ *Notwithstanding the provisions of K.S.A. 45-221(a)(1), and amendments thereto, no rule of the commission or the Kansas supreme court shall be adopted that prohibits disclosure of the records of the commission. All records of the commission, including the names and cities of residence of the people who have been nominated to*

serve on the commission or as chair of the commission, shall be open and subject to disclosure, except that background check information or sensitive financial information of applicants or nominees for judicial office contained within such records may be closed by the commission.

Sec. 2. K.S.A. 20-123 is hereby repealed.

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

Approved March 20, 2026.

Published in the *Kansas Register* April 2, 2026.

CHAPTER 19

HOUSE BILL No. 2433

AN ACT concerning the regulation of water use; clarifying county authority over the transfer or appropriation of water; placing such authority with the chief engineer and water transfer hearing panel; amending K.S.A. 2025 Supp. 19-101a and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature ~~which that~~ apply uniformly to all counties.

(2) Counties may not affect the courts located therein.

(3) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(4) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county ~~which that~~ may be affected.

(5) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271 – 74th congress, or amendments thereof.

(6) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(7) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 through 12-195, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(8) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(9) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(10) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(12) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(13) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(14) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(16) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(17) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(18) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

(19) Counties may not regulate the production or drilling of any oil or gas well in any manner ~~which~~ *that* would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(20) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(21) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(22) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(23) Counties may not exempt from or effect changes in K.S.A. 19-202(b), and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 19-204(b), and amendments thereto.

(25) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(26) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(27) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199, and 65-3001 through 65-3028, and amendments thereto.

(28) Counties may not exempt from or effect changes in K.S.A. 80-121, and amendments thereto.

(29) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.

(30) Counties may not exempt from or effect changes in the Kansas 911 act.

(31) Counties may not exempt from or effect changes in K.S.A. 26-601, and amendments thereto.

(32) (A) Counties may not exempt from or effect changes in the Kansas liquor control act except as provided by ~~paragraph~~ *subparagraph* (B).

(B) Counties may adopt resolutions ~~which~~ *that* are not in conflict with the Kansas liquor control act.

(33) (A) Counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by ~~paragraph~~ *subparagraph* (B).

(B) Counties may adopt resolutions ~~which~~ *that* are not in conflict with the Kansas cereal malt beverage act.

(34) Counties may not exempt from or effect changes in the Kansas lottery act.

(35) Counties may not exempt from or effect changes in the Kansas expanded lottery act.

(36) Counties may neither exempt from nor effect changes to the eminent domain procedure act.

(37) Any county granted authority pursuant to the provisions of K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be subject to the limitations and prohibitions imposed under K.S.A. 19-5001 through 19-5005, and amendments thereto.

(38) Except as otherwise specifically authorized by K.S.A. 19-5001 through 19-5005, and amendments thereto, counties may not exercise any authority granted pursuant to K.S.A. 19-5001 through 19-5005, and amendments thereto, including the imposition or levy of any retailers' sales tax.

(39) Counties may not exempt from or effect changes in K.S.A. 65-201 and 65-202(a), (b), (d), (e) and (f), and amendments thereto.

(40) (A) *A county shall not enact or enforce any resolution or otherwise regulate the transfer or appropriation of water in any manner that conflicts or interferes with, is more stringent than or would result in the duplication of the control, regulation, enforcement or oversight of the transfer or appropriation of water by the chief engineer or the water transfer hearing panel pursuant to chapter 82a of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted pursuant thereto.*

(B) *Counties shall not:*

(i) *Require any license or permit, including, but not limited to, any conditional use permit, to appropriate or transfer water; or*

(ii) *impose any condition, restriction, limitation, requirement, fee or charge to appropriate or transfer water.*

(C) *The provisions of this paragraph shall be applied prospectively and retroactively and shall apply to all existing and future county resolutions to the extent that such resolutions affect past, present or future transfers or appropriations of water.*

(D) *Nothing in this paragraph shall be construed to prohibit a county from utilizing zoning or sanitary code requirements to regulate the location or use of domestic water wells.*

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature ~~which~~ *that* is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county ~~which~~ *that* conflicts with the restrictions in subsection (a) is null and void.

Sec. 2. K.S.A. 2025 Supp. 19-101a is hereby repealed.

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

Approved March 20, 2026.

Published in the *Kansas Register* April 2, 2026.

CHAPTER 20

HOUSE BILL No. 2478

AN ACT concerning health and healthcare; relating to nursing licensure; requiring advance practice registered nurses and registered nurse anesthetists to submit to a criminal history check upon application for a nursing license; amending K.S.A. 2025 Supp. 74-1112 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 74-1112 is hereby amended to read as follows: 74-1112. (a) The board of nursing may require an ~~application~~ *applicant* to be fingerprinted and submit to a state and national criminal history record check in accordance with K.S.A. 2025 Supp. 22-4714, and amendments thereto.

(b) The board shall fix a fee for fingerprinting of applicants or licensees, or both, as may be required by the board in an amount necessary to reimburse the board for the cost of the fingerprinting. Fees collected under this subsection shall be deposited in the criminal background and fingerprinting fund.

(c) There is hereby created in the state treasury the criminal background and fingerprinting fund. All moneys credited to the fund shall be used to pay the Kansas bureau of investigation for the processing of fingerprints and criminal history background checks for the board of nursing. The fund shall be administered by the board of nursing. 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 president of the board or a person designated by the president.

(d) As used in this section, “applicant” means a person who has applied for licensure as a professional nurse, *an advanced practice registered nurse, a registered nurse anesthetist, a practical nurse or a mental health technician.*

Sec. 2. K.S.A. 2025 Supp. 74-1112 is hereby repealed.

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

Approved March 20, 2026.

CHAPTER 21

HOUSE BILL No. 2540

AN ACT concerning insurance; relating to the standard nonforfeiture law for individual deferred annuities; exempting contingent deferred annuities from certain provisions therefrom; authorizing the commissioner of insurance to regulate such contingent deferred annuities through the adoption of rules and regulations; amending K.S.A. 40-4,102 and repealing the existing section.

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

Section 1. K.S.A. 40-4,102 is hereby amended to read as follows: 40-4,102. (a) This act shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the federal internal revenue code, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced or reversionary annuity, nor *shall this act apply* to any contract ~~which~~ that shall be delivered outside this state through an agent or other representative of the company issuing the contract.

(b) *The provisions of K.S.A. 40-4,103 through 40-4,108, and amendments thereto, shall not apply to contingent deferred annuities. Notwithstanding such exemption, the commissioner of insurance shall have the authority to prescribe, through an adoption of rules and regulations, nonforfeiture benefits for contingent deferred annuities that are, in the opinion of the commissioner, equitable to the policyholder, appropriate given the risks insured and, to the extent possible, consistent with the general content of the standard nonforfeiture law for individual deferred annuities act.*

Sec. 2. K.S.A. 40-4,102 is hereby repealed.

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

Approved March 20, 2026.

CHAPTER 22

SENATE BILL No. 358

AN ACT concerning crimes, punishment and criminal procedure; relating to release of persons after conviction; requiring persons convicted of certain felonies to be held without bond in the county jail until sentencing; amending K.S.A. 22-2804 and repealing the existing section.

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

Section 1. K.S.A. 22-2804 is hereby amended to read as follows: 22-2804. (a) (1) *Except as provided in subsection (a)(2), a person who has been convicted of a crime and is either awaiting sentence or has filed a notice of appeal may be released by the district court under the conditions provided in K.S.A. 22-2802, and amendments thereto, if the court or judge finds that the conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the community.*

(2) If the person has been convicted of any off-grid felony, any person felony ranked in severity level 1, 2, 3 or 4 of the nondrug grid as provided in K.S.A. 21-6804, and amendments thereto, or any felony ranked in severity level 1 or 2 of the drug grid as provided in K.S.A. 21-6805, and amendments thereto, the following shall apply:

(A) If such person was released on bond prior to trial, such bond shall be revoked immediately and such person shall be remanded and held without bond in the county jail until sentencing; and

(B) if such person was in custody without having posted bond prior to trial, such person's bond shall be modified immediately so that such person is held without bond and remains in the county jail until sentencing.

(b) A person who has been convicted of a crime and has filed a notice of appeal to the supreme court or court of appeals shall make application to be released to the court whose judgment is appealed from or to a judge thereof. If an application to such court or judge has been made and denied or action on the application did not afford the relief sought by the applicant, the applicant may make an application for release to the appellate court. An application to the appellate court or a justice or judge thereof shall state the disposition of the application made by the district court or judge. Any application made under this subsection shall be heard after reasonable notice to the prosecuting attorney. Such notice shall be given not less than one day prior to the hearing. Any appearance bond—which that may be required under this subsection shall be filed in the court from which the appeal was taken.

(3)(c) A person who has been convicted of a crime before a district magistrate judge may, upon taking an appeal to a district judge, apply to be released as provided herein. If the application is made before the case has been referred to the chief judge for assignment, the conditions of re-

lease shall be determined by the district magistrate judge from whom the appeal is taken. If the application is made thereafter, the chief judge or the district judge to whom the case has been assigned shall determine the conditions of release. Any appearance bond ~~which~~ *that* may be required under this subsection shall be deposited in the court where it is fixed.

Sec. 2. K.S.A. 22-2804 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 27, 2026.

CHAPTER 23

SENATE BILL No. 396*

AN ACT concerning cemeteries; authorizing the reorganization of the Clearwater cemetery district; removing Ohio township from the district.

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

Section 1. (a) The board of trustees of the Clearwater cemetery district located in Sedgwick county is authorized to reorganize such cemetery district by adoption of a resolution of reorganization to remove Ohio township from the district. Such resolution shall be adopted by a majority vote of the trustees.

(b) The reorganized cemetery district shall have three members as follows: The member from the city of Clearwater shall be the mayor, the member from Ninnescah township shall be the township trustee and one member shall be elected at-large. The resolution shall provide for the election of the at-large member of the board of trustees by the board of trustees at the next meeting of such board following the adoption of the resolution. The at-large member shall reside in either the city of Clearwater or Ninnescah township and shall represent the entire district. The at-large member shall stand for election by voters of the district on a nonpartisan basis at the 2026 general election and every four years thereafter. Ohio township and the reorganized Clearwater cemetery district may enter into an interlocal cooperation agreement regarding the future care of cemeteries and the sharing of existing tax funds.

(c) A copy of the reorganization resolution shall be mailed to the Sedgwick county clerk. The reorganization of the cemetery district shall be deemed effective on January 1, 2026.

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

Approved March 27, 2026.

Published in the *Kansas Register* April 2, 2026.

CHAPTER 24

SENATE BILL No. 427
(Amended by Chapter 155)

AN ACT concerning the senate committee on confirmation oversight; clarifying that the chairperson and vice chairperson shall have access to review tax information and Kansas bureau of investigation background checks on persons appointed to office who are subject to senate confirmation; amending K.S.A. 2025 Supp. 22-4714, 75-712 and 75-4315d and repealing the existing sections.

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

Section 1. K.S.A. 2025 Supp. 22-4714 is hereby amended to read as follows: 22-4714. (a) A governmental agency other than a criminal justice agency as defined in K.S.A. 22-4701, and amendments thereto, identified in subsection (b) may require a person to be fingerprinted and shall submit such fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a search of the state and federal database. Fingerprints provided pursuant to this section may be used to identify a person and to determine whether such person has a record of criminal history in this state or in another jurisdiction. An agency identified in subsection (b) may use the information obtained from the criminal history record check for the purposes of verifying the identification of a person and in the official determination of the qualifications and fitness of such person to be issued or maintain employment, licensure, registration, certification or a permit, act as an agent of a licensee, hold ownership of a licensee or serve as a director or officer of a licensee.

(b) (1) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications, juvenile diversions and juvenile expunged records to:

(A) The Kansas department for children and families or the Kansas department for aging and disability services for initial or continuing employment or participation in any program administered for the placement, safety, protection or treatment of vulnerable children or adults as described in K.S.A. 75-53,105, and amendments thereto;

(B) the attorney general for applicants as defined in K.S.A. 75-7b01, and amendments thereto, in connection with such application as described in K.S.A. 75-7b04 and 75-7b17, and amendments thereto;

(C) the attorney general for applicants as defined in K.S.A. 75-7c02, and amendments thereto, in connection with such application as described in K.S.A. 75-7c05, and amendments thereto;

(D) the attorney general for applicants as defined in K.S.A. 75-7b01,

and amendments thereto, in connection with such application for certification as described in K.S.A. 75-7b21, and amendments thereto; and

(E) the attorney general for applicants as defined in K.S.A. 7e01, and amendments thereto, in connection with such application as described in K.S.A. 75-7e03, and amendments thereto.

(2) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records and juvenile expunged records to:

(A) The state lottery for candidates for employees as defined in K.S.A. 74-8702, and amendments thereto, in connection with such employment as described in K.S.A. 74-8704, and amendments thereto; and

(B) the Kansas racing and gaming commission for candidates for employees or licensees as defined in K.S.A. 74-8802, and amendments thereto, in connection with such employment or license as described in K.S.A. 74-8804, and amendments thereto, including an applicant for a simulcasting license.

(3) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications and juvenile diversions to:

(A) The emergency medical services board for applicants as defined in K.S.A. 65-6129, and amendments thereto, in connection with such application as described in K.S.A. 65-6129, and amendments thereto;

(B) the department of administration for candidates for sensitive employees as defined in K.S.A. 75-3707e, and amendments thereto, in connection with such employment as described in K.S.A. 75-3707e, and amendments thereto; and

(C) the state gaming agency for candidates for employees and licensees as defined in K.S.A. 74-9802, and amendments thereto, in connection with such employment or license as described in K.S.A. 74-9805, and amendments thereto.

(4) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions and adult expunged records to:

(A) The supreme court and state board of law examiners for applicants as defined in K.S.A. 7-127, and amendments thereto, in connection with such application as described in K.S.A. 7-127, and amendments thereto; and

(B) the commission on peace officers' standards and training for applicants for certification under the Kansas law enforcement training act as described in K.S.A. 74-5607, and amendments thereto.

(5) The Kansas bureau of investigation shall release criminal histo-

ry record information related to adult convictions, adult non-convictions, adult diversions and juvenile adjudications to:

(A) The athletic commission within the Kansas department of commerce for a candidate for boxing commission as defined in K.S.A. 74-50,182, and amendments thereto, in connection with such appointment as described in K.S.A. 74-50,184, and amendments thereto;

(B) the secretary of health and environment for employees at a child care facility as defined in K.S.A. 65-503, and amendments thereto, in connection with such employment as described in K.S.A. 65-516, and amendments thereto;

(C) the secretary of commerce for final applicants for a sensitive position or employees in a sensitive position as defined in K.S.A. 2025 Supp. 74-5005a, and amendments thereto, in connection with such employment as described in K.S.A. 2025 Supp. 74-5005a, and amendments thereto;

(D) the secretary of labor for employees as defined in K.S.A. 75-5702, and amendments thereto, in connection with such employment as described in K.S.A. 75-5702, and amendments thereto; and

(E) the state bank commissioner for any officer, partner, member, owner, principal or director of an applicant or registrant in connection with such application or registration as described in K.S.A. 2025 Supp. 9-2411, and amendments thereto.

(6) The Kansas bureau of investigation shall release criminal history record information related to adult convictions and juvenile adjudications to:

(A) The secretary for aging and disability services for applicants as defined in K.S.A. 39-970, and amendments thereto, in connection with such application as described in K.S.A. 39-970, and amendments thereto;

(B) the Kansas department for aging and disability services for applicants as defined in K.S.A. 39-2009, and amendments thereto, in connection with such application as described in K.S.A. 39-2009, and amendments thereto; and

(C) the secretary for aging and disability services for applicants as defined in K.S.A. 65-5117, and amendments thereto, in connection with such application as described in K.S.A. 65-5117, and amendments thereto.

(7) The Kansas bureau of investigation shall release criminal history record information related to adult convictions and adult non-convictions to:

(A) The division of motor vehicles within the department of revenue for applicants for reinstatement of a license to drive a commercial motor vehicle as described in K.S.A. 8-2,142, and amendments thereto;

(B) the board of examiners in optometry for applicants or licensees as defined in K.S.A. 65-1501, and amendments thereto, in connection with

such application or an investigation as described in K.S.A. 65-1505, and amendments thereto;

(C) the board of pharmacy for fingerprint candidates as defined in K.S.A. 65-1626, and amendments thereto, in connection with such application or license as described in K.S.A. 65-1696, and amendments thereto;

(D) the state board of healing arts for applicants or licensees as defined in K.S.A. 65-2802, and amendments thereto, in connection with such application or an investigation as described in K.S.A. 65-28,129, and amendments thereto;

(E) the state board of healing arts for applicants or licensees as defined in K.S.A. 65-2901, and amendments thereto, in connection with such application or an investigation as described in K.S.A. 65-2924, and amendments thereto;

(F) the board of nursing for applicants as defined in K.S.A. 74-1112, and amendments thereto, in connection with such application as described in K.S.A. 74-1112, and amendments thereto;

(G) the behavioral sciences regulatory board for licensees as defined in K.S.A. 74-7511, and amendments thereto, in connection with such application or license as described in K.S.A. 74-7511, and amendments thereto;

(H) the state lottery for a vendor to whom a major procurement contract is to be awarded in connection with an investigation as described in K.S.A. 74-8705, and amendments thereto;

(I) the attorney general for appointees of the governor to positions subject to confirmation by the senate and judicial appointees as described in K.S.A. 75-712, and amendments thereto;

(J) appointing authorities as defined in K.S.A. 75-4315d, and amendments thereto, for nongubernatorial appointees *to positions subject to confirmation by the senate as described in K.S.A. 75-712, and amendments thereto, and* as described in K.S.A. 75-4315d, and amendments thereto;

(K) the Kansas real estate commission for applicants as defined in K.S.A. 58-3035, and amendments thereto, or for licensees as defined in K.S.A. 58-3035, and amendments thereto, in connection with an investigation as described in K.S.A. 58-3039, and amendments thereto;

(L) the insurance commissioner for applicants for licensure as an insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in connection with such application as described in K.S.A. 40-4905, and amendments thereto;

(M) the insurance commissioner for applicants as defined in K.S.A. 40-5501, and amendments thereto, in connection with such application as defined in K.S.A. 40-5505, and amendments thereto; and

(N) the state bank commissioner for applicants in control of a licensee, licensees or key individuals as defined in K.S.A. 2025 Supp. 9-555, and

amendments thereto, in connection with such application as described in K.S.A. 2025 Supp. 9-565, and amendments thereto.

(8) The Kansas bureau of investigation shall release criminal history record information related to adult convictions to:

(A) The department of agriculture for hemp employees as defined in K.S.A. 2-3901, and amendments thereto, in connection with such employment as described in K.S.A. 2-3902, and amendments thereto;

(B) the department of agriculture for applicants for licensure as a hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in connection with such application as described in K.S.A. 2-3906, and amendments thereto;

(C) the office of state fire marshal for applicants for registration as a hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in connection with such application as described in K.S.A. 2-3907, and amendments thereto;

(D) the department of agriculture for hemp destruction employees as defined in K.S.A. 2-3901, and amendments thereto, in connection with such employment as described in K.S.A. 2-3911, and amendments thereto;

(E) the bank commissioner for any applicant as defined in K.S.A. 9-508, and amendments thereto, in connection with such application as described in K.S.A. 9-509, and amendments thereto;

(F) the bank commissioner for an applicant for employment as a new executive officer or director with a money transmitter company as described in K.S.A. 9-513e, and amendments thereto;

(G) the bank commissioner for any applicant as defined in K.S.A. 9-1719, and amendments thereto, in connection with such application as described in K.S.A. 9-1722, and amendments thereto;

(H) the bank commissioner for an applicant, registrant or licensee as defined in K.S.A. 9-2201, and amendments thereto, in connection with such application, registration or license as described in K.S.A. 9-2209, and amendments thereto;

(I) the state banking board for any officer, director or organizer of a proposed fiduciary financial institution as defined in K.S.A. 9-2301, and amendments thereto, in connection with such role as described in K.S.A. 9-2302, and amendments thereto;

(J) municipalities for applicants for merchant or security police as described in K.S.A. 12-1679, and amendments thereto;

(K) the bank commissioner for applicants as defined in K.S.A. 16a-6-104, and amendments thereto, in connection with such application as described in K.S.A. 16a-6-104, and amendments thereto;

(L) the state department of credit unions for every candidate as defined in K.S.A. 17-2234, and amendments thereto, in connection with such employment as described in K.S.A. 17-2234, and amendments thereto;

(M) the division of alcoholic beverage control within the department of revenue for applicants as defined in K.S.A. 41-102, and amendments thereto, in connection with such application as described in K.S.A. 41-311b, and amendments thereto;

(N) the division of post audit for employees as defined in K.S.A. 46-1103, and amendments thereto, in connection with such employment as described in K.S.A. 46-1103, and amendments thereto;

(O) the bank commissioner for licensees as defined in K.S.A. 50-1126, and amendments thereto, in connection with such license as described in K.S.A. 50-1128, and amendments thereto;

(P) the real estate appraisal board for licensees as defined in K.S.A. 58-4102, and amendments thereto, in connection with an application or investigation as described in K.S.A. 58-4127, and amendments thereto;

(Q) the real estate appraisal board for applicants as defined in K.S.A. 58-4703, and amendments thereto, in connection with such application as described in K.S.A. 58-4709, and amendments thereto;

(R) the department of health and environment for an employee as defined in K.S.A. 65-2401, and amendments thereto, in connection with such employment as described in K.S.A. 65-2402, and amendments thereto;

(S) the Kansas office of veterans services for candidates as defined in K.S.A. 73-1210a, and amendments thereto, in connection with an application as described in K.S.A. 73-1210a, and amendments thereto;

(T) a senate standing committee for a member named, appointed or elected to the public employee retirement systems board of trustee membership as described in K.S.A. 74-4905, and amendments thereto;

(U) the department of revenue for employees as defined in K.S.A. 75-5133c, and amendments thereto, in connection with such employment as described in K.S.A. 75-5133c, and amendments thereto;

(V) the division of motor vehicles within the department of revenue for employees as defined in K.S.A. 75-5156, and amendments thereto, in connection with such employment as described in K.S.A. 75-5156, and amendments thereto;

(W) the Kansas commission for the deaf and hard of hearing for applicants as defined in K.S.A. 75-5397f, and amendments thereto, in connection with such application as described in K.S.A. 75-5393a, and amendments thereto;

(X) the Kansas commission for the deaf and hard of hearing for employees as defined in K.S.A. 75-5397f, and amendments thereto, in connection with such employment as described in K.S.A. 75-5393c, and amendments thereto;

(Y) the department of health and environment for employees as defined in K.S.A. 75-5609a, and amendments thereto, in connection with

such employment as described in K.S.A. 75-5609a, and amendments thereto; and

(Z) an executive branch agency head for employees as defined in K.S.A. 75-7241, and amendments thereto, in connection with such employment as described in K.S.A. 75-7241, and amendments thereto.

(c) State and local law enforcement agencies shall assist with taking fingerprints of individuals as authorized by this section.

(d) Any board, commission, committee or other public body shall recess into a closed executive session pursuant to K.S.A. 75-4319, and amendments thereto, to receive and discuss criminal history record information obtained pursuant to this section.

(e) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(f) (1) Fingerprints and criminal history record information received pursuant to this section shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2029, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

(2) Disclosure or use of any information received pursuant to this section for any purpose other than the purpose described in this section shall be a class A nonperson misdemeanor and shall constitute grounds for removal from office.

Sec. 2. K.S.A. 2025 Supp. 75-712 is hereby amended to read as follows: 75-712. (a) It is the duty of the members of the bureau to make full and complete investigations at the direction of the attorney general. Each member of the bureau shall possess all powers and privileges ~~which~~ *that* are now or may be hereafter given to the sheriffs of Kansas.

(b) (1) The bureau shall acquire, collect, classify and preserve criminal identification and other crime records, and may exchange such criminal identification records with the duly authorized officials of governmental agencies, of states, cities and penal institutions.

(2) The bureau shall make available to the governor's domestic violence fatality review board crime record information related to domestic violence, including, but not limited to, type of offense, type of victim and victim relationship to offender, as found on the Kansas standard offense report. Such crime record information shall be made available only in a manner that does not identify individual offenders or victims.

(c) For purposes of carrying out the powers and duties of the bureau, the director may request and accept grants or donations from any person, firm, association or corporation or from the federal government or any federal agency and may enter into contracts or other transactions with any federal agency in connection therewith.

- (d) (1) The bureau shall conduct background investigations of:
- (A) Appointees to positions ~~which~~ *that* are subject to confirmation by the senate of the state of Kansas; and
- (B) at the direction of the governor, all judicial appointments.
- (2) The bureau shall require the appointee to be fingerprinted in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto. If the appointing authority is the governor, information received pursuant to this subsection also may be disclosed to the governor's staff as necessary to determine the appointee's qualifications. *For appointments that are subject to confirmation by the senate, information received pursuant to this subsection also may be disclosed in accordance with K.S.A. 75-4315d, and amendments thereto, to the chairperson and vice chairperson of the senate committee on confirmation oversight as established by K.S.A. 46-2601, and amendments thereto, as necessary to determine an appointee's qualification.*
- (3) *Any information received pursuant to this subsection, other than conviction data, shall be confidential. Except as provided by section 22 of article 2 of the Kansas constitution and this subsection, such confidential information shall not be disclosed to any other person.*
- (e) Reports of all investigations made by the members of the bureau shall be made to the attorney general of Kansas.

Sec. 3. K.S.A. 2025 Supp. 75-4315d is hereby amended to read as follows: 75-4315d. (a) As used in this section:

- (1) "Office" means any state office or board, commission, council, committee, authority or other governmental body, the members of which are required by law to be appointed by an appointing authority, ~~and which appointment is whose appointments are~~ subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto.
- (2) "Appointing authority" means a person, ~~other than the governor,~~ who is required by law to make an appointment to an office.
- (3) "Chairperson" means the chairperson of the confirmation oversight committee.
- (4) "Vice chairperson" *means the vice chairperson of the confirmation oversight committee.*
- (5) "Committee" means the confirmation oversight committee established by K.S.A. 46-2601, and amendments thereto.
- ~~(5) "Director" means the director of the Kansas legislative research department or the director's designee.~~

(b) No person may be appointed to an office unless such person has completed and submitted a nomination form as required by the rules of the committee. *Such form shall be accompanied by the release of a tax certification, and such person shall consent to a background investigation as required by subsection (c).* No person may be appointed to an office unless such person has filed a statement of substantial interest as required

by K.S.A. 46-247, and amendments thereto. A copy of the nomination form and the statement of substantial interest shall be kept on file in the office of the ~~director~~ *appointing authority* and shall be subject to disclosure under the Kansas open records act.

(c) No person may be appointed to an office unless such person has consented to a background investigation conducted by the Kansas bureau of investigation *in accordance with K.S.A. 22-4714, and amendments thereto*. No person may be appointed to an office unless such person is current in the payment of taxes and consents to the release of a tax certification by the Kansas department of revenue ~~which~~ *that* states whether such person is, or is not, current in the payment of taxes.

(d) Any appointing authority who desires to appoint a person to an office shall forward to the chairperson a completed copy of the nomination form, ~~the statement of substantial interest, the consent to the release of the tax certification and a written request that a background investigation be conducted on the person nominated for appointment to an office. Upon receipt of such information, the chairperson shall forward such information and a written direction to the director to request the Kansas bureau of investigation to conduct a background investigation of such nominee in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto, and to request the Kansas department of revenue to release the tax certification for such person.~~

(e) Any information received by the ~~director~~ *appointing authority* pursuant to this section from the Kansas department of revenue or the Kansas bureau of investigation shall be kept on file in the office of the ~~director~~ *appointing authority* or in a secure location under the control of the ~~director~~ *within the Kansas legislative research department appointing authority*. After receipt of information, ~~the director if the appointing authority chooses to proceed with the nomination of the person, the appointing authority shall notify the appointing authority who nominated the person for appointment to an office and the nominee chairperson and vice chairperson that the information is available for review in the office of the director appointing authority. Upon the written request of such appointing authority chairperson, vice chairperson or the nominee, the director appointing authority shall allow such appointing authority and chairperson, vice chairperson or the nominee to review the information. Such information shall not be removed from the office of the director appointing authority and shall not be duplicated or copied in any manner. If the appointing authority chooses to proceed with the nomination of the person for appointment to an office, the director shall notify the chairperson and the vice chairperson of the committee that such information is available for review by either legislator, or both, upon the written request of either legislator, or both.~~

(f) Any information received by the ~~director~~ *appointing authority* pursuant to this section ~~which~~ *that* relates to a person whose nomination for appointment to an office is confirmed by the senate as provided by K.S.A. 75-4315b, and amendments thereto, may be disposed of in the manner provided by K.S.A. 75-3501 et seq., and amendments thereto. Any information received by the ~~director~~ *appointing authority* pursuant to this section ~~which~~ *that* relates to a person whose nomination is withdrawn or whose appointment is not confirmed by the senate as provided by K.S.A. 75-4315b, and amendments thereto, shall be destroyed by the ~~director~~ *appointing authority*. The destruction of such records shall occur ~~no not~~ sooner than one year, ~~and no~~ *but not* later than two years, following the withdrawal of the nomination of the appointment or the failure of the senate to confirm the appointment of such person.

Sec. 4. K.S.A. 2025 Supp. 22-4714, 75-712 and 75-4315d 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 27, 2026.

CHAPTER 25

SENATE BILL No. 473

AN ACT concerning real property; relating to the conveyance of certain property in Wabaunsee county; authorizing Audubon of Kansas to convey such property; requiring any deeds and conveyances related to such property be reviewed and approved by the state historical society; amending K.S.A. 75-2731 and repealing the existing section.

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

Section 1. K.S.A. 75-2731 is hereby amended to read as follows: 75-2731. (a) (1) Subject to the provisions of this section, the state historical society is hereby authorized to convey, without consideration, to Audubon of Kansas all of the rights, title and interest in the following described real estate, and any improvements thereon, located in Wabaunsee county, Kansas: Approximately 30 acres of real estate starting at a point on the South section boundary line and running East 120 rods to the East boundary line, then North 80 rods along East boundary line, then West 40 rods, then West by Southwest in a straight line to point of beginning, in Section 28, Township 10 South, Range 10 East of the 6th Principal Meridian.

~~(b)~~(2) Conveyance of such rights, title and interest in such real estate, and any improvements thereon, shall be executed in the name of the historical society by the executive director of the historical society. The deed for such conveyance shall be by quitclaim deed.

~~(e)~~(3) No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the executive director of the historical society until the deeds and conveyances have been reviewed and approved by the attorney general. The deed for the conveyance shall provide that on July 1, 2026, in the event that any portion of the above-described real estate is not being used for public recreation purposes, by Audubon of Kansas or if Audubon of Kansas ceases to exist, then all rights, title and interest in such portion of such real estate shall revert to the state historical society. ~~The transfer of all rights, title and interest in the real estate conveyed by this section to Audubon of Kansas shall not include any right for Audubon of Kansas to convey any portion of the above-described real estate.~~

~~(d)~~(4) All costs related to the conveyance *provided in this subsection* shall be paid by the Audubon of Kansas. The conveyance shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(b) On and after the effective date of this act, Audubon of Kansas may convey the real estate described in subsection (a)(1). No conveyance of real estate as authorized by this subsection shall be made by Audubon of Kansas until the deeds and conveyances have been reviewed and approved by the state historical society.

Sec. 2. K.S.A. 75-2731 is hereby repealed.

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

Approved March 27, 2026.

Published in the *Kansas Register* April 2, 2026.

CHAPTER 26

SENATE BILL No. 368
(Amended by Chapter 154)

AN ACT concerning income taxation; relating to Kansas adjusted gross income; enacting the health care sharing ministries tax deduction act; providing a subtraction modification for qualified health care sharing expenses paid by a qualified individual and certain qualified health care shares received by a qualified individual; amending K.S.A. 2025 Supp. 79-32,117 and repealing the existing section.

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

New Section 1. The provisions of sections 1 through 3, and amendments thereto, shall be known and may be cited as the health care sharing ministries tax deduction act.

New Sec. 2. As used in this act:

(a) “Health care sharing ministry” means a nonprofit organization that:

(1) Is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended;

(2) limits such organization’s membership to members who share a common set of ethical or religious beliefs;

(3) acts as a facilitator among members who have financial or medical needs that are qualified in accordance with criteria established by the organization and members who have the present ability to assist with financial or medical needs;

(4) provides for the financial or medical needs of a member through contributions from other members;

(5) provides amounts that members may contribute with no assumption of risk or promise to pay among the members and provides that there is no assumption of risk or promise to pay by the organization to the members;

(6) provides a written statement at least quarterly to all members that specifies:

(A) The total dollar amount of qualified needs submitted to the organization; and

(B) the actual amount published or assigned to members for contributions;

(7) conducts an annual audit that is performed by an independent certified public accountant in accordance with generally accepted accounting principles and is made available to the public by providing a copy upon request or posting on the organization’s website; and

(8) provides a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the organization that reads, in substance:

“Notice: The organization facilitating the sharing of medical expenses is not an insurance company, and neither its guidelines nor its plan of operation is an insurance policy. Whether anyone chooses to assist you with your medical bills will be totally voluntary as no member will be compelled to contribute toward your medical bills. As such, participation in the organization or a subscription to any of its documents should never be considered to be insurance. Regardless of whether you receive any payments for medical expenses or whether this organization continues to operate, you are always personally responsible for the payment of your own medical bills.”

(b) “Qualified health care share received” means an amount that a taxpayer receives as a member of a health care sharing ministry to assist with a medical expense.

(c) “Qualified health care sharing expenses” means the amount paid by a qualified individual for membership in a health care sharing ministry for the individual, or the individual’s spouse or dependent, including amounts paid:

(1) As contributions for the sharing of medical expenses with respect to such ministry; and

(2) for administrative fees of such ministry.

(d) “Qualified individual” means an individual who is:

(1) A resident of Kansas; and

(2) a member of a health care sharing ministry for at least one month during a taxable year for which the individual claims a subtraction modification under this act and K.S.A. 79-32,117(c), and amendments thereto.

New Sec. 3. (a) For all taxable years beginning after December 31, 2026, and for purposes of the Kansas income tax act, a qualified individual taxpayer shall be allowed to subtract from such taxpayer’s federal adjusted gross income an amount equal to the total amount of qualified health care sharing expenses paid by the qualified individual taxpayer during the taxable year as provided in K.S.A. 79-32,117(c), and amendments thereto. The subtraction modification shall only be allowed to the extent that such amounts are not already deducted on the taxpayer’s federal income tax return for such taxable year when determining the taxpayer’s federal adjusted gross income or are not otherwise subtracted or deducted from the taxpayer’s federal adjusted gross income. In no event shall the subtraction modification for each taxable year exceed \$5,000 for an individual or \$10,000 for a married couple filing a joint return.

(b) For all taxable years beginning after December 31, 2026, any qualified health care share received by a qualified individual taxpayer during the taxable year and used for medical expenses shall not be considered taxable income for purposes of the Kansas income tax act. In the event that such qualified health care share received by a qualified individual taxpayer is

treated as income for purposes of federal income taxation and is included in the taxpayer's federal adjusted gross income, the taxpayer shall be allowed to subtract from such taxpayer's federal adjusted gross income an amount equal to the amount of such qualified health care share received and included in the taxpayer's federal adjusted gross income as provided in K.S.A. 79-32,117(c), and amendments thereto. The subtraction modification shall only be allowed to the extent that such amounts are included in the taxpayer's federal adjusted gross income and are not otherwise subtracted or deducted from the taxpayer's federal adjusted gross income.

(c) A qualified individual taxpayer shall claim the subtraction modification on the taxpayer's annual state of Kansas income tax return in the manner prescribed by the department of revenue. The qualified individual taxpayer shall provide to the department of revenue any information or documentation that the department determines is necessary to determine eligibility and calculate the amount of the subtraction modification.

Sec. 4. K.S.A. 2025 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas

income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xv) or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate

mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-4357, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(xxvii) For all taxable years commencing after December 31, 2020, the amount of any interest expense paid or accrued in a previous taxable year but allowed as a deduction pursuant to section 163 of the federal internal revenue code in the current taxable year by reason of the carry-forward of disallowed business interest pursuant to section 163(j) of the federal internal revenue code. For purposes of this paragraph, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable pursuant to section 163 of the federal internal revenue code if the limitation pursuant to section 163(j) of the federal internal revenue code did not exist.

(xxviii) For all taxable years beginning after December 31, 2021, the amount of any contributions to, or earnings from, a first-time home buyer savings account if distributions from the account were not used to pay for expenses or transactions authorized pursuant to K.S.A. 58-4904, and amendments thereto, or were not held for the minimum length of time required pursuant to K.S.A. 58-4904, and amendments thereto. Contributions to, or earnings from, such account shall also include any amount resulting from the account holder not designating a surviving payable on death beneficiary pursuant to K.S.A. 58-4904(e), and amendments thereto.

(xxix) For all taxable years beginning after December 31, 2024, the amount of any contributions to, or earnings from, an adoption savings account if distributions from the account were not used to pay for expenses or transactions authorized pursuant to K.S.A. 2025 Supp. 38-2504, and amendments thereto, or were not held for the minimum length of time required pursuant to K.S.A. 2025 Supp. 38-2504, and amendments thereto. Contributions to, or earnings from, such account shall also include any amount resulting from the account holder not designating a surviving

payable on death beneficiary pursuant to K.S.A. 2025 Supp. 38-2504(e), and amendments thereto.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b(a) and 228c(a) (1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant

to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) (1) For taxable years beginning after December 31, 2021, the amount of any federal credit disallowance under the provisions of 26 U.S.C. § 280C(a).

(2) For taxable years beginning after December 31, 2019, and ending before January 1, 2022, 50% of the amount of the federal employee re-entention credit disallowance under rules similar to the rules of 26 U.S.C. § 280C(a). The taxpayer shall be required to prove that such taxpayer previously filed Kansas income tax returns and paid Kansas income tax on the disallowed amount. Notwithstanding any other provision of law to the contrary, any claim for refund or amended return relating to this subparagraph shall be allowed to be filed on or before April 15, 2025, and no claim for refund or amended return shall be allowed or filed after April 15, 2025.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) The cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program

or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof. For all taxable years beginning after December 31, 2022, contributions made to a qualified tuition program account or a qualified ABLE program account pursuant to this paragraph on and after January 1 but prior to the date required for filing a return pursuant to K.S.A. 79-3221, and amendments thereto, of the successive taxable year may be elected by the taxpayer to apply to the prior taxable year if such election is made at the time of filing the return. No contribution shall be used as a modification pursuant to this paragraph in more than one taxable year.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) (A) For all taxable years beginning after December 31, 2007, and ending before January 1, 2024, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(B) For all taxable years beginning after December 31, 2023, amounts received as benefits under the federal social security act that are included in federal adjusted gross income of a taxpayer.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1)

Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term "livestock" ~~shall~~ *does* not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(xxv) For all taxable years commencing after December 31, 2020, 100% of global intangible low-taxed income under section 951A of the federal internal revenue code of 1986, before any deductions allowed under section 250(a)(1)(B) of such code.

(xxvi) (1) For all taxable years commencing after December 31, 2020, the amount of any interest expense paid or accrued in the current taxable year and disallowed as a deduction pursuant to section 163(j) of the federal internal revenue code.

(2) For purposes of this paragraph, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable pursuant to section 163 of the federal internal revenue code if the limitation pursuant to section 163(j) of the federal internal revenue code did not exist.

(3) For tax year 2021, an amount equal to the sum of any interest expenses paid or accrued in tax years 2018, 2019 and 2020 less the sum of amounts allowed as a deduction pursuant to section 163 of the federal internal revenue code in tax years 2018, 2019 and 2020.

(xxvii) For taxable years commencing after December 31, 2020, the amount disallowed as a deduction pursuant to section 274 of the federal internal revenue code of 1986 for meal expenditures shall be allowed to the extent such expense was deductible for determining federal income tax and was allowed and in effect on December 31, 2017.

(xxviii) For all taxable years beginning after December 31, 2021: (1) The amount contributed to a first-time home buyer savings account pursuant to K.S.A. 58-4903, and amendments thereto, in an amount not to

exceed \$3,000 for an individual or \$6,000 for a married couple filing a joint return; or (2) amounts received as income earned from assets in a first-time home buyer savings account. For all taxable years beginning after December 31, 2022, contributions made to a first-time home buyer savings account pursuant to subparagraph (1) on and after January 1 but prior to the date required for filing a return pursuant to K.S.A. 79-3221, and amendments thereto, of the successive taxable year may be elected by the taxpayer to apply to the prior taxable year if such election is made at the time of filing the return. No contribution shall be used as a modification pursuant to subparagraph (1) in more than one taxable year.

(xxix) For taxable years beginning after December 31, 2017, for an individual taxpayer who carried back federal net operating losses arising in a taxable year beginning after December 31, 2017, and before January 1, 2021, pursuant to section 172(b)(1) of the federal internal revenue code as amended by the coronavirus aid, relief, and economic security act (CARES act), the amount of such federal net operating loss carryback for each applicable year. If the amount of such federal net operating loss carryback exceeds the taxpayer's Kansas adjusted gross income for such taxable year, the amount thereof that exceeds such Kansas adjusted gross income may be carried forward as a subtraction modification in the following taxable year or years until the total amount of such federal net operating loss carryback has been deducted, except that no such unused amount shall be carried forward for deduction as a subtraction modification after the 20th taxable year following the taxable year of the net operating loss. Notwithstanding any other provision of law to the contrary, an extension of time shall be allowed for a claim for refund or amended return for tax years 2018, 2019 or 2020 limited to the application of the provisions of this paragraph and such claim for refund or amended return must be filed on or before April 15, 2025.

(xxx) For all taxable years beginning after December 31, 2024: (1) The amount contributed to an adoption savings account pursuant to K.S.A. 2025 Supp. 38-2503, and amendments thereto, in an amount not to exceed \$6,000 for an individual or \$12,000 for a married couple filing a joint return; or (2) amounts received as income earned from assets in an adoption savings account.

(xxxi) *For all taxable years beginning after December 31, 2026: (1) Amounts of qualified health care sharing expenses paid by a qualified individual taxpayer during the taxable year as provided in section 3, and amendments thereto, to the extent that such amounts are not already deducted on the taxpayer's federal income tax return for such taxable year when determining the taxpayer's federal adjusted gross income or are not otherwise subtracted or deducted from the taxpayer's federal adjusted gross income and in an amount not to exceed \$5,000 for an individual or*

\$10,000 for a married couple filing a joint return; and (2) amounts of qualified health care share received by a qualified individual taxpayer during the taxable year and used for medical expenses as provided in section 3, and amendments thereto, to the extent that such amounts are included in the taxpayer's federal adjusted gross income and are not otherwise subtracted or deducted from the taxpayer's federal adjusted gross income.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 5. K.S.A. 2025 Supp. 79-32,117 is hereby repealed.

Sec. 6. 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 368** was not approved by the Governor on March 26, 2026; was returned by objections and approved on March 27, 2026 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 27, 2026, 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 27th day of March, 2026 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 27

HOUSE BILL No. 2635*

AN ACT concerning healthcare; enacting the pregnancy center autonomy and rights of expression act; providing statutory protection for private, nonprofit pregnancy centers and medical pregnancy centers to provide life-affirming care, support and material resources; creating a private cause of action for violations of the act; creating a right of intervention in legal proceedings challenging the act.

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

Section 1. The provisions of sections 1 through 7, and amendments thereto, shall be known and may be cited as the pregnancy center autonomy and rights of expression act.

Sec. 2. The legislature hereby finds and declares that:

(a) The life-affirming impact of pregnancy centers and medical pregnancy centers on the women, men, children and the communities such centers serve is considerable and growing;

(b) pregnancy centers serve women with integrity and compassion in this state and across the United States;

(c) pregnancy centers provide comprehensive care to women and men facing unexpected pregnancies, including resources to meet the physical, psychological, emotional and spiritual needs of such individuals;

(d) pregnancy centers offer women free, confidential and compassionate services, including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, referrals to community healthcare, adoption referrals and other support services;

(e) many medical pregnancy centers offer ultrasounds and other medical services;

(f) pregnancy centers encourage women to make positive life choices by equipping such women with complete and accurate information regarding pregnancy options and the development of unborn children; and

(g) pregnancy centers provide important support and resources for women who choose childbirth over abortion.

Sec. 3. As used in sections 1 through 7, and amendments thereto:

(a) “Abortion” means the same as defined in K.S.A. 65-6701, and amendments thereto.

(b) (1) “Abortion-inducing drug” means any medicine, drug or any other substance prescribed or dispensed with the intent of inducing an abortion. “Abortion-inducing drug” includes the off-label use of drugs known to have abortion-inducing properties that are prescribed specifically with the intent of causing an abortion.

(2) “Abortion-inducing drug” does not include any drug that may be known to cause an abortion but is prescribed for other medical indications.

(c) “Medical pregnancy center” means a private, nonprofit organization that does not perform abortions, provide abortion-inducing drugs or make referrals for abortions or abortion-inducing drugs and that:

(1) Promotes childbirth and alternatives to abortion;

(2) provides medical testing, medical counseling and medical care and treatment related to pregnancy; and

(3) may provide resources, counseling, classes, referrals or information related to pregnancy, childbearing, adoption and parenting to women, children and families.

(d) “Pregnancy center” means a private nonprofit organization that does not perform abortions, provide abortion-inducing drugs or make referrals for abortions or abortion-inducing drugs and that promotes childbirth and alternatives to abortion and provides women, children and families with resources, counseling, classes, referrals or information related to pregnancy, childbearing, adoption and parenting.

Sec. 4. No state agency, department, division, bureau, institution or subdivision thereof, or any county, city or other political subdivision of this state shall enact or adopt any law, ordinance, resolution, rule and regulation, policy, procedure or any other similar measure that:

(a) Requires a pregnancy center or medical pregnancy center to offer or perform abortions;

(b) requires a pregnancy center or medical pregnancy center to offer, provide or distribute abortion-inducing drugs;

(c) requires a pregnancy center or medical pregnancy center to make a referral for an abortion or an abortion-inducing drug;

(d) requires a pregnancy center or medical pregnancy center to counsel in favor of abortion or abortion-inducing drugs;

(e) requires a pregnancy center or medical pregnancy center to post any advertisement, sign, flyer or similar material that promotes abortion or abortion-inducing drugs or provides any information about obtaining an abortion or abortion-inducing drugs;

(f) prohibits a pregnancy center or medical pregnancy center from providing information, care, counseling, classes or other services related to pregnancy, childbirth or parenting because the pregnancy center or medical pregnancy center does not perform, refer or counsel in favor of abortion or abortion-inducing drugs;

(g) prohibits a pregnancy center or medical pregnancy center from providing prenatal and postnatal resources, including diapers, baby clothes, baby furniture, formula and similar items because the pregnancy center or medical pregnancy center does not perform, refer or counsel in favor of abortion or abortion-inducing drugs;

(h) prohibits a medical pregnancy center from providing medical testing, medical counseling and medical care or treatment related to pregnancy or childbirth because the medical pregnancy center does not perform, refer or counsel in favor of abortion or abortion-inducing drugs;

(i) prohibits a medical pregnancy center from counseling a woman on any pregnancy-related care or treatment; and

(j) interferes with staffing or hiring decisions of a pregnancy center or medical pregnancy center by requiring such center to interview, hire or continue to employ any person who does not affirm the center's mission statement or agree to comply with the center's pro-life ethic and operating procedures.

Sec. 5. A pregnancy center, medical pregnancy center or any party aggrieved by any violation of section 4, and amendments thereto, may commence a civil action for damages, declaratory relief, injunctive relief or any other appropriate relief. The prevailing party in any such action may be awarded the costs of the action and reasonable attorney fees.

Sec. 6. The legislature may, by concurrent resolution, appoint one or more members of the legislature to intervene as a matter of right in any legal proceeding in which the constitutionality or enforceability of this act is challenged. Such appointment shall remain effective in the event such person ceases to be a member of the legislature.

Sec. 7. Sections 1 through 6, and amendments thereto, are declared severable. Any provision of sections 1 through 6, 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 6, and amendments thereto, or the applicability of such provisions to any person or circumstance.

Sec. 8. 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 **HB 2635**, was not approved by the Governor on March 27, 2026. The bill was approved on March 27, 2026 by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the Governor; was reconsidered by the Senate and approved on March 27, 2026 by two-thirds of the members elected to the Senate notwithstanding the objections, and the bill did pass and shall become law.

This certificate is made this 27th day of March 2026, by the President of the Senate and Secretary of the Senate and the Speaker of the House and Chief Clerk of the House.

Ty Masterson
President of the Senate

Corey Carnahan
Secretary of the Senate

Daniel R. Hawkins
Speaker of the House of Representatives

Susan W. Kannarr
Chief Clerk of the House of Representatives

CHAPTER 28

HOUSE BILL No. 2511

AN ACT concerning wildlife and parks; relating to the disposition of certain moneys received from agricultural production on state-owned property; permitting the use of such moneys received to be used for the management of all state-owned properties; amending K.S.A. 2025 Supp. 32-809 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 32-809 is hereby amended to read as follows: 32-809. (a) Unless otherwise provided by law, all moneys received from agricultural production on state-owned property under the control and jurisdiction of the secretary of wildlife and parks shall be remitted in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit it to the state agricultural production fund, which is hereby created in the state treasury.

(b) The Kansas department of wildlife and parks shall establish separate accounts of the state agricultural production fund for each state-owned property under the control and jurisdiction of the secretary of wildlife and parks. Such accounts shall be used for *habitat management* costs and expenses associated with *the* management ~~practices as determined for each property~~ of all state-owned properties.

(c) All expenditures from the state agricultural production 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 wildlife and parks.

Sec. 2. K.S.A. 2025 Supp. 32-809 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 3, 2026.

CHAPTER 29

HOUSE BILL No. 2519

AN ACT concerning the Kansas open records act (KORA); relating to public records; continuing in existence certain exceptions to the disclosure thereof; amending K.S.A. 8-2,158, 40-221b and 41-353 and K.S.A. 2025 Supp. 22a-243, 45-229 and 75-782 and repealing the existing sections.

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

Section 1. K.S.A. 8-2,158 is hereby amended to read as follows: 8-2,158. (a) Not later than July 1, 2022, the division of vehicles shall maintain in its files a record of the name, address and telephone number of each individual that the holder of a valid driver's license, instruction permit or non-driver's identification card, as provided in K.S.A. 8-1324, and amendments thereto, authorizes to be contacted in the event that the holder is injured or dies in a vehicular accident or another emergency situation.

(b) (1) A record maintained by the division under subsection (a) shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. ~~The provisions of this subsection shall expire on July 1, 2026, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.~~

(2) Upon request, such record may be disclosed only:

(A) To a law enforcement officer, as defined by K.S.A. 74-5602, and amendments thereto, in this or another state; and

(B) for the purpose, as applicable, of making contact with a named individual to report the injury to or death of the holder of the driver's license, instruction permit or non-driver's identification card.

(c) An application for an original, renewal or duplicate driver's license, instruction permit or non-driver's identification card shall:

(1) Be designed to allow, but not require, the applicant to provide the name, address and telephone number of not more than two individuals to be contacted if the applicant is injured or dies in a circumstance described by subsection (a); and

(2) include a statement that describes the confidential nature of the information and states that, by providing the division with the information, the applicant consents to the limited disclosure and use of the information.

(d) The division shall establish and maintain on the division's website forms and procedures that the holder of a driver's license, instruction permit or non-driver's identification card may use to request that the division:

(1) Add specific emergency contact information described in subsection (a) to the appropriate file maintained by the division; or

(2) amend or delete emergency contact information the holder previously provided to the division.

(e) The forms and procedures established and maintained under subsection (d) shall:

(1) Comply with the requirements of subsection (c); and

(2) allow the holder of a driver's license, instruction permit or non-driver's identification card, or an authorized agent of such holder, to add, amend or delete information described by subsection (d) by either:

(A) Submitting an electronic form on the division's website; or

(B) delivering or mailing a paper form to the division.

(f) Subsection (b) shall not prohibit the division from disclosing information to the holder of a driver's license, instruction permit or non-driver's identification card, or such holder's authorized agent, or as otherwise provided in K.S.A. 74-2012, and amendments thereto.

Sec. 2. K.S.A. 2025 Supp. 22a-243 is hereby amended to read as follows: 22a-243. (a) There is hereby established a state child death review board, which shall be composed of:

(1) One member appointed by each of the following officers to represent the officer's agency: The attorney general, the director of the Kansas bureau of investigation, the secretary for children and families, the secretary of health and environment and the commissioner of education;

(2) four members appointed by the state board of healing arts, one of whom shall be a district coroner and three of whom shall be physicians licensed to practice medicine and surgery, one specializing in pathology and two specializing in pediatrics;

(3) one person appointed by the attorney general to represent advocacy groups that focus attention on child abuse awareness and prevention; and

(4) one county or district attorney appointed by the Kansas county and district attorneys association.

(b) The chairperson of the state review board shall be the member appointed by the attorney general to represent the office of the attorney general.

(c) The state child death review board shall be within the office of the attorney general as a part thereof. All budgeting, purchasing and related management functions of the board shall be administered under the direction and supervision of the attorney general. All vouchers for expenditures and all payrolls of the board shall be approved by the chairperson of the board and by the attorney general. The state review board shall establish and maintain an office in Topeka.

(d) The state review board shall meet at least annually to review all reports submitted to the board. The chairperson of the state review board may call a special meeting of the board at any time to review any report of a child death.

(e) When informed of a child death, the state review board shall review all child deaths of:

(1) Kansas residents who are less than 18 years of age, regardless of where such death occurred; and

(2) non-Kansas residents who are less than 18 years of age if such death occurred in Kansas.

(f) Within the limits of appropriations therefor, the state review board shall appoint an executive director who shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the state review board.

(g) Within the limits of appropriations therefor, the state review board may employ other persons who shall be in the classified service of the Kansas civil service act.

(h) Members of the state review board may receive compensation, subsistence allowances, mileage and expenses as provided by K.S.A. 75-3223, and amendments thereto, for attending meetings or subcommittee meetings of the board. Compensation, subsistence allowances, mileage and expenses shall be approved by the chairperson of the state review board and the attorney general.

(i) The state review board shall develop a protocol to be used by the state review board. The protocol shall include written guidelines for coroners to use in identifying any suspicious deaths, procedures to be used by the board in investigating child deaths, methods to ensure coordination and cooperation among all agencies involved in child deaths and procedures for facilitating prosecution of perpetrators when it appears the cause of a child's death was from abuse or neglect. The protocol shall be adopted by the state review board by rules and regulations.

(j) The state review board shall submit an annual report to the governor and the legislature on or before October 1 of each year, commencing October 1993. Such report shall include the findings of the board regarding reports of child deaths, the board's analysis and the board's recommendations for improving child protection, including recommendations for modifying statutes, rules and regulations, policies and procedures.

(k) Information acquired by, and records of, the state review board shall be confidential, shall not be disclosed and shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding, except that the state review board or the board's designee may disclose such information and records to:

(1) Any member of the legislature or a legislative committee that has legislative responsibility of the enabling or appropriating legislation, if such member or committee is carrying out the official functions of such member or committee, and if any such committee recesses into a closed

or executive meeting pursuant to K.S.A. 75-4319(a), and amendments thereto, and has taken appropriate steps to preserve its privacy;

(2) any person or entity contracting with the state review board, if the board has determined that disclosure of such information and records is essential for completion of the contract, and the board has taken appropriate steps to preserve confidentiality;

(3) any person or entity, if the information and records being disclosed are statistics or conclusions of the state review board of the same type included in its annual report pursuant to subsection (j);

(4) any law enforcement agency of the state or any political subdivision thereof, if the state review board determines that the information and records being disclosed were not previously available to such law enforcement agency for the investigation of the cause of the child's death; and:

(A) The board determines that the cause of the child's death was from abuse or neglect; or

(B) the board does not determine that the child's death was from abuse or neglect and has knowledge of a law enforcement investigation based on an official offense report as required in K.S.A. 21-2501a, and amendments thereto, of abuse or neglect involving the death of a child;

(5) any county or district attorney, if the state review board determines that the information and records being disclosed were not previously available to such county or district attorney for the prosecution of any crimes related to the cause of the child's death; and:

(A) The board determines that the cause of the child's death was from abuse or neglect; or

(B) the board does not determine that the child's death was from abuse or neglect and has knowledge of a law enforcement investigation based on an official offense report as required in K.S.A. 21-2501a, and amendments thereto, of abuse or neglect involving the death of a child;

(6) (A) any entity established by a city or county for the express purpose of providing a local review of child deaths if the information and records being disclosed are related to a child's death in an instance when:

(i) Such death occurred in such city or county; or

(ii) such child was a resident of such city or county; *and*

~~(B) the provisions of this paragraph shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions prior to July 1, 2026; and~~

~~(C) the joint committee on child welfare system oversight shall review the provisions of this paragraph pursuant to K.S.A. 46-3901, and amendments thereto;~~

(7) any licensing body as defined by K.S.A. 74-146, and amendments thereto, if:

(A) The information and records being disclosed are related to a disciplinary complaint against a person licensed by such licensing body;

(B) any member of the state review board is under a professional obligation to make a disciplinary complaint against a person licensed by such licensing body; or

(C) a person licensed by such licensing body may have caused or contributed to the child's death;

(8) a governmental agency or an organization that has a federalwide assurance (FWA) for the protection of human subjects in good standing with the United States department of health and human services officer for human research protections, if:

(A) The agency or organization provides documentation that an institutional review board designated in the FWA has reviewed the organization's research proposal;

(B) personally identifiable information is redacted from the disclosure;

(C) the disclosure is only for the purpose of health or education; and

(D) the agency or organization requires all persons granted access to the disclosed information and records to sign a confidentiality agreement prior to receipt of the disclosed information and records;

(9) any person or entity, if the information and records being disclosed are statistics or conclusions of the state review board and provided for the purpose of procuring and maintaining financial grants; and

(10) the governor and legislature, if the information and records being disclosed are statistics or conclusions of the state review board and provided for the purpose of supplementing the state review board's annual report.

(l) The state review board may adopt rules and regulations as necessary to carry out the provisions of K.S.A. 22a-241 through 22a-244, and amendments thereto.

Sec. 3. K.S.A. 40-221b is hereby amended to read as follows: 40-221b. (a) *Purpose*. The actions and information required by this section are declared to be necessary and appropriate in the public interest and for the protection of the ceding insurers in this state.

(b) *Severability*. If any provision of this section, or the application of the provision to any person or circumstance, is held invalid, the remainder of the act, and the application of the provision to persons or circumstances other than those to which it is held invalid, shall not be affected.

(c) *Credit for reinsurance – reinsurer licensed in this state*. Pursuant to K.S.A. 40-221a(a), and amendments thereto, the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that was licensed in this state as of any date on which statutory financial statement credit for reinsurance is claimed.

(d) *Credit for reinsurance – accredited reinsurers.* (1) Pursuant to K.S.A. 40-221a(a)(2), and amendments thereto, the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that is accredited as a reinsurer in this state as of the date on which statutory financial statement credit for reinsurance is claimed. An accredited reinsurer shall:

(A) File a properly executed form ar-1 in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance as evidence of its submission to this state's jurisdiction and to this state's authority to examine its books and records;

(B) file with the commissioner a certified copy of a certificate of authority or other acceptable evidence that it is licensed to transact insurance or reinsurance in at least one state, or, in the case of a United States branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one state;

(C) file annually with the commissioner a copy of its annual statement filed with the insurance department of its state of domicile or, in the case of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, and a copy of its most recent audited financial statement; and

(D) maintain a surplus as regards policyholders in an amount not less than \$20,000,000, or obtain the affirmative approval of the commissioner upon a finding that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers.

(2) If the commissioner determines that the assuming insurer has failed to meet or maintain any of these qualifications, the commissioner may, upon written notice and opportunity for hearing, suspend or revoke the accreditation. Credit shall not be allowed a domestic ceding insurer under this section if the assuming insurer's accreditation has been revoked by the commissioner, or if the reinsurance was ceded while the assuming insurer's accreditation was under suspension by the commissioner.

(e) *Credit for reinsurance – reinsurer domiciled in another state.* (1) Pursuant to K.S.A. 40-221a(a)(3), and amendments thereto, the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that, as of any date on which statutory financial statement credit for reinsurance is claimed:

(A) Is domiciled in or, in the case of a United States branch of an alien assuming insurer, is entered through, a state that employs standards regarding credit for reinsurance substantially similar to those applicable under K.S.A. 40-221a, and amendments thereto, and this section;

(B) maintains a surplus as regards policyholders in an amount not less than \$20,000,000; and

(C) files a properly executed form ar-1, in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance, with the commissioner as evidence of its submission to this state's authority to examine its books and records.

(2) The provisions of this section relating to surplus as regards policyholders shall not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system. As used in this section, "substantially similar" standards means credit for reinsurance standards that the commissioner determines are equal to or exceed the standards of K.S.A. 40-221a, and amendments thereto, and this section.

(f) *Credit for reinsurance – reinsurers maintaining trust funds.* (1) Pursuant to K.S.A. 40-221a(a)(4), and amendments thereto, the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that, as of any date on which statutory financial statement credit for reinsurance is claimed, and thereafter for so long as credit for reinsurance is claimed, maintains a trust fund in an amount prescribed below in a qualified United States financial institution, as defined in K.S.A. 40-221a(c)(2), and amendments thereto, for the payment of the valid claims of its United States-domiciled ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the commissioner substantially the same information as that required to be reported on the national association of insurance commissioners annual statement form by licensed insurers, to enable the commissioner to determine the sufficiency of the trust fund.

(2) The following requirements apply to the following categories of assuming insurer:

(A) The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's liabilities attributable to reinsurance ceded by United States-domiciled insurers and, in addition, the assuming insurer shall maintain a trustee surplus of not less than \$20,000,000, except as provided in subparagraph (B).

(B) At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years, the commissioner with principal regulatory oversight of the trust may authorize a reduction in the required trustee surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an

actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including, when applicable, the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus may not be reduced to an amount less than 30% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.

(C) (i) The trust fund for a group including incorporated and individual unincorporated underwriters shall consist of:

(a) For reinsurance ceded under reinsurance agreements with an inception date, amendment or renewal date on or after January 1, 1993, funds in trust in an amount not less than the respective underwriters' several liabilities attributable to business ceded by United States-domiciled ceding insurers to any underwriter of the group;

(b) for reinsurance ceded under reinsurance agreements with an inception date on or before December 31, 1992, and not amended or renewed after that date, notwithstanding the other provisions of this section, funds in trust in an amount not less than the respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States; and

(c) in addition to these trusts, the group shall maintain a trusteed surplus of which \$100,000,000 shall be held jointly for the benefit of the United States-domiciled ceding insurers of any member of the group for all the years of account.

(ii) The incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of regulation and solvency control by the group's domiciliary regulator as are the unincorporated members. The group shall, within 90 days after its financial statements are due to be filed with the group's domiciliary regulator, provide to the commissioner:

(a) An annual certification by the group's domiciliary regulator of the solvency of each underwriter member of the group; or

(b) if a certification is unavailable, a financial statement, prepared by independent public accountants, of each underwriter member of the group.

(D) (i) The trust fund for a group of incorporated insurers under common administration, whose members possess aggregate policyholders surplus of \$10,000,000,000 as calculated and reported in substantially the same manner as prescribed by the annual statement instructions and accounting practices and procedures manual of the national association of insurance commissioners and that has continuously transacted an insurance business outside the United States for at least three years immediately prior to making application for accreditation, shall:

(a) Consist of funds in trust in an amount not less than the assuming insurers' several liabilities attributable to business ceded by United States-domiciled ceding insurers to any members of the group pursuant to reinsurance contracts issued in the name of such group;

(b) maintain a joint trusteed surplus of which \$100,000,000 shall be held jointly for the benefit of United States-domiciled ceding insurers of any member of the group; and

(c) file a properly executed form ar-1, in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance, as evidence of the submission to this state's authority to examine the books and records of any of its members and shall certify that any member examined will bear the expense of any such examination.

(ii) Within 90 days after the statements are due to be filed with the group's domiciliary regulator, the group shall file with the commissioner an annual certification of each underwriter member's solvency by the member's domiciliary regulators and financial statements, prepared by independent public accountants, of each underwriter member of the group.

(3) (A) Credit for reinsurance shall not be granted unless the form of the trust and any amendments to the trust have been approved by either the commissioner of the state where the trust is domiciled or the commissioner of another state who, pursuant to the terms of the trust instrument, has accepted responsibility for regulatory oversight of the trust. The form of the trust and any trust amendments also shall be filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that:

(i) Contested claims shall be valid and enforceable out of funds in trust to the extent remaining unsatisfied 30 days after entry of the final order of any court of competent jurisdiction in the United States;

(ii) legal title to the assets of the trust shall be vested in the trustee for the benefit of the grantor's United States ceding insurers, their assigns and successors in interest;

(iii) the trust shall be subject to examination as determined by the commissioner;

(iv) the trust shall remain in effect for as long as the assuming insurer, or any member or former member of a group of insurers, shall have outstanding obligations under reinsurance agreements subject to the trust; and

(v) not later than February 28 of each year, the trustee of the trust shall report to the commissioner in writing setting forth the balance in the trust and listing the trust's investments at the preceding year-end, and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the following December 31.

(B) (i) Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by this subsection or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight over the trust or other designated receiver all of the assets of the trust fund.

(ii) The assets shall be distributed by and claims shall be filed with and valued by the commissioner with regulatory oversight over the trust in accordance with the laws of the state in which the trust is domiciled applicable to the liquidation of domestic insurance companies.

(iii) If the commissioner with regulatory oversight over the trust determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States beneficiaries of the trust, the commissioner with regulatory oversight over the trust shall return the assets, or any part thereof, to the trustee for distribution in accordance with the trust agreement.

(iv) The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this provision.

(4) For purposes of this section, the term “liabilities” means the assuming insurer’s gross liabilities attributable to reinsurance ceded by United States-domiciled insurers, excluding liabilities that are otherwise secured by acceptable means, and includes:

(A) For business ceded by domestic insurers authorized to write accident and health and property and casualty insurance:

(i) Losses and allocated loss expenses paid by the ceding insurer, recoverable from the assuming insurer;

(ii) reserves for losses reported and outstanding;

(iii) reserves for losses incurred but not reported;

(iv) reserves for allocated loss expenses; and

(v) unearned premiums.

(B) For business ceded by domestic insurers authorized to write life, health and annuity insurance:

(i) Aggregate reserves for life policies and contracts net of policy loans and net due and deferred premiums;

(ii) aggregate reserves for accident and health policies;

(iii) deposit funds and other liabilities without life or disability contingencies; and

(iv) liabilities for policy and contract claims.

(5) Assets deposited in trusts established pursuant to K.S.A. 40-221a(a), and amendments thereto, and this subsection shall be valued

according to their current fair market value and shall consist only of cash in United States dollars, certificates of deposit issued by a United States financial institution, as defined in K.S.A. 40-221a(c), and amendments thereto, clean, irrevocable, unconditional and “evergreen” letters of credit issued or confirmed by a qualified United States financial institution, as defined in K.S.A. 40-221a(c), and amendments thereto, and investments of the type specified in this subsection, but investments in or issued by an entity controlling, controlled by or under common control with either the grantor or beneficiary of the trust shall not exceed 5% of total investments. Not more than 20% of the total of the investments in the trust may be foreign investments authorized under subparagraph (A)(v), (C), (F)(ii) or (G), and not more than 10% of the total of the investments in the trust may be securities denominated in foreign currencies. For purposes of applying the preceding sentence, a depository receipt denominated in United States dollars and representing rights conferred by a foreign security shall be classified as a foreign investment denominated in a foreign currency. The assets of a trust established to satisfy the requirements of K.S.A. 40-221a(a), and amendments thereto, shall be invested only as follows:

(A) Government obligations that are not in default as to principal or interest, that are valid and legally authorized and that are issued, assumed or guaranteed by:

(i) The United States or by any agency or instrumentality of the United States;

(ii) a state of the United States;

(iii) a territory, possession or other governmental unit of the United States;

(iv) an agency or instrumentality of a governmental unit referred to in clauses (ii) and (iii) if the obligations shall be by law, statutory or otherwise, payable, as to both principal and interest, from taxes levied or by law required to be levied or from adequate special revenues pledged or otherwise appropriated or by law required to be provided for making these payments, but shall not be obligations eligible for investment under this paragraph if payable solely out of special assessments on properties benefited by local improvements; or

(v) the government of any other country that is a member of the organization for economic cooperation and development and whose government obligations are rated “A” or higher, or the equivalent, by a rating agency recognized by the securities valuation office of the national association of insurance commissioners.

(B) Obligations that are issued in the United States, or that are dollar denominated and issued in a non-U.S. market, by a solvent United States institution, other than an insurance company, or that are assumed

or guaranteed by a solvent United States institution, other than an insurance company and that are not in default as to principal or interest if the obligations:

(i) Are rated “A” or higher, or the equivalent, by a securities rating agency recognized by the securities valuation office of the national association of insurance commissioners, or if not so rated, are similar in structure and other material respects to other obligations of the same institution that are so rated;

(ii) are insured by at least one authorized insurer, other than the investing insurer or a parent, subsidiary or affiliate of the investing insurer, licensed to insure obligations in this state and, after considering the insurance, are rated “AAA,” or the equivalent, by a securities rating agency recognized by the securities valuation office of the national association of insurance commissioners; or

(iii) have been designated as class one or class two by the securities valuation office of the national association of insurance commissioners.

(C) Obligations issued, assumed or guaranteed by a solvent non-U.S. institution chartered in a country that is a member of the organization for economic cooperation and development or obligations of United States corporations issued in a non-U.S. currency, provided that in either case the obligations are rated “A” or higher, or the equivalent, by a rating agency recognized by the securities valuation office of the national association of insurance commissioners.

(D) An investment made pursuant to the provisions of subparagraph (A), (B) or (C) shall be subject to the following additional limitations:

(i) An investment in or loan upon the obligations of an institution other than an institution that issues mortgage-related securities shall not exceed 5% of the assets of the trust;

(ii) an investment in any one mortgage-related security shall not exceed 5% of the assets of the trust;

(iii) the aggregate total investment in mortgage-related securities shall not exceed 25% of the assets of the trust; and

(iv) preferred or guaranteed shares issued or guaranteed by a solvent United States institution are permissible investments if all of the institution’s obligations are eligible as investments under subparagraphs (B)(i) and (B)(iii), but shall not exceed 2% of the assets of the trust.

(E) As used in this section:

(i) “Mortgage-related security” means an obligation that is rated “AA” or higher, or the equivalent, by a securities rating agency recognized by the securities valuation office of the national association of insurance commissioners and that either:

(a) Represents ownership of one or more promissory notes or certificates of interest or participation in the notes, including any rights de-

signed to assure servicing of, or the receipt or timeliness of receipt by the holders of the notes, certificates, or participation of amounts payable under, the notes, certificates or participation, that:

(1) Are directly secured by a first lien on a single parcel of real estate, including stock allocated to a dwelling unit in a residential cooperative housing corporation, upon which is located a dwelling or mixed residential and commercial structure, or on a residential manufactured home, as defined in 42 U.S.C. § 5402(6), whether the manufactured home is considered real or personal property under the laws of the state in which it is located; and

(2) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, or similar institution that is supervised and examined by a federal or state housing authority, or by a mortgagee approved by the United States secretary of housing and urban development pursuant to 12 U.S.C. §§ 1709 and 1715b, or, where the notes involve a lien on the manufactured home, by an institution or by a financial institution approved for insurance by the United States secretary of housing and urban development pursuant to 12 U.S.C. § 1703; or

(b) is secured by one or more promissory notes or certificates of deposit or participations in the notes, with or without recourse to the insurer of the notes, and, by its terms, provides for payments of principal in relation to payments, or reasonable projections of payments, or notes meeting the requirements of subclauses (a)(1) and (a)(2);

(ii) “promissory note,” when used in connection with a manufactured home, shall also include a loan, advance or credit sale as evidenced by a retail installment sales contract or other instrument.

(F) *Equity interests.* (i) Investments in common shares or partnership interests of a solvent United States institution are permissible if:

(a) Its obligations and preferred shares, if any, are eligible as investments under this subsection; and

(b) the equity interests of the institution, except an insurance company, are registered on a national securities exchange as provided in the federal securities exchange act of 1934, 15 U.S.C. §§ 78a to 78kk, or otherwise registered pursuant to that act, and if otherwise registered, price quotations for them are furnished through a nationwide automated quotations system approved by the financial industry regulatory authority, or its successor organization. A trust shall not invest in equity interests under this subparagraph an amount exceeding 1% of the assets of the trust even though the equity interests are not so registered and are not issued by an insurance company;

(ii) investments in common shares of a solvent institution organized under the laws of a country that is a member of the organization for economic cooperation and development, if:

(a) All its obligations are rated “A” or higher, or the equivalent, by a rating agency recognized by the securities valuation office of the national association of insurance commissioners; and

(b) the equity interests of the institution are registered on a securities exchange regulated by the government of a country that is a member of the organization for economic cooperation and development;

(iii) an investment in or loan upon any one institution’s outstanding equity interests shall not exceed 1% of the assets of the trust. The cost of an investment in equity interests made pursuant to this subparagraph, when added to the aggregate cost of other investments in equity interests held pursuant to this paragraph, shall not exceed 10% of the assets in the trust.

(G) Obligations issued, assumed or guaranteed by a multinational development bank, provided the obligations are rated “A,” or higher, or the equivalent, by a rating agency recognized by the securities valuation office of the national association of insurance commissioners.

(H) *Investment companies.* (i) Securities of an investment company registered pursuant to the investment company act of 1940, 15 U.S.C. § 80a, are permissible investments if the investment company:

(a) Invests at least 90% of its assets in the types of securities that qualify as an investment under subparagraph (A), (B) or (C) or invests in securities that are determined by the commissioner to be substantively similar to the types of securities set forth in subparagraph (A), (B) or (C); or

(b) invests at least 90% of its assets in the types of equity interests that qualify as an investment under subparagraph (F)(i).

(ii) investments made by a trust in investment companies under this paragraph shall not exceed the following limitations:

(a) An investment in an investment company qualifying under clause (i)(a) shall not exceed 10% of the assets in the trust and the aggregate amount of investment in qualifying investment companies shall not exceed 25% of the assets in the trust; and

(b) investments in an investment company qualifying under clause (i)(b) shall not exceed 5% of the assets in the trust and the aggregate amount of investment in qualifying investment companies shall be included when calculating the permissible aggregate value of equity interests pursuant to subparagraph (F)(i);

(I) *Letters of credit.* (i) In order for a letter of credit to qualify as an asset of the trust, the trustee shall have the right and the obligation pursuant to the deed of trust or some other binding agreement, as duly approved by the commissioner, to immediately draw down the full amount of the letter of credit and hold the proceeds in trust for the beneficiaries of the trust if the letter of credit will otherwise expire without being renewed or replaced; and

(ii) the trust agreement shall provide that the trustee shall be liable for its negligence, willful misconduct or lack of good faith. The failure of the trustee to draw against the letter of credit in circumstances where such draw would be required shall be deemed to be negligence or willful misconduct.

(6) A specific security provided to a ceding insurer by an assuming insurer pursuant to subsection (k) shall be applied, until exhausted, to the payment of liabilities of the assuming insurer to the ceding insurer holding the specific security prior to, and as a condition precedent for, presentation of a claim by the ceding insurer for payment by a trustee of a trust established by the assuming insurer pursuant to this section.

(g) *Credit for reinsurance – certified reinsurers.* (1) Pursuant to K.S.A. 40-221a(a)(5), and amendments thereto, the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that has been certified as a reinsurer in this state at all times for which statutory financial statement credit for reinsurance is claimed under this section. The credit allowed shall be based upon the security held by or on behalf of the ceding insurer in accordance with a rating assigned to the certified reinsurer by the commissioner. The security shall be in a form consistent with the provisions of K.S.A. 40-221a(a)(5) and 40-221a(b), and amendments thereto, and subsection (k), (l) or (m). The amount of security required in order for full credit to be allowed shall correspond with the following requirements:

(A) Ratings	Security Required
Secure - 1	0%
Secure - 2	10%
Secure - 3	20%
Secure - 4	50%
Secure - 5	75%
Secure - 6	100%

(B) Affiliated reinsurance transactions shall receive the same opportunity for reduced security requirements as all other reinsurance transactions.

(C) The commissioner shall require the certified reinsurer to post for the benefit of the ceding insurer or its estate, 100% security upon the entry of an order of rehabilitation, liquidation or conservation against the ceding insurer.

(D) In order to facilitate the prompt payment of claims, a certified reinsurer shall not be required to post security for catastrophe recoverables for a period of one year from the date of the first instance of a liability reserve entry by the ceding company as a result of a loss from a catastrophic occurrence as recognized by the commissioner. The one-year deferral period shall be contingent upon the certified reinsurer continuing to pay

claims in a timely manner. Reinsurance recoverables for only the following lines of business as reported on the national association of insurance commissioners annual financial statement related specifically to the catastrophic occurrence shall be included in the deferral:

- (i) Line 1: Fire.
- (ii) Line 2: Allied lines.
- (iii) Line 3: Farmowners multiple peril.
- (iv) Line 4: Homeowners multiple peril.
- (v) Line 5: Commercial multiple peril.
- (vi) Line 9: Inland marine.
- (vii) Line 12: Earthquake.
- (viii) Line 21: Auto physical damage.

(E) Credit for reinsurance under this section shall apply only to reinsurance contracts entered into or renewed on or after the effective date of the certification of the assuming insurer. Any reinsurance contract entered into prior to the effective date of the certification of the assuming insurer that is subsequently amended after the effective date of the certification of the assuming insurer, or a new reinsurance contract, covering any risk for which collateral was provided previously, shall only be subject to this section with respect to losses incurred and reserves reported from and after the effective date of the amendment or new contract.

(F) Nothing in this section shall prohibit the parties to a reinsurance agreement from agreeing to provisions establishing security requirements that exceed the minimum security requirements established for certified reinsurers under this section.

(2) *Certification procedure.* (A) The commissioner shall post notice on the insurance department's website promptly upon receipt of any application for certification, including instructions on how members of the public may respond to the application. The commissioner shall not take final action on the application until at least 30 days after posting the notice required by this paragraph.

(B) The commissioner shall issue written notice to an assuming insurer that has made application and been approved as a certified reinsurer. Included in such notice shall be the rating assigned the certified reinsurer in accordance with subsection (g)(2)(A). The commissioner shall publish a list of all certified reinsurers and their ratings.

(C) In order to be eligible for certification, the assuming insurer shall meet the following requirements:

- (i) The assuming insurer must be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the commissioner pursuant to subsection (g)(3);
- (ii) the assuming insurer shall maintain capital and surplus, or its equivalent, of no less than \$250,000,000 calculated in accordance with

subsection (g)(2)(D)(viii). This requirement may also be satisfied by an association including incorporated and individual unincorporated underwriters having minimum capital and surplus equivalents, net of liabilities, of at least \$250,000,000 and a central fund containing a balance of at least \$250,000,000;

(iii) the assuming insurer shall maintain financial strength ratings from two or more rating agencies deemed acceptable by the commissioner. These ratings shall be based on interactive communication between the rating agency and the assuming insurer and shall not be based solely on publicly available information. These financial strength ratings shall be one factor used by the commissioner in determining the rating that is assigned to the assuming insurer. Acceptable rating agencies include the following:

- (a) Standard & poor's;
 - (b) Moody's investors service;
 - (c) Fitch ratings;
 - (d) a.m. best company; or
 - (e) any other nationally recognized statistical rating organization; and
- (iv) the certified reinsurer shall comply with any other requirements reasonably imposed by the commissioner.

(D) Each certified reinsurer shall be rated on a legal entity basis, with due consideration being given to the group rating where appropriate, except that an association including incorporated and individual unincorporated underwriters that has been approved to do business as a single certified reinsurer may be evaluated on the basis of its group rating. Factors that may be considered as part of the evaluation process include, but are not limited to, the following:

(i) The certified reinsurer's financial strength rating from an acceptable rating agency. The maximum rating that a certified reinsurer may be assigned shall correspond to its financial strength rating as outlined in the table below. The commissioner shall use the lowest financial strength rating received from an approved rating agency in establishing the maximum rating of a certified reinsurer. A failure to obtain or maintain at least two financial strength ratings from acceptable rating agencies shall result in loss of eligibility for certification;

(ii) the business practices of the certified reinsurer in dealing with its ceding insurers, including its record of compliance with reinsurance contractual terms and obligations;

Ratings	Best	S&P	Moody's	Fitch
Secure - 1	A++	AAA	Aaa	AAA
Secure - 2	A+	AA+, AA* AA-	Aa1, Aa2, Aa3	AA+, AA, AA-

Ratings	Best	S&P	Moody's	Fitch
Secure - 3	A	A+, A	A1, A2	A+, A
Secure - 4	A-	A-	A3	A-
Secure - 5	B++, B+	BBB+, BBB*, BBB-	Baa1, Baa2, Baa3	BBB+, BBB, BBB-
Vulnerable - 6	B, B-, C++, C+*, C, C-, D*, E, F	BB+, BB, BB-, B+, B, B*,*, CCC, CC, C, D, R	Ba1, Ba2, Ba3, B1, B2, B3, Caa, Ca, C	BB+, BB, BB-, B+, B*, B-, CCC+, CC, CCC-, DD

(iii) for certified reinsurers domiciled in the United States, a review of the most recent applicable national association of insurance commissioners annual statement blank, either schedule f, for property and casualty reinsurers, or schedule s, for life and health reinsurers, in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance;

(iv) for certified reinsurers not domiciled in the United States, a review annually of form cr-f, for property and casualty reinsurers, in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance or form cr-s, for life and health reinsurers, in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance;

(v) the reputation of the certified reinsurer for prompt payment of claims under reinsurance agreements, based on an analysis of ceding insurers' schedule f reporting of overdue reinsurance recoverables, including the proportion of obligations that are more than 90 days past due or are in dispute, with specific attention given to obligations payable to companies that are in administrative supervision or receivership;

(vi) regulatory actions against the certified reinsurer;

(vii) the report of the independent auditor on the financial statements of the insurance enterprise, on the basis described in clause (viii);

(viii) for certified reinsurers not domiciled in the United States, audited financial statements, regulatory filings, and actuarial opinion, as filed with the non-U.S. jurisdiction supervisor, with a translation into English. Upon the initial application for certification, the commissioner will consider audited financial statements for the last two years filed with its non-U.S. jurisdiction supervisor;

(ix) the liquidation priority of obligations to a ceding insurer in the certified reinsurer's domiciliary jurisdiction in the context of an insolvency proceeding;

(x) A certified reinsurer's participation in any solvent scheme of arrangement, or similar procedure, that involves United States ceding insurers. The commissioner shall receive prior notice from a certified reinsurer that proposes participation by the certified reinsurer in a solvent scheme of arrangement; and

(xi) any other information deemed relevant by the commissioner.

(E) Based on the analysis conducted under subparagraph (D)(v) of a certified reinsurer's reputation for prompt payment of claims, the commissioner may make appropriate adjustments in the security the certified reinsurer is required to post to protect its liabilities to United States ceding insurers, provided that the commissioner shall, at a minimum, increase the security the certified reinsurer is required to post by one rating level under subparagraph (D)(i) if the commissioner finds that:

(i) More than 15% of the certified reinsurer's ceding insurance clients have overdue reinsurance recoverables on paid losses of 90 days or more that are not in dispute and that exceed \$100,000 for each cedent; or

(ii) the aggregate amount of reinsurance recoverables on paid losses that are not in dispute that are overdue by 90 days or more exceeds \$50,000,000.

(F) The assuming insurer shall submit a properly executed form cr-1 in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance as evidence of its submission to the jurisdiction of this state, appointment of the commissioner as an agent for service of process in this state, and agreement to provide security for 100% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment. The commissioner shall not certify any assuming insurer that is domiciled in a jurisdiction that the commissioner has determined does not adequately and promptly enforce final United States judgments or arbitration awards.

(G) The certified reinsurer shall agree to meet applicable information filing requirements as determined by the commissioner, both with respect to an initial application for certification and on an ongoing basis. All information submitted by certified reinsurers that is not otherwise public information subject to disclosure shall be exempted from disclosure under the open records act, K.S.A. 45-215, et seq., and amendments thereto, and shall be withheld from public disclosure. ~~The provisions of this subparagraph providing for the confidentiality of public records shall expire on July 1, 2026, unless the legislature reviews and continues such provisions in accordance with K.S.A. 45-229, and amendments thereto.~~ The applicable information filing requirements are, as follows:

(i) Notification within 10 days of any regulatory actions taken against the certified reinsurer, any change in the provisions of its domiciliary li-

cense or any change in rating by an approved rating agency, including a statement describing such changes and the reasons therefor;

(ii) annually, form cr-f or cr-s, in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance as applicable;

(iii) annually, the report of the independent auditor on the financial statements of the insurance enterprise, on the basis described in clause (iv);

(iv) annually, the most recent audited financial statements, regulatory filings and actuarial opinion, as filed with the certified reinsurer's supervisor, with a translation into English. Upon the initial certification, audited financial statements for the last two years filed with the certified reinsurer's supervisor;

(v) at least annually, an updated list of all disputed and overdue reinsurance claims regarding reinsurance assumed from United States domestic ceding insurers;

(vi) a certification from the certified reinsurer's domestic regulator that the certified reinsurer is in good standing and maintains capital in excess of the jurisdiction's highest regulatory action level; and

(vii) any other information that the commissioner may reasonably require.

(H) *Change in rating or revocation of certification.* (i) In the case of a downgrade by a rating agency or other disqualifying circumstance, the commissioner upon written notice shall assign a new rating to the certified reinsurer in accordance with the requirements of subsection (g)(2)(D)(i).

(ii) The commissioner shall have the authority to suspend, revoke or otherwise modify a certified reinsurer's certification at any time if the certified reinsurer fails to meet its obligations or security requirements under this section, or if other financial or operating results of the certified reinsurer, or documented significant delays in payment by the certified reinsurer lead the commissioner to reconsider the certified reinsurer's ability or willingness to meet its contractual obligations.

(iii) If the rating of a certified reinsurer is upgraded by the commissioner, the certified reinsurer may meet the security requirements applicable to its new rating on a prospective basis, but the commissioner shall require the certified reinsurer to post security under the previously applicable security requirements as to all contracts in force on or before the effective date of the upgraded rating. If the rating of a certified reinsurer is downgraded by the commissioner, the commissioner shall require the certified reinsurer to meet the security requirements applicable to its new rating for all business it has assumed as a certified reinsurer.

(iv) Upon revocation of the certification of a certified reinsurer by the commissioner, the assuming insurer shall be required to post security in

accordance with subsection (k) in order for the ceding insurer to continue to take credit for reinsurance ceded to the assuming insurer. If funds continue to be held in trust in accordance with subsection (f), the commissioner may allow additional credit equal to the ceding insurer's pro rata share of such funds, discounted to reflect the risk of uncollectibility and anticipated expenses of trust administration. Notwithstanding the change of a certified reinsurer's rating or revocation of its certification, a domestic insurer that has ceded reinsurance to that certified reinsurer may not be denied credit for reinsurance for a period of three months for all reinsurance ceded to that certified reinsurer, unless the reinsurance is found by the commissioner to be at high risk of uncollectibility.

(3) *Qualified jurisdictions.* (A) If, upon conducting an evaluation under this section with respect to the reinsurance supervisory system of any non-U.S. assuming insurer, the commissioner determines that the jurisdiction qualifies to be recognized as a qualified jurisdiction, the commissioner shall publish notice and evidence of such recognition in an appropriate manner. The commissioner may establish a procedure to withdraw recognition of those jurisdictions that are no longer qualified.

(B) In order to determine whether the domiciliary jurisdiction of a non-U.S. assuming insurer is eligible to be recognized as a qualified jurisdiction, the commissioner shall evaluate the reinsurance supervisory system of the non-U.S. jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits and the extent of reciprocal recognition afforded by the non-U.S. jurisdiction to reinsurers licensed and domiciled in the United States. The commissioner shall determine the appropriate approach for evaluating the qualifications of such jurisdictions, and create and publish a list of jurisdictions whose reinsurers may be approved by the commissioner as eligible for certification. A qualified jurisdiction shall agree to share information and cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. Additional factors to be considered in determining whether to recognize a qualified jurisdiction, in the discretion of the commissioner, include, but are not limited to, the following:

- (i) The framework under which the assuming insurer is regulated;
- (ii) the structure and authority of the domiciliary regulator with regard to solvency regulation requirements and financial surveillance;
- (iii) the substance of financial and operating standards for assuming insurers in the domiciliary jurisdiction;
- (iv) the form and substance of financial reports required to be filed or made publicly available by reinsurers in the domiciliary jurisdiction and the accounting principles used;
- (v) the domiciliary regulator's willingness to cooperate with United States regulators in general and the commissioner in particular;

(vi) the history of performance by assuming insurers in the domiciliary jurisdiction;

(vii) any documented evidence of substantial problems with the enforcement of final judgments in the domiciliary jurisdiction. A jurisdiction shall not be considered to be a qualified jurisdiction if the commissioner has determined that it does not adequately and promptly enforce final United States judgments or arbitration awards;

(viii) any relevant international standards or guidance with respect to mutual recognition of reinsurance supervision adopted by the international association of insurance supervisors or successor organization; and

(ix) any other matters deemed relevant by the commissioner.

(C) A list of qualified jurisdictions shall be published through the national association of insurance commissioners committee process. The commissioner shall consider this list in determining qualified jurisdictions. If the commissioner approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the commissioner shall provide thoroughly documented justification with respect to the criteria provided under paragraphs (3)(B)(i) through (ix).

(D) United States jurisdictions that meet the requirements for accreditation under the national association of insurance commissioners financial standards and accreditation program shall be recognized as qualified jurisdictions.

(4) *Recognition of certification issued by a national association of insurance commissioners accredited jurisdiction.* (A) If an applicant for certification has been certified as a reinsurer in a national association of insurance commissioners-accredited jurisdiction, the commissioner has the discretion to defer to that jurisdiction's certification and to defer to the rating assigned by that jurisdiction, if the assuming insurer submits a properly executed form cr-1 in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance and such additional information as the commissioner requires. The assuming insurer shall be considered to be a certified reinsurer in this state.

(B) Any change in the certified reinsurer's status or rating in the other jurisdiction shall apply automatically in this state as of the date it takes effect in the other jurisdiction. The certified reinsurer shall notify the commissioner of any change in its status or rating within 10 days after receiving notice of the change.

(C) The commissioner may withdraw recognition of the other jurisdiction's rating at any time and assign a new rating in accordance with subsection (g)(2)(H).

(D) The commissioner may withdraw recognition of the other jurisdiction's certification at any time, with written notice to the certified

reinsurer. Unless the commissioner suspends or revokes the certified reinsurer's certification in accordance with subsection (g)(2)(H), the certified reinsurer's certification shall remain in good standing in this state for a period of three months, and such period shall be extended if additional time is necessary to consider the assuming insurer's application for certification in this state.

(5) *Mandatory funding clause.* In addition to the clauses required under subsection (n) reinsurance contracts entered into or renewed under this section shall include a proper funding clause, that requires the certified reinsurer to provide and maintain security in an amount sufficient to avoid the imposition of any financial statement penalty on the ceding insurer under this section for reinsurance ceded to the certified reinsurer.

(6) The commissioner shall comply with all reporting and notification requirements that may be established by the national association of insurance commissioners with respect to certified reinsurers and qualified jurisdictions.

(h) *Credit for reinsurance – reciprocal jurisdictions.* (1) Pursuant to K.S.A. 40-221a(a)(6), and amendments thereto, the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that is licensed to write reinsurance by, and has its head office or is domiciled in, a reciprocal jurisdiction, and that meets the other requirements of this section.

(2) A "reciprocal jurisdiction" is a jurisdiction, as designated by the commissioner pursuant to subsection (h)(4), that meets one of the following:

(A) A non-U.S. jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European union, is a member state of the European union. For purposes of this subsection, a "covered agreement" is an agreement entered into pursuant to the dodd-frank wall street reform and consumer protection act, 31 U.S.C. §§ 313 and 314, that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance;

(B) a United States jurisdiction that meets the requirements for accreditation under the national association of insurance commissioners financial standards and accreditation program; or

(C) a qualified jurisdiction, as determined by the commissioner pursuant to K.S.A. 40-221a(a)(5)(C), and amendments thereto, and subsection (g)(3), that is not otherwise described in subparagraph (A) or (B) and that the commissioner determines meets all of the following additional requirements:

(i) Provides that an insurer that has its head office or is domiciled in such qualified jurisdiction shall receive credit for reinsurance ceded to a United States-domiciled assuming insurer in the same manner as credit for reinsurance is received for reinsurance assumed by insurers domiciled in such qualified jurisdiction;

(ii) does not require a United States-domiciled assuming insurer to establish or maintain a local presence as a condition for entering into a reinsurance agreement with any ceding insurer subject to regulation by the non-U.S. jurisdiction or as a condition for allowing the ceding insurer to recognize credit for such reinsurance;

(iii) recognizes the United States state regulatory approach to group supervision and group capital, by providing written confirmation by a competent regulatory authority, in such qualified jurisdiction, that insurers and insurance groups that are domiciled or maintain their headquarters in this state or another jurisdiction accredited by the national association of insurance commissioners shall be subject only to worldwide prudential insurance group supervision including worldwide group governance, solvency and capital and reporting, as applicable, by the commissioner or the commissioner of the domiciliary state and shall not be subject to group supervision at the level of the worldwide parent undertaking of the insurance or reinsurance group by the qualified jurisdiction; and

(iv) provides written confirmation by a competent regulatory authority in such qualified jurisdiction that information regarding insurers and their parent, subsidiary or affiliated entities, if applicable, shall be provided to the commissioner in accordance with a memorandum of understanding or similar document between the commissioner and such qualified jurisdiction, including, but not limited to, the international association of insurance supervisors multilateral memorandum of understanding or other multilateral memoranda of understanding coordinated by the national association of insurance commissioners.

(3) Credit shall be allowed when the reinsurance is ceded from an insurer domiciled in this state to an assuming insurer meeting each of the conditions set forth below.

(A) The assuming insurer shall be licensed to transact reinsurance by, and have its head office or be domiciled in, a reciprocal jurisdiction.

(B) The assuming insurer shall have and maintain on an ongoing basis minimum capital and surplus, or its equivalent, calculated on at least an annual basis as of the preceding December 31 or at the annual date otherwise statutorily required to be reported to the reciprocal jurisdiction, and confirmed as set forth in paragraph (3)(G) according to the methodology of its domiciliary jurisdiction, in the following amounts:

(i) Not less than \$250,000,000; or

(ii) if the assuming insurer is an association, including incorporated and individual unincorporated underwriters:

(a) Minimum capital and surplus equivalent, net of liabilities, or own funds of the equivalent of at least \$250,000,000; and

(b) a central fund containing a balance of the equivalent of at least \$250,000,000.

(C) The assuming insurer shall have and maintain on an ongoing basis a minimum solvency or capital ratio, as applicable, as follows:

(i) If the assuming insurer has its head office or is domiciled in a reciprocal jurisdiction, as defined in subsection (h)(2)(A), the ratio specified in the applicable covered agreement;

(ii) if the assuming insurer is domiciled in a reciprocal jurisdiction, as defined in subsection (h)(2)(B), a risk-based capital ratio of 300% of the authorized control level, calculated in accordance with the formula developed by the national association of insurance commissioners; or

(iii) if the assuming insurer is domiciled in a reciprocal jurisdiction, as defined in subsection (h)(2)(C), after consultation with the reciprocal jurisdiction and considering any recommendations published through the national association of insurance commissioners committee process, such solvency or capital ratio as the commissioner determines to be an effective measure of solvency.

(D) The assuming insurer shall agree to and provide adequate assurance, in the form of a properly executed form rj-1 in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance, of its agreement to the following:

(i) The assuming insurer shall agree to provide prompt written notice and explanation to the commissioner if it falls below the minimum requirements set forth in subparagraph (B) or (C) or if any regulatory action is taken against it for serious noncompliance with applicable law; and

(ii) the assuming insurer shall consent in writing to the jurisdiction of the courts of this state and to the appointment of the commissioner as agent for service of process.

(a) The commissioner may also require that such consent be provided and included in each reinsurance agreement under the commissioner's jurisdiction.

(b) Nothing in this provision shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws.

(iii) The assuming insurer shall consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding in-

suror, that have been declared enforceable in the territory where the judgment was obtained.

(iv) Each reinsurance agreement shall include a provision requiring the assuming insurer to provide security in an amount equal to 100% of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its estate, if applicable, assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its estate, if applicable.

(v) The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement that involves this state's ceding insurers and agree to notify the ceding insurer and the commissioner and to provide 100% security to the ceding insurer consistent with the terms of the scheme, if the assuming insurer enters into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of K.S.A. 40-221a(a)(5) and (b), and amendments thereto, and subsections (k), (l) and (m). For purposes of this section, the term "solvent scheme of arrangement" means a foreign or alien statutory or regulatory compromise procedure subject to requisite majority creditor approval and judicial sanction in the assuming insurer's home jurisdiction either to finally commute liabilities of duly noticed classed members or creditors of a solvent debtor, or to reorganize or restructure the debts and obligations of a solvent debtor on a final basis, and that may be subject to judicial recognition and enforcement of the arrangement by a governing authority outside the ceding insurer's home jurisdiction.

(vi) The assuming insurer shall agree in writing to meet the applicable information filing requirements as set forth in subparagraph (E).

(E) The assuming insurer or its legal successor shall provide, if requested by the commissioner, on behalf of itself and any legal predecessors, the following documentation to the commissioner:

(i) For the two years preceding entry into the reinsurance agreement and annually thereafter, the assuming insurer's annual audited financial statements, in accordance with the applicable law of the jurisdiction of its head office or domiciliary jurisdiction, as applicable, including the external audit report;

(ii) for the two years preceding entry into the reinsurance agreement, the solvency and financial condition report or actuarial opinion, if filed with the assuming insurer's supervisor;

(iii) prior to entry into the reinsurance agreement and not more than semi-annually thereafter, an updated list of all disputed and overdue reinsurance claims outstanding for 90 days or more, regarding reinsurance assumed from ceding insurers domiciled in the United States; and

(iv) prior to entry into the reinsurance agreement and not more than semi-annually thereafter, information regarding the assuming insurer's assumed reinsurance by the ceding insurer, ceded reinsurance by the assuming insurer, and reinsurance recoverable on paid and unpaid losses by the assuming insurer to allow for the evaluation of the criteria set forth in subparagraph (F).

(F) The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements. The lack of prompt payment will be evidenced if any of the following criteria is met:

(i) More than 15% of the reinsurance recoverables from the assuming insurer are overdue and in dispute as reported to the commissioner;

(ii) more than 15% of the assuming insurer's ceding insurers or reinsurers have overdue reinsurance recoverable on paid losses of 90 days or more that are not in dispute and that exceed \$100,000 for each ceding insurer, or as otherwise specified in a covered agreement; or

(iii) the aggregate amount of reinsurance recoverable on paid losses that are not in dispute, but are overdue by 90 days or more, exceeds \$50,000,000, or as otherwise specified in a covered agreement.

(G) The assuming insurer's supervisory authority shall confirm to the commissioner on an annual basis that the assuming insurer complies with the requirements set forth in subparagraphs (B) and (C).

(H) Nothing in this provision precludes an assuming insurer from providing the commissioner with information on a voluntary basis.

(4) The commissioner shall timely create and publish a list of reciprocal jurisdictions.

(A) A list of reciprocal jurisdictions is published through the national association of insurance commissioners' committee process. The commissioner's list shall include any reciprocal jurisdiction, as defined under subsections (h)(2)(A) and (B), and shall consider any other reciprocal jurisdiction included on the NAIC list. The commissioner may approve a jurisdiction that does not appear on the national association of insurance commissioners' list of reciprocal jurisdictions as provided by applicable law, regulation, or in accordance with criteria published through the national association of insurance commissioner committee process.

(B) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets one or more of the requirements of a reciprocal jurisdiction, as provided by applicable law, regulation, or in accordance with a process published through the national association of insurance commissioner

committee process, except that the commissioner shall not remove from the list a reciprocal jurisdiction, as defined under subsections (h)(2)(A) and (B). Upon removal of a reciprocal jurisdiction from this list credit for reinsurance ceded to an assuming insurer domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to K.S.A. 40-221a, and amendments thereto, or this section.

(5) The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this section and to which cessions shall be granted credit in accordance with this section.

(A) If a national association of insurance commissioners accredited jurisdiction has determined that the conditions set forth in paragraph (3) have been met, the commissioner has the discretion to defer to that jurisdiction's determination, and add such assuming insurer to the list of assuming insurers to which cessions shall be granted credit in accordance with this subsection. The commissioner may accept financial documentation filed with another national association of insurance commissioners accredited jurisdiction or with the national association of insurance commissioners in satisfaction of the requirements of paragraph (3).

(B) When requesting that the commissioner defer to another national association of insurance commissioners accredited jurisdiction's determination, an assuming insurer shall submit a properly executed form rj-1 in accordance with the instructions and as prescribed and adopted by the national association of insurance commissioners and the commissioner of insurance and additional information as the commissioner may require. A state that has received such a request shall notify other states through the national association of insurance commissioners committee process and provide relevant information with respect to the determination of eligibility.

(6) If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this section, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this section.

(A) While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with subsection (j).

(B) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of subsection (j).

(7) Before denying statement credit or imposing a requirement to post security with respect to subsection (h)(6) or adopting any similar requirement that will have substantially the same regulatory impact as security, the commissioner shall:

(A) Communicate with the ceding insurer, the assuming insurer, and the assuming insurer's supervisory authority that the assuming insurer no longer satisfies one of the conditions listed in paragraph (3);

(B) provide the assuming insurer with 30 days from the initial communication to submit a plan to remedy the defect, and 90 days from the initial communication to remedy the defect, except in exceptional circumstances in which a shorter period is necessary for policyholder and other consumer protection;

(C) after the expiration of 90 days or less, as set out in subparagraph (B), if the commissioner determines that no or insufficient action was taken by the assuming insurer, the commissioner may impose any of the requirements as set out in this subsection; and

(D) provide a written explanation to the assuming insurer of any of the requirements set out in this subsection.

(8) If subject to a legal process of rehabilitation, liquidation or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding liabilities.

(i) *Credit for reinsurance required by law.* Pursuant to K.S.A. 40-221a(a)(7), and amendments thereto, the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of K.S.A. 40-221a(a)(1) through (6), and amendments thereto, but only as to the insurance of risks located in jurisdictions where the reinsurance is required by the applicable law or regulation of that jurisdiction. As used in this section, "jurisdiction" means state, district or territory of the United States and any lawful national government.

(j) Asset or reduction from liability for reinsurance ceded to an unauthorized assuming insurer not meeting the requirements of subsections (c) through (i).

(1) Pursuant to K.S.A. 40-221a(b), and amendments thereto, the commissioner shall allow a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of K.S.A. 40-221a(a), and amendments thereto, in an amount not exceeding the liabilities carried by the ceding insurer. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the exclusive benefit of the ceding insurer, under a reinsurance contract with such assuming insurer as security for

the payment of obligations under the reinsurance contract. The security shall be held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer or, in the case of a trust, held in a qualified United States financial institution, as defined in K.S.A. 40-221a(c)(2), and amendments thereto. This security may be in the form of any of the following:

(A) Cash;

(B) securities listed by the securities valuation office of the national association of insurance commissioners, including those deemed exempt from filing, as defined by the purposes and procedures manual of the securities valuation office and qualifying as admitted assets;

(C) clean, irrevocable, unconditional and “evergreen” letters of credit issued or confirmed by a qualified United States institution, as defined in K.S.A. 40-221a(c), and amendments thereto, effective no later than December 31 of the year for which filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance, or confirmation, shall, notwithstanding the issuing, or confirming, institution’s subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever occurs first; or

(D) any other form of security acceptable to the commissioner.

(2) An admitted asset or a reduction from liability for reinsurance ceded to an unauthorized assuming insurer pursuant to this section shall be allowed only when the requirements of subsection (n) and the applicable portions of subsection (k), (l) or (m) have been satisfied.

(k) Trust agreements qualified under subsection (j).

(l) As used in this subsection:

(A) “Beneficiary” means the entity for whose sole benefit the trust has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver, including conservator, rehabilitator or liquidator.

(B) “Grantor” means the entity that has established a trust for the sole benefit of the beneficiary. When established in conjunction with a reinsurance agreement, the grantor is the unlicensed, unaccredited assuming insurer.

(C) “Obligations” means:

(i) Reinsured losses and allocated loss expenses paid by the ceding company, but not recovered from the assuming insurer;

(ii) reserves for reinsured losses reported and outstanding;

(iii) reserves for reinsured losses incurred but not reported; and

(iv) reserves for allocated reinsured loss expenses and unearned premiums.

(2) *Required conditions.* (A) The trust agreement shall be entered into between the beneficiary, the grantor and a trustee, that shall be a qualified United States financial institution, as defined in K.S.A. 40-221a(c)(2), and amendments thereto.

(B) The trust agreement shall create a trust account into which assets shall be deposited.

(C) All assets in the trust account shall be held by the trustee at the trustee's office in the United States.

(D) The trust agreement shall provide that:

(i) The beneficiary shall have the right to withdraw assets from the trust account at any time, without notice to the grantor, subject only to written notice from the beneficiary to the trustee;

(ii) no other statement or document shall be required to be presented to withdraw assets, except that the beneficiary may be required to acknowledge receipt of withdrawn assets;

(iii) it is not subject to any conditions or qualifications outside of the trust agreement; and

(iv) it shall not contain references to any other agreements or documents except as provided for in subparagraphs (K) and (L).

(E) The trust agreement shall be established for the sole benefit of the beneficiary.

(F) The trust agreement shall require the trustee to:

(i) Receive assets and hold all assets in a safe place;

(ii) determine that all assets are in such form that the beneficiary, or the trustee upon direction by the beneficiary, may whenever necessary negotiate any such assets, without consent or signature from the grantor or any other person or entity;

(iii) furnish to the grantor and the beneficiary a statement of all assets in the trust account upon its inception and at intervals no less frequent than the end of each calendar quarter;

(iv) notify the grantor and the beneficiary within 10 days, of any deposits to or withdrawals from the trust account;

(v) upon written demand of the beneficiary, immediately take any and all steps necessary to transfer absolutely and unequivocally all right, title and interest in the assets held in the trust account to the beneficiary and deliver physical custody of the assets to the beneficiary; and

(vi) allow no substitutions or withdrawals of assets from the trust account, except on written instructions from the beneficiary, except that the trustee may, without the consent of but with notice to the beneficiary, upon call or maturity of any trust asset, withdraw such asset upon condition that the proceeds are paid into the trust account.

(G) The trust agreement shall provide that at least 30 days, but not more than 45 days, prior to termination of the trust account, written notification of termination shall be delivered by the trustee to the beneficiary.

(H) The trust agreement shall be made subject to, and governed by, the laws of the state in which the trust is domiciled.

(I) The trust agreement shall prohibit invasion of the trust corpus for the purpose of paying a commission to, or reimbursing the expenses of, the trustee. In order for a letter of credit to qualify as an asset of the trust, the trustee shall have the right and the obligation pursuant to the deed of trust or some other binding agreement, as duly approved by the commissioner, to immediately draw down the full amount of the letter of credit and hold the proceeds in trust for the beneficiaries of the trust if the letter of credit will otherwise expire without being renewed or replaced.

(J) The trust agreement shall provide that the trustee shall be liable for its negligence, willful misconduct or lack of good faith. The failure of the trustee to draw against the letter of credit in circumstances where such draw would be required shall be deemed to be negligence or willful misconduct.

(K) Notwithstanding other provisions of this section, when a trust agreement is established in conjunction with a reinsurance agreement covering risks other than life, annuities and accident and health, where it is customary practice to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes:

(i) To pay or reimburse the ceding insurer for the assuming insurer's share under the specific reinsurance agreement regarding any losses and allocated loss expenses paid by the ceding insurer, but not recovered from the assuming insurer, or for unearned premiums due to the ceding insurer if not otherwise paid by the assuming insurer;

(ii) to make payment to the assuming insurer of any amounts held in the trust account that exceed 102% of the actual amount required to fund the assuming insurer's obligations under the specific reinsurance agreement; or

(iii) where the ceding insurer has received notification of termination of the trust account and where the assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged 10 days prior to the termination date, to withdraw amounts equal to the obligations and deposit those amounts in a separate account, in the name of the ceding insurer in any qualified United States financial institution, as defined in K.S.A. 40-221a(c)(2), and amendments thereto,

apart from its general assets, in trust for such uses and purposes specified in clauses (i) and (ii) as may remain executory after such withdrawal and for any period after the termination date.

(L) Notwithstanding other provisions of this subsection, when a trust agreement is established to meet the requirements of subsection (j) in conjunction with a reinsurance agreement covering life, annuities or accident and health risks, where it is customary to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes:

(i) To pay or reimburse the ceding insurer for:

(a) The assuming insurer's share under the specific reinsurance agreement of premiums returned, but not yet recovered from the assuming insurer, to the owners of policies reinsured under the reinsurance agreement on account of cancellations of the policies; and

(b) the assuming insurer's share under the specific reinsurance agreement of surrenders and benefits or losses paid by the ceding insurer, but not yet recovered from the assuming insurer, under the terms and provisions of the policies reinsured under the reinsurance agreement;

(ii) to pay to the assuming insurer amounts held in the trust account in excess of the amount necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer; or

(iii) where the ceding insurer has received notification of termination of the trust and where the assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged 10 days prior to the termination date, to withdraw amounts equal to the assuming insurer's share of liabilities, to the extent that the liabilities have not yet been funded by the assuming insurer, and deposit those amounts in a separate account, in the name of the ceding insurer in any qualified United States financial institution apart from its general assets, in trust for the uses and purposes specified in clauses (i) and (ii) as may remain executory after withdrawal and for any period after the termination date.

(M) Either the reinsurance agreement or the trust agreement shall stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash in United States dollars, certificates of deposit issued by a United States bank and payable in United States dollars, and investments permitted by the insurance code or any combination of the above, provided investments in or issued by an entity controlling, controlled by or under common control with either the grantor or the beneficiary of the trust shall not exceed 5% of total investments. The agreement may further specify the

types of investments to be deposited. If the reinsurance agreement covers life, annuities or accident and health risks, then the provisions required by this paragraph shall be included in the reinsurance agreement.

(3) *Permitted conditions.* (A) The trust agreement may provide that the trustee may resign upon delivery of a written notice of resignation, effective not less than 90 days after the beneficiary and grantor receive the notice and that the trustee may be removed by the grantor by delivery to the trustee and the beneficiary of a written notice of removal, effective not less than 90 days after the trustee and the beneficiary receive the notice, provided that no such resignation or removal shall be effective until a successor trustee has been duly appointed and approved by the beneficiary and the grantor and all assets in the trust have been duly transferred to the new trustee.

(B) The grantor may have the full and unqualified right to vote any shares of stock in the trust account and to receive from time to time payments of any dividends or interest upon any shares of stock or obligations included in the trust account. Any interest or dividends shall be either forwarded promptly upon receipt to the grantor or deposited in a separate account established in the grantor's name.

(C) The trustee may be given authority to invest, and accept substitutions of, any funds in the account, provided that no investment or substitution shall be made without prior approval of the beneficiary, unless the trust agreement specifies categories of investments acceptable to the beneficiary and authorizes the trustee to invest funds and to accept substitutions that the trustee determines are at least equal in current fair market value to the assets withdrawn and that are consistent with the restrictions in paragraph (4)(A)(ii).

(D) The trust agreement may provide that the beneficiary may at any time designate a party to which all or part of the trust assets are to be transferred. Transfer may be conditioned upon the trustee receiving, prior to or simultaneously, other specified assets.

(E) The trust agreement may provide that, upon termination of the trust account, all assets not previously withdrawn by the beneficiary shall, with written approval by the beneficiary, be delivered over to the grantor.

(4) *Additional conditions applicable to reinsurance agreements.* (A) A reinsurance agreement may contain provisions that:

(i) Require the assuming insurer to enter into a trust agreement and to establish a trust account for the benefit of the ceding insurer, and specifying what the agreement is to cover;

(ii) require the assuming insurer, prior to depositing assets with the trustee, to execute assignments or endorsements in blank, or to transfer legal title to the trustee of all shares, obligations or any other assets requiring assignments, in order that the ceding insurer, or the trustee upon

the direction of the ceding insurer, may whenever necessary negotiate these assets without consent or signature from the assuming insurer or any other entity;

(iii) require that all settlements of account between the ceding insurer and the assuming insurer be made in cash or its equivalent; and

(iv) stipulate that the assuming insurer and the ceding insurer agree that the assets in the trust account, established pursuant to the provisions of the reinsurance agreement, may be withdrawn by the ceding insurer at any time, notwithstanding any other provisions in the reinsurance agreement, and shall be utilized and applied by the ceding insurer or its successors in interest by operation of law, including without limitation any liquidator, rehabilitator, receiver or conservator of such company, without diminution because of insolvency on the part of the ceding insurer or the assuming insurer, only for the following purposes:

(a) To pay or reimburse the ceding insurer for:

(1) The assuming insurer's share under the specific reinsurance agreement of premiums returned, but not yet recovered from the assuming insurer, to the owners of policies reinsured under the reinsurance agreement because of cancellations of such policies;

(2) the assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer pursuant to the provisions of the policies reinsured under the reinsurance agreement; and

(3) any other amounts necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer;

(b) to make payment to the assuming insurer of amounts held in the trust account in excess of the amount necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer.

(B) The reinsurance agreement also may contain provisions that:

(i) Give the assuming insurer the right to seek approval from the ceding insurer, which shall not be unreasonably or arbitrarily withheld, to withdraw from the trust account all or any part of the trust assets and transfer those assets to the assuming insurer, provided:

(a) The assuming insurer shall, at the time of withdrawal, replace the withdrawn assets with other qualified assets having a current fair market value equal to the market value of the assets withdrawn so as to maintain at all times the deposit in the required amount; or

(b) after withdrawal and transfer, the current fair market value of the trust account is no less than 102% of the required amount;

(ii) provide for the return of any amount withdrawn in excess of the actual amounts required for subsection (k)(4)(A)(iv), and for interest payments at a rate not in excess of the prime rate of interest on such amounts;

(iii) permit the award by any arbitration panel or court of competent jurisdiction of:

(a) Interest at a rate different from that provided in subparagraph (ii) of this paragraph;

(b) court or arbitration costs;

(c) attorney's fees; and

(d) any other reasonable expenses.

(5) *Financial reporting.* A trust agreement may be used to reduce any liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with this department in compliance with the provisions of this section when established on or before the date of filing of the financial statement of the ceding insurer. Further, the reduction for the existence of an acceptable trust account may be up to the current fair market value of acceptable assets available to be withdrawn from the trust account at that time, but such reduction shall be no greater than the specific obligations under the reinsurance agreement that the trust account was established to secure.

(6) The failure of any trust agreement to specifically identify the beneficiary, as defined in paragraph (1), shall not be construed to affect any actions or rights that the commissioner may take or possess pursuant to the provisions of the laws of this state.

(1) *Letters of credit qualified under subsection (j)(1).* (1) The letter of credit shall be clean, irrevocable, unconditional and issued or confirmed by a qualified United States financial institution, as defined in K.S.A. 40-221a(c)(1), and amendments thereto. The letter of credit shall contain an issue date and expiration date and shall stipulate that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds and that no other document need be presented. The letter of credit also shall indicate that it is not subject to any condition or qualifications outside of the letter of credit. In addition, the letter of credit itself shall not contain reference to any other agreements, documents or entities, except as provided in subsection (m)(8)(A). As used in this subsection, "beneficiary" means the domestic insurer for whose benefit the letter of credit has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver, including conservator, rehabilitator or liquidator.

(2) The heading of the letter of credit may include a boxed section containing the name of the applicant and other appropriate notations to provide a reference for the letter of credit. The boxed section shall be clearly marked to indicate that such information is for internal identification purposes only.

(3) The letter of credit shall contain a statement to the effect that the obligation of the qualified United States financial institution under

the letter of credit is in no way contingent upon reimbursement with respect thereto.

(4) The term of the letter of credit shall be for at least one year and shall contain an “evergreen clause” that prevents the expiration of the letter of credit without due notice from the issuer. The “evergreen clause” shall provide for a period of no less than 30 days notice prior to expiration date or nonrenewal.

(5) The letter of credit shall state whether it is subject to and governed by the laws of this state or the uniform customs and practice for documentary credits of the international chamber of commerce publication 600, UCP 600, or international standby practices of the international chamber of commerce publication 590, ISP98, or any successor publication, and all drafts drawn thereunder shall be presentable at an office in the United States of a qualified United States financial institution.

(6) If the letter of credit is made subject to the uniform customs and practice for documentary credits of the international chamber of commerce publication 600, UCP 600, or international standby practices of the international chamber of commerce publication 590, ISP98, or any successor publication, then the letter of credit shall specifically address and provide for an extension of time to draw against the letter of credit in the event that one or more of the occurrences specified in article 36 of publication 600 or any other successor publication, occur.

(7) If the letter of credit is issued by a financial institution authorized to issue letters of credit, other than a qualified United States financial institution as described in subsection (m)(1), then the following additional requirements shall be met:

(A) The issuing financial institution shall formally designate the confirming qualified United States financial institution as its agent for the receipt and payment of the drafts; and

(B) the “evergreen clause” shall provide for 30 days’ notice prior to the expiration date for nonrenewal.

(8) *Reinsurance agreement provisions.* (A) The reinsurance agreement in conjunction with which the letter of credit is obtained may contain provisions that:

(i) Require the assuming insurer to provide letters of credit to the ceding insurer and specify what they are to cover;

(ii) stipulate that the assuming insurer and ceding insurer agree that the letter of credit provided by the assuming insurer pursuant to the provisions of the reinsurance agreement may be drawn upon at any time, notwithstanding any other provisions in the agreement, and shall be utilized by the ceding insurer or its successors in interest only for one or more of the following reasons:

(a) To pay or reimburse the ceding insurer for:

(1) The assuming insurer's share under the specific reinsurance agreement of premiums returned, but not yet recovered from the assuming insurers, to the owners of policies reinsured under the reinsurance agreement on account of cancellations of such policies;

(2) the assuming insurer's share, under the specific reinsurance agreement, of surrenders and benefits or losses paid by the ceding insurer, but not yet recovered from the assuming insurers, under the terms and provisions of the policies reinsured under the reinsurance agreement; and

(3) any other amounts necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer;

(b) where the letter of credit will expire without renewal or be reduced or replaced by a letter of credit for a reduced amount and where the assuming insurer's entire obligations under the reinsurance agreement remain unliquidated and undischarged 10 days prior to the termination date, to withdraw amounts equal to the assuming insurer's share of the liabilities, to the extent that the liabilities have not yet been funded by the assuming insurer and exceed the amount of any reduced or replacement letter of credit, and deposit those amounts in a separate account in the name of the ceding insurer in a qualified United States financial institution apart from its general assets, in trust for such uses and purposes specified in paragraph (8)(A)(ii)(a) as may remain after withdrawal and for any period after the termination date; and

(iii) all of the provisions of subparagraph (A) shall be applied without diminution because of insolvency on the part of the ceding insurer or assuming insurer.

(B) Nothing contained in subparagraph (A) shall preclude the ceding insurer and assuming insurer from providing for:

(i) An interest payment, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to paragraph (8)(A)(ii); or

(ii) the return of any amounts drawn down on the letters of credit in excess of the actual amounts required for the above or any amounts that are subsequently determined not to be due.

(m) *Other security.* A ceding insurer may take credit for unencumbered funds withheld by the ceding insurer in the United States subject to withdrawal solely by the ceding insurer and under its exclusive control.

(n) *Reinsurance contract.* Credit will not be granted, nor an asset or reduction from liability allowed, to a ceding insurer for reinsurance effected with assuming insurers meeting the requirements of subsection (c), (d), (e), (f), (g), (h), or (j) or otherwise in compliance with K.S.A. 40-221a(a), and amendments thereto, after the adoption of this section unless the reinsurance agreement:

(1) Includes a proper insolvency clause, that stipulates that reinsur-

ance is payable directly to the liquidator or successor without diminution regardless of the status of the ceding company;

(2) includes a provision pursuant to K.S.A. 40-221a(a), and amendments thereto, whereby the assuming insurer, if an unauthorized assuming insurer, has submitted to the jurisdiction of an alternative dispute resolution panel or court of competent jurisdiction within the United States, has agreed to comply with all requirements necessary to give the court or panel jurisdiction, has designated an agent upon whom service of process may be effected, and has agreed to abide by the final decision of the court or panel; and

(3) includes a proper reinsurance intermediary clause, if applicable, that stipulates that the credit risk for the intermediary is carried by the assuming insurer.

Sec. 4. K.S.A. 41-353 is hereby amended to read as follows: 41-353. (a) Before making or causing any shipment of alcoholic liquor to Kansas residents, a fulfillment house shall pay a \$50 license fee and obtain such license that will be applicable for each location that is involved in the shipping process to Kansas residents. A fulfillment house license shall commence on the date specified on the license and expire two years after such date. The holder of a fulfillment house license may only provide services for the warehousing, packaging and shipping of alcoholic liquors produced by, and belonging to, a special order shipping licensee in accordance with K.S.A. 41-350, and amendments thereto. A fulfillment house licensee shall make reasonable efforts to confirm that any winery that they ship alcoholic liquor for holds a special order shipping license and may rely on the representations of each such winery for such assurance.

(b) As part of a fulfillment house license application, the applicant shall provide any information as required by rules and regulations adopted by the director and contained in the fulfillment house license application form established by the director.

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

(d) (1) A fulfillment house licensee shall ensure all containers of alcoholic liquors shipped directly to an individual in this state are labeled with the name, address and license number of the fulfillment house licensee. All such containers shall contain a conspicuously printed statement of "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

(2) All containers of alcoholic liquors shipped directly to a resident of this state shall be shipped using a common carrier pursuant to K.S.A. 41-725, and amendments thereto.

(e) (1) A fulfillment house licensee shall:

(A) Maintain records of all shipments for a minimum of three years after the shipment date, that shall include the:

(i) Name, address and license number of the special order shipping licensee;

(ii) name and license number of the express company or common carrier;

(iii) date of each shipment;

(iv) carrier tracking number;

(v) name and address of the consignee of such alcoholic liquors; and

(vi) weight of the package and product type of alcoholic liquors shipped.

(B) Submit these records as an electronic report to the director monthly in the form and format prescribed by the director.

(2) Reports submitted pursuant to this subsection shall be open records available for public inspection in accordance with the open records act. Any information relating to the name or address of a consignee of any alcoholic liquors shall be redacted from the reports that are made available for public inspection. ~~The provisions of this paragraph providing for the confidentiality of certain public records shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.~~

(f) A fulfillment house that willfully fails, neglects or refuses to file any report pursuant to subsection (e) shall be subject to a civil penalty of not more than \$100. After notice and an opportunity for hearing in accordance with the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a fulfillment house license upon a finding that the licensee has failed to comply with any provision of this section.

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

(h) The provisions of this section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 5. K.S.A. 2025 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 con-

tinued 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 re-

viewed 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.

(u) 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 2026 legislative session are hereby continued in existence: 8-2,158, 22a-243, 40-221b, 41-353 and 75-782.

Sec. 6. K.S.A. 2025 Supp. 75-782 is hereby amended to read as follows: 75-782. (a) The attorney general shall appoint a Kansas elder and dependent adult abuse multidisciplinary team coordinator and, within the limits of appropriations available therefor, such additional staff as necessary to support the coordinator. The coordinator shall facilitate the convening of an elder and dependent adult abuse multidisciplinary team in each judicial district.

(b)(1) Such teams shall be composed of the following individuals, or their designee:

- (A) The sheriff of each county within the judicial district;
- (B) the county or district attorney of each county within the judicial district;
- (C) the secretary for children and families;
- (D) the secretary for aging and disability services; and
- (E) the state long-term care ombudsman.

- (2) Such teams may also include the following individuals:
 - (A) A representative from any law enforcement agency not included in subsection (b)(1)(A);
 - (B) a medical provider;
 - (C) a legal services provider;
 - (D) a housing provider or representative of elder or dependent adult housing facilities;
 - (E) the district coroner or a medical examiner;
 - (F) a representative of the financial services or banking industry;
 - (G) a representative of the area agencies on aging; or
 - (H) any other individual deemed necessary by the team.
- (c) Such team:
 - (1) Shall coordinate investigations of elder and dependent adult abuse as defined by K.S.A. 21-5417, 39-1401 et seq. and 39-1430 et seq., and amendments thereto; and
 - (2) may identify opportunities within local jurisdictions to improve policies and procedures in the notification and response to abuse, neglect and exploitation of elder or dependent adults, within the limits of local resources.
- (d) Such team shall determine ~~the~~ the manner and frequency of meetings, but shall not meet less than quarterly. The team may create and enter into memorandums of understanding with any governmental agency or private entity deemed necessary by the team.
- (e) All documents, materials or other information obtained by or discussed by the team shall be confidential and privileged and not be subject to the provisions of the Kansas open records act as provided by K.S.A. 45-215 et seq., and amendments thereto. ~~The provisions of this subsection shall expire on July 1, 2026, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.~~
- (f) Meetings conducted pursuant to this section shall not be subject to the provisions of the Kansas open meetings act as provided by K.S.A. 75-4317 et seq., and amendments thereto.
- (g) On or before the first day of each regular session of the legislature, beginning with the 2022 regular session, the attorney general shall submit a report to the legislature on the implementation and use of the teams.

Sec. 7. K.S.A. 8-2,158, 40-221b and 41-353 and K.S.A. 2025 Supp. 22a-243, 45-229 and 75-782 are hereby repealed.

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

CHAPTER 30

HOUSE BILL No. 2761*

AN ACT concerning health professions and practices; relating to speech-language pathology; enacting the speech-language pathology assistant licensure act.

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

Section 1. (a) Sections 1 through 9, and amendments thereto, shall be known and may be cited as the speech-language pathology assistant licensure act and shall be a part of and supplemental to article 65 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) As used in this act:

(1) “Certified speech-language pathology assistant” or “C-SLPA” means an individual who, following academic degree completion and practicum or on-the-job training, completed the application and national organization certification requirements of such organizations as the American speech-language hearing association, performs tasks as prescribed, directed and supervised by a licensed speech-language pathologist who meets the qualifications of a supervising speech-language pathologist.

(2) “Direct supervision” means on-site, in-view observation and guidance by a speech-language pathologist while an assigned clinical activity is being performed by a speech-language pathology assistant. “Direct supervision” includes the supervising speech-language pathologist viewing and communicating with the speech-language pathology assistant through telecommunication technology while the speech-language pathology assistant provides clinical services. “Direct supervision” does not include reviewing an audio or video recorded session after such session occurred.

(3) “Indirect supervision” means activities other than direct observation and guidance conducted by a speech-language pathologist that may include demonstration, record review, review and evaluation of audio or videotaped sessions or interactive television.

(4) “Licensed speech-language pathology assistant” means an individual who meets the minimum qualifications established by this act for licensing as a speech-language pathology assistant, does not act independently and works under the direction and supervision of a speech-language pathologist licensed under this act.

(5) “Secretary” means the secretary of aging and disability services.

(6) “Speech-language pathology” means the same as defined in K.S.A. 65-6501, and amendments thereto.

(7) “Speech para” means a person without the qualifications necessary to be considered a licensed speech-language pathology assistant. A “speech para” may assist with activity preparation, transporting a client or patient from class to the speech therapy room, assisting with teletherapy

technology issues and providing direct services according to a plan developed by a licensed speech-language pathologist.

(8) “Supervising speech-language pathologist” means a speech-language pathologist who holds a current Kansas license or a privilege to practice in the state of Kansas and has two years of full-time professional experience as a speech-language pathologist following successful completion of a post graduate professional experience, such as clinical fellowship experience.

(9) “Telepractice” means the delivery of services using telecommunication and internet technology to remotely connect speech-language pathology assistants to clients for intervention purposes.

Sec. 2. (a) The secretary shall issue the appropriate license as a speech-language pathology assistant to each person who has met the educational and training requirements of this section and such other reasonable qualifications as may be adopted by the secretary in rules and regulations.

(b) A speech-language pathology assistant shall meet the following qualifications for licensure under this act:

(1) (A) Completion of a bachelor’s degree in communication sciences and disorders from an accredited institution;

(B) a bachelor’s degree in another field and 24 hours of core coursework in communication sciences and disorders; or

(C) completion of a speech-language pathology assistant program from a regionally accredited institution that offers an associate’s degree, a technical training program or a certificate program; and

(2) completion of a supervised clinical experience that consists of 100 clock hours of supervised clinical fieldwork with direct client or patient contact or clinical practicum that may be completed through an academic practicum or while on the job under a supervising speech-language pathologist.

(c) An applicant for licensure shall submit an application to the secretary upon the forms prescribed and furnished by the secretary and pay appropriate fees as established by the secretary. All licenses shall expire after two years and may be renewed by submitting an application that show proof of completing the required continuing education and paying a renewal fee to be established by rule and regulation and collected by the secretary. The secretary may issue a license for a period of less than two years for the purpose of administratively adjusting renewals. In such case, the licensee shall be charged a prorated renewal fee based upon the current renewal fee structure.

(d) At least 30 days before the expiration of the license, the secretary shall electronically notify the licensee of the expiration date through the email address on file with the secretary. If the licensee fails to submit an

application and pay the appropriate fee by the date of expiration of the license, the licensee shall be given a second notice stating that such license has expired and such license may only be renewed if the application, renewal fee and late renewal fee are received by the secretary within the 30-day period following the date of expiration and that, if both fees are not received within the 30-day period, such license shall be considered to have lapsed for failure to renew and be reissued only after the applicant has been reinstated under subsection (e). Temporary licenses may be renewed for one consecutive 12-month period upon payment of the renewal fee and documentation of failure to complete requirements for which the temporary license was originally issued.

(e) A licensee who fails to renew as provided in this act may be reinstated upon payment of the renewal fee and the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the secretary. The secretary shall adopt rules and regulations establishing appropriate continuing education requirements for the reinstatement of persons whose licenses have lapsed for failure to renew.

(f) The secretary may grant a license to practice as a speech-language pathology assistant to an applicant licensed to practice in another jurisdiction if:

(1) The secretary receives from the issuing state or states documentation that the licensee is currently in good standing without violations or sanctions pending or in effect;

(2) the applicant meets the current educational and clinical experience requirements of this act or hold a current, unrestricted license to practice as a speech-language pathology assistant in another jurisdiction in the United States;

(3) the applicant meets other qualifications as determined in regulations adopted by the secretary; and

(4) the applicant pays an endorsement and application fee pursuant to rules and regulations of the secretary.

(g) The secretary may issue a temporary speech-language pathology assistant license for a period of 12 months pursuant to rules and regulations of the secretary.

Sec. 3. A speech-language pathology assistant shall satisfactorily complete 12 hours of approved continuing education or 1.2 continuing education units during each two-year licensing period.

(a) Continuing education shall be reported on forms and in the time and manner specified by the secretary.

(b) A licensee shall maintain records of continuing education hours or continuing education units earned for a period of four years, and such records shall be made available to the secretary upon request.

Sec. 4. The secretary shall deny, revoke, suspend or limit the license provided for in this act for any of the following reasons:

- (a) Making a false statement on an application for a license or any other document required by the secretary;
- (b) engaging or attempting to engage, or representing oneself as so entitled, to perform procedures not authorized in the license;
- (c) demonstrating incompetence or making consistent negligent errors in tests or procedures;
- (d) engaging in dishonorable, unethical or unprofessional conduct, as defined by rules and regulations;
- (e) providing professional services while mentally incompetent, under the influence of alcohol or narcotic or controlled substance that is in excess of therapeutic amounts or without valid medical indication;
- (f) violating or aiding and abetting in a violation of any provisions of this act or any of the rules or regulations adopted under this act; or
- (g) having been convicted of a crime found by the secretary to have a direct bearing on whether one should be entrusted to serve the public in the capacity of a speech-language pathology assistant.

Sec. 5. (a) A supervising speech-language pathologist shall:

- (1) Be a speech-language pathologist who holds a current Kansas license or a privilege to practice in the state of Kansas;
- (2) have two years of full-time professional experience as a speech-language pathologist following successful completion of the post graduate professional experience;
- (3) have earned at least two hours of professional development in the area of supervision or clinical instruction following licensure;
- (4) earn at least one hour of professional development in the area of ethics every three years;
- (5) institute a training program for each speech-language pathology assistant that encompasses all of the procedures to be performed. Documentation of such training in formal substance acceptable to the secretary shall be retained in the speech-language pathology assistant's file;
- (6) inform the client or patient about the use of a speech-language pathology assistant;
- (7) provide and document appropriate supervision of the speech-language pathology assistant to the secretary as outlined in the secretary's rules and regulations adopted pursuant to this act;
- (8) assume the legal and ethical responsibilities of the speech-language pathology assistant's day-to-day conduct;
- (9) maintain original documentation for three years;
- (10) not supervise more than two full-time or three part-time speech-language pathology assistants. The combined hours worked by three part-time speech-language pathology assistants shall not exceed

the total hours worked by two full-time speech-language pathology assistants; and

(11) not have a pending or previous disciplinary action or allegation or only possess a provisional or temporary speech-language pathology license.

(b) The amount and type of supervision required for a speech-language pathology assistant shall be consistent with the:

- (1) Speech-language pathology assistant's skills and experience;
- (2) needs of the students, patients and clients;
- (3) service setting;
- (4) tasks assigned; and
- (5) laws and rules and regulations that govern speech-language pathology assistants.

(c)(1) Minimum ongoing supervision of a speech-language pathology assistant shall include:

(A) Documentation of direct supervision provided by the speech-language pathologist for each student, patient or client at least every 60 days;

(B) direct supervision of at least 10% of the speech-language pathology assistant's total client contact time, which may be performed in person or remotely through live video conferencing; and

(C) the supervising speech-language pathologist having discretion over the amount of supervision necessary; and

(2) if there is a change in the supervising speech-language pathologist, the speech-language pathology assistant shall be responsible for notifying the secretary of the new supervisor within seven business days following the change.

Sec. 6. (a) The supervising speech-language pathologist shall accept full and complete responsibility for all services and tasks performed or omitted by the speech-language pathology assistant.

(b) If education, training, supervision and documentation of the speech-language pathology assistant are consistent with the requirements of this act, the supervising speech-language pathologist may designate and direct the following tasks to such speech-language pathology assistant:

(1) Conduct speech-language or hearing screenings without interpretation following specified screening protocols developed by the supervising speech-language pathologist;

(2) provide direct treatment to patients or clients identified by the supervising speech-language pathologist;

(3) follow documented treatment plans or protocols developed by the supervising speech-language pathologist;

(4) document patient or client progress toward meeting established objectives as stated in the treatment plan, assist with data collection for patient or client responses and prepare therapy materials and activities;

- (5) assist the supervising speech-language pathologist during assessment of patients or clients;
- (6) prepare charts, records and graphs and assist with other clerical tasks as directed by the supervising speech-language pathologist;
- (7) perform checks and maintenance of equipment on a regular basis and verify calibration on audiometric equipment at least annually;
- (8) assist the supervising speech-language pathologist in research projects, in-service training and public relations programs;
- (9) share documentation and treatment notes with the supervising speech-language pathologist, who shall review and co-sign such documentation and treatment notes;
- (10) provide caregiver coaching, such as modeling and teaching communication strategies for carryover of skills, as directed by the supervising speech-language pathologist;
- (11) provide teletherapy services as directed by the supervising speech-language pathologist;
- (12) program augmentative and alternative communication devices;
- (13) provide training and technical assistance to students, patients, clients and families in the use of augmentative and alternative communication devices;
- (14) develop low-tech augmentative and alternative communication materials for students, patients and clients;
- (15) collaborate with team members when following HIPAA and FERPA guidelines under the guidance of the supervising speech-language pathologist;
- (16) clearly identify oneself as a speech-language pathology assistant to students, clients, families and others; and
- (17) adjust communication practices and expectations as necessary to effectively serve clients, patients and students.

Sec. 7. A speech-language pathology assistant shall not:

- (a) Perform diagnostic tests of any kind, including formal or informal evaluations, nor interpret test results;
- (b) act as a decision-maker in individualized education program meetings, special education eligibility meetings or any interdisciplinary team meetings in which diagnostic information is interpreted or treatment plans are developed without the presence of the supervising speech-language pathologist or designated speech-language pathologist who meets the qualifications for a supervising speech-language pathologist;
- (c) independently provide diagnostic or assessment results to patients or clients or such patient's or client's parents or guardians;
- (d) write, develop or modify a patient's or client's treatment plan;
- (e) provide services outside of a documented treatment plan that has been prepared by the supervising speech-language pathologist;

- (f) provide services for which the speech-language pathology assistant has not received appropriate or adequate training;
- (g) sign any formal documents without the signature of the supervising speech-language pathologist;
- (h) identify, recommend or discharge patients or clients for services;
- (i) make referrals for additional services without consultation with the supervising speech-language pathologist;
- (j) provide any interpretative information that is contained in reports written by any licensed speech-language pathologist;
- (k) represent oneself to be a speech-language pathologist;
- (l) make advertisements or public announcements of professional services independent of the supervising speech-language pathologist;
- (m) assist in feeding or swallowing therapy without direct supervision from the supervising speech-language pathologist; or
- (n) treat a person who is medically fragile as determined by the supervising speech-language pathologist.

Sec. 8. (a) On and after January 1, 2027, it shall be unlawful for any person to represent oneself in any manner as a speech-language pathology assistant if such person is not licensed under this act as a speech-language pathology assistant or has a license that has been suspended or revoked unless such person is exempted from the provisions of this act.

(b) Violation of any provision of this act is a class C nonperson misdemeanor, and each day in violation of this act shall be considered a separate offense.

Sec. 9. The secretary shall fix by rules and regulations the licensure fee, temporary licensure fee, renewal fee, late renewal fee, reinstatement fee and examination fee, if necessary, under this act. Such fees shall be fixed in an amount to cover the costs of administering the provisions of this act. No fee shall be more than \$200. The secretary shall remit all moneys received from fees, charges or penalties under 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 health occupations credentialing fee fund created by K.S.A. 39-979, and amendments thereto.

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

Approved April 3, 2026.

CHAPTER 31

Senate Substitute for HOUSE BILL No. 2212*

AN ACT concerning extraordinary events; authorizing the governor to issue a proclamation declaring the need for enhanced public safety and security for an extraordinary event; providing the governor with certain authority during an extraordinary event declaration.

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

Section 1. (a) (1) If an extraordinary event is hosted in Kansas or in any county bordering Kansas that causes a significant impact in Kansas, the governor, upon making a finding that such event will attract a significant number of visitors to the state that would burden the ability of local agencies and law enforcement agencies to maintain public safety, transportation services, security or other essential infrastructure without additional resources and coordination, may issue a proclamation declaring the need for enhanced public safety and security for such an extraordinary event.

(2) Such extraordinary event declaration may be valid for up to 15 days and may be extended by the legislative coordinating council for a period not to exceed 90 days. At any time within such period, the legislative coordinating council may terminate the extraordinary event declaration. The legislative coordinating council shall meet to discuss extraordinary event declaration extensions regardless of whether the legislature is in session or not in session.

(b) A proclamation declaring the need for enhanced public safety and security for an extraordinary event shall activate the disaster response and recovery aspects of the state disaster emergency plan and any local and interjurisdictional disaster plans applicable to the areas of the state and any political subdivisions thereof that are affected by the proclamation. Such proclamation shall constitute the authority necessary for the deployment and use of any forces to which the plan or plans apply and the use or distribution of any supplies, equipment, materials or facilities assembled, stockpiled or arranged to be made available for an extraordinary event.

(c) (1) A proclamation declaring the need for enhanced public safety and security for an extraordinary event shall authorize the governor to:

(A) Utilize all available resources of the state government and each political subdivision as reasonably necessary to cope with the extraordinary event;

(B) transfer the supervision, personnel or functions of state departments and agencies or units thereof for the purpose of performing or facilitating public safety and security activities;

(C) require and direct the cooperation and assistance of state and local governmental agencies and officials;

(D) make requests for funding or other aid from the federal emergency management agency; and

(E) make requests to the state finance council for funding from the state emergency fund.

(2) A proclamation declaring the need for public safety and security for an extraordinary event shall not authorize the governor to exercise any power described in K.S.A. 48-925, and amendments thereto, other than the powers described in paragraph (1). If the governor determines that additional emergency powers are necessary, the governor may issue a state of disaster emergency proclamation pursuant to K.S.A. 48-924, and amendments thereto.

(d) As used in this section, “extraordinary event” includes, but is not limited to, the world cup hosted by the international federation of association football, the olympics, the super bowl hosted by the national football league, a national political convention or an event that is similar thereto in scope and size with respect to expected attendance and public safety and security requirements.

(e) This section shall be a part of and supplemental to the Kansas emergency management act.

(f) The provisions of 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 3, 2026.

Published in the *Kansas Register* April 9, 2026.

CHAPTER 32

SENATE BILL No. 55

AN ACT concerning property and casualty insurance; prohibiting the assignment of benefits therefor; defining such assignment of benefits as an unfair method of competition and unfair or deceptive act or practice; amending K.S.A. 2025 Supp. 40-2404 and repealing the existing section.

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

New Section 1. (a) As used in this section:

(1) “Assignment agreement” means any instrument by which post-loss benefits under a residential property insurance policy are assigned, transferred or acquired in any other manner, in whole or in part, to or from a person providing services, including, but not limited to, inspecting, protecting, repairing, restoring or replacing the property or mitigating against further damage to the property.

(2) “Person” means the same as defined in K.S.A. 40-2402, and amendments thereto.

(b) (1) A person shall not solicit or accept an assignment, in whole or in part, of any post-loss insurance benefit under a residential property insurance policy. An assignment agreement shall be considered against public policy and shall be null and void.

(2) The provisions of paragraph (1) shall not apply to:

(A) An assignment, transfer, pledge or conveyance granted to a federally insured financial institution, mortgagee or subsequent purchaser of the property; or

(B) liability coverage under a residential property insurance policy.

(c) Violation of subsection (b) shall be considered an unfair method of competition and unfair or deceptive act or practice.

Sec. 2. K.S.A. 2025 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, in any of the terms or conditions of such contract or in any other manner ~~whatever~~.

(c) Refusing to insure, refusing to continue to insure, 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, 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, charging a different rate for the same coverage, 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)~~ (7)(d)(vi).

(i) 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.

(ii) An insurer 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)~~(iii) 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)~~(iv) 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)~~(v) 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)~~(vi) 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)~~(vii) 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)~~ (7)(d)(vi), shall treat such underwriting or rating as an adverse underwriting decision pursuant to K.S.A. 40-2,112, and amendments thereto.

~~(vii)~~(viii) 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 addi-

tional 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; *or*

(o) *solicitation or acceptance of an assignment, in whole or in part, of any post-loss insurance benefit under a residential property insurance policy pursuant to section 1, and amendments thereto.*

(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.

(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, 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 section, "complaint" means any written

communication primarily expressing a grievance related to the acts and practices set out in this section.

(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.

(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.

(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.

(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. “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 (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 (15)(e) through (15)(i), unless the context otherwise requires:

(i) “Associate” means:

(A) 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;

(B) the spouse or any relative within the second degree by blood or marriage of a producer of title business who is a natural person;

(C) any director, officer or employee of a producer of title business or associate;

(D) any legal entity that controls, is controlled by, or is under common control with a producer of title business or associate ~~and~~; or

(E) any natural person or legal entity with whom a producer of title business or associate has any agreement, arrangement or understanding or pursues any course of conduct, the purpose or effect of which is to evade the provisions of this section.

(ii) “Financial interest” means any direct or indirect interest, legal or beneficial, where the holder thereof is or will be entitled to 1% or more of the net profits or net worth of the entity in which such interest is held. Notwithstanding the foregoing, an interest of less than 1% or any other type of interest shall constitute a “financial interest” if the primary purpose of the acquisition or retention of that interest is the financial benefit to be obtained as a consequence of that interest from the referral of title business.

(iii) “Person” means any natural person, partnership, association, co-operative, corporation, trust or other legal entity.

(iv) “Producer of title business” or “producer” means any person, including any officer, director or owner of 5% or more of the equity or capital or both of any person, engaged in this state in the trade, business, occupation or profession of:

(A) Buying or selling interests in real property;

(B) making loans secured by interests in real property; or

(C) acting as broker, agent, representative or attorney for a person who buys or sells any interest in real property or who lends or borrows money with such interest as security.

(v) “Refer” means to direct or cause to be directed or to exercise any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral.

(f) No title insurer or title agent may accept any order for, issue a title insurance policy to, or provide services to, an applicant if it knows or has reason to believe that the applicant was referred to it by any producer of

title business or by any associate of such producer, where the producer, the associate, or both, have a financial interest in the title insurer or title agent to which business is referred unless the producer has disclosed to the buyer, seller and lender the financial interest of the producer of title business or associate referring the title insurance business.

(g)-(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: (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 (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.

~~(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, 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.

(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. 3. K.S.A. 2025 Supp. 40-2404 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 3, 2026.

CHAPTER 33

SENATE BILL No. 334
(Amended by Chapter 155)

AN ACT concerning nursing workforce development; providing education levels for instructors at nursing schools as a requirement for state approval; amending K.S.A. 65-1119 and repealing the existing section.

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

Section 1. K.S.A. 65-1119 is hereby amended to read as follows: 65-1119. (a) *Application for approval.* An approved school of nursing is one ~~which~~ *that* has been approved as such by the board as meeting the standards of this act, and the rules and regulations of the board. An institution desiring to conduct an approved school of professional or practical nursing shall apply to the board for approval and submit satisfactory proof that ~~it~~ *such school* is prepared to and will maintain the standards and basic professional nursing curriculum or the required curriculum for practical nursing, as the case may be, as prescribed by this act and by the rules and regulations of the board. Applications shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board. The approval of a school of nursing shall not exceed 10 years after the granting of such approval by the board. An institution desiring to continue to conduct an approved school of professional or practical nursing shall apply to the board for the renewal of approval and submit satisfactory proof that ~~it~~ *such school* will maintain the standards and basic professional nursing curriculum or the required curriculum for practical nursing, as the case may be, as prescribed by this act and by the rules and regulations of the board. Applications for renewal of approval shall be made in writing on forms supplied by the board. Each school of nursing shall submit annually to the board an annual fee fixed by the board by rules and regulations to maintain the approval status.

(b) (1) *Schools for professional nurses.* To qualify as an approved school for professional nurses, the school ~~must~~ *shall* be conducted in the state of Kansas, and shall apply to the board and submit evidence that:

(1)(A) ~~It~~ *Such school* is prepared to carry out the professional curriculum as prescribed in the rules and regulations of the board;

(B) *such school's faculty possess a nursing degree awarded by a state or nationally accredited school of nursing approved by the board that is at least one level more advanced than the degree awarded by the program in which they are teaching. Additional or more advanced credentials for faculty shall not be required by the board; and*

(2)~~it~~(C) *such school* is prepared to meet such other standards as shall be established by this law and the rules and regulations of the board.

(2) *The board may grant an exemption to the requirement in subparagraph (B) to a school facing hardships in hiring faculty.*

(c) (1) *Schools for practical nurses.* To qualify as an approved school for practical nurses, the school ~~must~~ *shall* be conducted in the state of Kansas, and shall apply to the board and submit evidence that:

(1) ~~It~~(A) *Such school* is prepared to carry out the curriculum as prescribed in the rules and regulations of the board;

(B) *such school's faculty possess a nursing degree awarded by a state or nationally accredited school of nursing approved by the board that is at least one level more advanced than the degree awarded by the program in which they are teaching. Additional or more advanced credentials for faculty shall not be required by the board; and*

(2) ~~it~~(C) *such school* is prepared to meet such other standards as shall be established by this law and the rules and regulations of the board.

(2) *The board may grant an exemption to the requirement in subparagraph (B) to a school facing hardships in hiring faculty.*

(d) *Survey.* The board shall prepare and maintain a list of approved schools for both professional and practical nurses whose graduates, if they have the other necessary qualifications provided in this act, shall be eligible to apply for a license as a registered professional nurse or as a licensed practical nurse. A survey of the institution or institutions and of the schools applying for approval shall be made by an authorized employee of the board or members of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements as prescribed by the board in its rules and regulations for an approved school for professional nurses or for practical nurses are met, ~~the board~~ *shall* so approve the school as either a school for professional nurses or practical nurses, as the case may be. The board shall resurvey approved schools on a periodic basis as determined by rules and regulations. If the board determines that any approved school of nursing is not maintaining the standards required by this act and by rules and regulations prescribed by the board, notice thereof in writing, specifying the failures of such school, shall be given immediately to the school. A school ~~which~~ *that* fails to correct such conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of nursing until such time as the school ~~shall comply~~ *complies* with the standards. All approved schools shall maintain accurate and current records showing in full the theoretical and practical courses given to each student.

(e) *Providers of continuing nursing education.* (1) To qualify as an approved provider of continuing nursing education offerings, persons, organizations or institutions proposing to provide such continuing nursing education offerings shall apply to the board for approval and submit evidence that the applicant is prepared to meet the standards and re-

quirements established by the rules and regulations of the board for such continuing nursing education offerings. Initial applications shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board.

(2) ~~A~~An “*approved long-term provider*” means a person, organization or institution that is responsible for the development, administration and evaluation of continuing nursing education programs and offerings *and that has been approved as qualified by the board*. Qualification as ~~a~~an *approved long-term approved provider* of continuing nursing education offerings shall expire five years after the granting of such approval by the board. An approved long-term provider of continuing nursing education offerings shall submit annually to the board the annual fee established by rules and regulations, along with an annual report for the previous fiscal year. Applications for renewal as an approved long-term provider of continuing nursing education offerings shall be made in writing on forms supplied by the board.

(3) Qualification as an approved provider of a single continuing nursing education offering, which may be offered once or multiple times, shall expire two years after the granting of such approval by the board. Approved single continuing nursing education providers shall not be subject to an annual fee or annual report.

(4) In accordance with rules and regulations adopted by the board, the board may approve individual educational offerings for continuing nursing education, which shall not be subject to approval under other subsections of this section.

(5) The board shall accept offerings as approved continuing nursing education presented by: colleges that are approved by a state or the national department of education and providers approved by other state boards of nursing, the national league for nursing, the national federation of licensed practical nurses, the American nurses credentialing center or ~~other~~ such *other* national organizations as listed in rules and regulations adopted by the board.

(6) An individual designated by a provider of continuing nursing education offerings as an individual responsible for CNE who has held this position for the provider at least five years immediately prior to January 1, 1997, shall not be required to have a baccalaureate or higher academic degree in order to be designated by such provider as the individual responsible for CNE.

(f) *Criteria for evaluating out-of-state schools*. For the purpose of determining whether an applicant for licensure who is a graduate of a school of professional or practical nursing located outside this state meets the requirements of ~~item (2) of subsection (a) of K.S.A. 65-1115(a)(2) and amendments thereto or the requirements of item (2) of subsection (a) of~~

~~K.S.A. 65-1116(a)(2)~~, and amendments thereto, as appropriate, the board by rules and regulations shall establish criteria for determining whether a particular school of professional nursing located outside this state maintains standards ~~which that~~ are at least equal to schools of professional nursing ~~which that~~ are approved by the board and whether a particular school of practical nursing located outside this state maintains standards ~~which that~~ are at least equal to schools of practical nursing ~~which that~~ are approved by the board. The board may send a questionnaire developed by the board to any school of professional or practical nursing located outside this state for which the board does not have sufficient information to determine whether the school meets the standards established under this subsection ~~(f)~~. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about schools. In entering such contracts the authority to approve schools shall remain solely with the board.

(g) The board may accept nationally accredited schools of nursing as defined in rule and regulation.

(1) Schools of nursing ~~which that~~ have received accreditation from a board recognized national nursing accreditation agency shall file evidence of initial accreditation with the board and shall file all reports from the accrediting agency and any notice of any change in school accreditation status. The board may grant approval based upon evidence of such accreditation.

(2) Schools of nursing holding approval based upon national accreditation ~~are also responsible for complying~~ *shall also comply* with all other requirements as determined by rules and regulations of the board.

(3) The board may grant approval to a school of nursing with national accreditation for a continuing period not to exceed 10 years.

Sec. 2. K.S.A. 65-1119 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 34

SENATE BILL No. 425

AN ACT concerning agriculture; relating to registration fees; increasing the maximum annual registration fee for seed retailers and wholesalers; authorizing a late fee for registrations renewed after the expiration date of such registrations; providing a grace period for late registrations for agricultural seed and live plant dealers; amending K.S.A. 2-1421a and 2-2120 and repealing the existing sections.

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

Section 1. K.S.A. 2-1421a is hereby amended to read as follows: 2-1421a. (a) (1) Each wholesaler shall register with the secretary and shall pay a registration fee not to exceed ~~\$300~~ *\$400*. A wholesaler shall not offer or expose the seed for sale to any person, business, wholesaler, retailer or facility when the wholesaler knows or has reason to know that the buyer or potential buyer is not actively registered with the secretary as provided by this section.

(2) Each retailer shall register with the secretary and shall pay a registration fee not to exceed ~~\$30~~ *\$50*.

(3) Registration shall be required for each place of business at which agricultural seed is sold, offered or exposed for sale by the wholesaler or retailer.

(4) An individual who conducts a wholesaler and retailer business at the same location shall be required to register as both a wholesaler and retailer.

(b) Application for registration as a wholesaler or retailer, or both, shall be made on a form provided by the secretary. Each registration for a wholesaler or retailer shall expire on August 31 following the date of issuance unless such registration is renewed annually. *Each wholesaler or retailer shall pay a late fee of \$25 if a previously obtained registration is renewed on or after September 15 but before October 15 immediately following the date of expiration. If a previously obtained registration is renewed on or after October 15, such late fee shall be \$50.*

(c) As used in this section, "agricultural seed" includes grain when sold as such, or when sold according to grain standards and the seller knows, or has reason to know, that the grain is to be used for seeding or planting purposes.

(d) 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 agricultural seed fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to

vouchers approved by the secretary or a person or persons designated by the secretary.

(e) All moneys credited to the agricultural seed fee fund shall be expended for any purpose consistent with the Kansas seed law.

(f) The secretary may adopt rules and regulations necessary to administer the provisions of this act.

(g) The secretary, after providing notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act, may deny any application or revoke, suspend, modify or refuse to renew any registration issued pursuant to this act if such applicant or the holder of such registration has:

(1) Failed to comply with any provision or requirement of this act or any rule or regulation adopted hereunder;

(2) failed to comply with any laws, rules or regulations of any other state, or the United States, related to the registration of agricultural seed dealers, the testing of seed, the labeling of seed or seed certification; or

(3) had any license, certificate, registration or permit issued by Kansas or any other state, or the United States, related to the registration of agricultural seed dealers, the testing of seed, the labeling of seed or seed certification revoked, suspended or modified.

(h) This section shall be a part of and supplemental to the Kansas seed law, K.S.A. 2-1415 et seq., and amendments thereto.

Sec. 2. K.S.A. 2-2120 is hereby amended to read as follows: 2-2120.

(a) Every live plant dealer, before advertising for sale, selling, offering for sale or delivering any live plants in this state, shall procure from the secretary a live plant dealer's license for each location from which such live plant dealer engages in business as a live plant dealer, except for temporary locations that are registered with the secretary.

(b) Application for such license shall be made on a form furnished by the secretary. The fee for each application shall be fixed by rules and regulations adopted by the secretary, except that such fee shall not exceed \$100, excluding the plant pest emergency fee, authorized pursuant to K.S.A. 2-2129, and amendments thereto.

(c) A live plant dealer who does not export live plants from the state, has annual gross receipts under \$10,000 and has only one location, other than temporary locations, may apply for a reduced license fee. The reduced fee shall not exceed \$50, excluding the plant pest emergency fee. Application for the reduced license fee shall be made on the license application form provided by the secretary.

(d) All live plant dealer licenses shall expire on January 31, following the date of issue. Renewal of a license on or after *the February 15 immediately following* such date of expiration shall result in a \$25 late fee, except that if a license is renewed after the ~~March 1~~ *March 15* immediately

following such date of expiration, such late fee shall be \$50. A live plant dealer license shall not be issued until all fees are paid to the secretary.

(e) Any person who conducts business as a special event live plant dealer shall not be required to obtain a live plant dealer's license but shall register with the secretary in such form and manner as prescribed by the secretary.

(f) A live plant dealer may only engage in the live plant business with live plants that are:

(1) In compliance with all quarantines and regulated nonquarantine pest freedom standards established by the secretary; or

(2) accompanied by a valid certificate of inspection of a federal inspector or inspector of another state stating that such live plants comply with all applicable quarantines and regulated nonquarantine pest freedom standards.

Sec. 3. K.S.A. 2-1421a and 2-2120 are hereby repealed.

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

Approved April 3, 2026.

CHAPTER 35

HOUSE BILL No. 2393
(Amended by Chapters 155 and 157)

AN ACT concerning courts; relating to court fees and costs; authorizing the supreme court to impose a charge to fund the costs of non-judicial personnel through June 30, 2030; amending K.S.A. 8-2107, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-179, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and K.S.A. 2025 Supp. 8-2110, 28-177, 28-178, 32-1049a and 65-409 and repealing the existing sections.

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

Section 1. K.S.A. 8-2107 is hereby amended to read as follows: 8-2107. (a) (1) Notwithstanding any other provisions of the uniform act regulating traffic on highways, when a person is stopped by a police officer for any of the offenses described in subsection (d) and such person is not immediately taken before a judge of the district court, the police officer may require the person stopped, subject to the provisions of subsection (c), to deposit with the officer a valid Kansas driver's license in exchange for a receipt therefor issued by such police officer, the form of which shall be approved by the division of vehicles. Such receipt shall be recognized as a valid temporary Kansas driver's license authorizing the operation of a motor vehicle by the person stopped until the date of the hearing stated on the receipt. The driver's license and a written copy of the notice to appear shall be delivered by the police officer to the court having jurisdiction of the offense charged as soon as reasonably possible. If the hearing on such charge is continued for any reason, the judge may note on the receipt the date to which such hearing has been continued and such receipt shall be recognized as a valid temporary Kansas driver's license until such date, but in no event shall such receipt be recognized as a valid Kansas driver's license for a period longer than 30 days from the date set for the original hearing. Any person who has deposited a driver's license with a police officer under this subsection shall have such license returned upon final determination of the charge against such person.

(2) In the event the person stopped deposits a valid Kansas driver's license with the police officer and fails to appear in the district court on the date set for appearance, or any continuance thereof, and in any event within 30 days from the date set for the original hearing, the court shall forward such person's driver's license to the division of vehicles with an appropriate explanation attached thereto. Upon receipt of such person's driver's license, the division shall suspend such person's privilege to operate a motor vehicle in this state until such person appears before the court having jurisdiction of the offense charged, the court makes a final disposition thereof and notice of such disposition is given by the court to the division. No new or replacement license shall be issued to any such

person until such notice of disposition has been received by the division. The provisions of K.S.A. 8-256, and amendments thereto, limiting the suspension of a license to one year, shall not apply to suspensions for failure to appear as provided in this subsection.

(b) No person shall apply for a replacement or new driver's license prior to the return of such person's original license which has been deposited in lieu of bond under this section. Violation of this subsection is a class C misdemeanor. The division may suspend such person's driver's license for a period of not to exceed one year from the date the division receives notice of the disposition of the person's charge as provided in subsection (a).

(c) (1) In lieu of depositing a valid Kansas driver's license with the stopping police officer as provided in subsection (a), the person stopped may elect to give bond in the amount specified in subsection (d) for the offense for which the person was stopped. When such person does not have a valid Kansas driver's license, such person shall give such bond. Such bond shall be subject to forfeiture if the person stopped does not appear at the court and at the time specified in the written notice provided for in K.S.A. 8-2106, and amendments thereto.

(2) Such bond may be a cash bond, a bank card draft from any valid and unexpired credit card approved by the division of vehicles or superintendent of the Kansas highway patrol or a guaranteed arrest bond certificate issued by either a surety company authorized to transact such business in this state or an automobile club authorized to transact business in this state by the commissioner of insurance. If any of the approved bank card issuers redeem the bank card draft at a discounted rate, such discount shall be charged against the amount designated as the fine for the offense. If such bond is not forfeited, the amount of the bond less the discount rate shall be reimbursed to the person providing the bond by the use of a bank card draft. Any such guaranteed arrest bond certificate shall be signed by the person to whom it is issued and shall contain a printed statement that such surety company or automobile club guarantees the appearance of such person and will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person not to exceed an amount to be stated on such certificate.

(3) Such cash bond shall be taken in the following manner: The police officer shall furnish the person stopped a stamped envelope addressed to the judge or clerk of the court named in the written notice to appear and the person shall place in such envelope the amount of the bond, and in the presence of the police officer shall deposit the same in the United States mail. After such cash payment, the person stopped need not sign the written notice to appear, but the police officer shall note the amount of the bond mailed on the notice to appear form and

shall give a copy of such form to the person. If the person stopped furnishes the police officer with a guaranteed arrest bond certificate or bank card draft, the police officer shall give such person a receipt therefor and shall note the amount of the bond on the notice to appear form and give a copy of such form to the person stopped. Such person need not sign the written notice to appear, and the police officer shall present the notice to appear and the guaranteed arrest bond certificate or bank card draft to the court having jurisdiction of the offense charged as soon as reasonably possible.

(d) The offenses for which appearance bonds may be required as provided in subsection (c) and the amounts thereof shall be as follows:

~~On and after July 1, 1996:~~

Reckless driving.....	\$82
Driving when privilege is canceled, suspended or revoked	82
Failure to comply with lawful order of officer	57
Registration violation (registered for 12,000 pounds or less)	52
Registration violation (registered for more than 12,000 pounds)	92
No driver's license for the class of vehicle operated or violation of restrictions	52
Spilling load on highway	52
Transporting open container of alcoholic liquor or cereal malt beverage accessible while vehicle in motion	223

(e) In the event of forfeiture of any bond under this section, \$75 of the amount forfeited shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(f) None of the provisions of this section shall be construed to conflict with the provisions of the nonresident violator compact.

(g) When a person is stopped by a police officer for any traffic infraction and the person is a resident of a state which is not a member of the nonresident violator compact, K.S.A. 8-1219 et seq., and amendments thereto, or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount specified in the uniform fine schedule in K.S.A. 8-2118(c), and amendments thereto, plus \$75 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(h) When a person is stopped by a police officer for failure to provide proof of financial security pursuant to K.S.A. 40-3104, and amendments thereto, and the person is a resident of another state or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount of \$75, plus \$75 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(i) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 2. K.S.A. 2025 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay any fine and court costs imposed as ordered by the court; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) (A) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for any violations provided in subparagraph (C), the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay fines, court costs and any penalties as ordered by the court within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall restrict such person's driving privileges pursuant to the terms set forth in subparagraph (B). The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles unless the district or municipal court has determined pursuant to a written order that the person shall fulfill any requirements set forth by the court prior to the suspension. Failure to abide by the terms of the order shall result in the court notifying the division of vehicles that the person's license shall be suspended for the failure to comply with a traffic citation. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of substantial compliance with the terms of the traffic citation has been furnished to the informing court unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of

vehicles shall notify the violator that the person's driving privileges are restricted pursuant to the terms set forth in subparagraph (B). When the court determines the person is in substantial compliance with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the restriction, suspension or suspension action.

(B) (i) When restricted driving privileges are approved pursuant to this subsection, the person's driving privileges shall be restricted to driving only under the following circumstances:

(a) In going to or returning from the person's place of employment or schooling;

(b) in the course of the person's employment;

(c) in going to or returning from an appointment with a healthcare provider or during a medical emergency;

(d) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court;

(e) in going to or returning from dropping off or picking up one or more children from school or child care;

(f) in going to or returning from purchasing groceries or fuel for their vehicle; and

(g) in going to or returning from any religious worship service held by a religious organization.

(ii) A person shall not qualify for restricted driving privileges pursuant to this subparagraph if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect for the lesser of time of either:

(a) 60 days from the date that the division of vehicles mails notice to the person of the restricted driving privileges;

(b) the person enters into an agreement with the court regarding the person's failure to comply; or

(c) the rescission of the restricted driving privileges by the division of vehicles.

(iii) The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of:

(a) A violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation; or

(b) operating a motor vehicle in violation of restrictions provided in clause (i) two or more times.

(iv) A person operating a motor vehicle in violation of restrictions provided in clause (i) shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto.

(C) (i) Violations of the following sections or violations of substantially similar offenses under a city ordinance shall not provide the basis for a violation of this section: K.S.A. 8-1513, 8-1532, 8-1534, 8-1536, 8-1537, 8-1538, 8-1543, 8-1569, 8-1571, 8-1572, 8-1573, 8-1578, 8-1578a, 8-1583, 8-1585, 8-1586, 8-1588, 8-1589, 8-1590, 8-1591, 8-1592, 8-15,102, 8-15,108, 8-15,113, 8-1744, 21-5607, 21-5810, 21-5815, 21-5816, 21-5817, 21-6203, 41-715, 41-727, 66-1330, 68-2106, 75-4510a and 79-34,112, and amendments thereto.

(ii) The provisions of this subparagraph shall be construed and applied retroactively. A person may petition the district or municipal court in which the person should have complied with the citation that led to a prior violation of this section. If the court determines that the person committed an offense that does not provide the basis for a violation of this section, as amended by this act, the court shall immediately electronically notify the division of vehicles. Upon receipt of such notification from the informing court, the division of vehicles shall terminate any restriction, suspension or suspension action that resulted from the prior violation of this section.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges. The driver may apply and be eligible for restricted driving privileges pursuant to this paragraph if such driver has previously been approved for restricted driving privileges pursuant to paragraph (1).

(B) (i) A person whose driving privileges have been revoked solely for driving a motor vehicle on any highway as defined in K.S.A. 8-1424, and amendments thereto, of this state at a time when such person's privilege to do so was canceled, suspended or revoked for failure to comply with a traffic citation pursuant to this section may submit to the division of vehicles a written request for restricted driving privileges. A person shall not qualify for restricted driving privileges pursuant to this section if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect unless otherwise rescinded for the lesser of time of either:

(a) The remainder of the period of time that such person's driving privileges are revoked; or

(b) three years from the date when the restricted driving privileges were approved.

(ii) The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of a violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation.

(iii) A person operating a motor vehicle in violation of restrictions provided in subparagraph (D) shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto.

(C) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges. An* person shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met:

(i) The suspended license that expired was issued by the division of vehicles;

(ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); and

(iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state.

(D) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles until the terms of the traffic citation have been substantially complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to substantially comply with the traffic citation, the driving privileges will be suspended by the division of vehicles until the court determines the person has substantially complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such substantial compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances:

(i) In going to or returning from the person's place of employment or schooling;

(ii) in the course of the person's employment;

(iii) in going to or returning from an appointment with a health care provider or during a medical emergency;

(iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court;

(v) in going to or returning from dropping off or picking up one or more children from school or child care;

(vi) in going to or returning from purchasing groceries or fuel for their vehicle; and

(vii) in going to or returning from any religious worship service held by a religious organization.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the state general fund and of the remaining amount, 29.41% of such monies to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the state general fund.

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

(e) (1) A person who is assessed a reinstatement fee pursuant to subsection (c) may petition the court that assessed the fee at any time to waive payment of the fee, any additional charge imposed pursuant to subsection (f), or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(2) A person who is assessed a fine or court costs for a traffic citation may petition the court that assessed the fine or costs at any time to waive payment of the fine or costs, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(3) The clerk of the district court and the clerk of the municipal court shall make forms available to any person seeking to petition the court to waive or reduce traffic fines, court costs or reinstatement fees.

(f) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

(g) (1) Prior to issuing an order pursuant to this section that notifies the division of vehicles to restrict or suspend a person's driving privileges, the court shall consider:

(A) Waiver or reduction of fees, fines and court costs and allowing for payment plans for any fees, fines and court costs; and

(B) alternative requirements in lieu of restriction or suspension of driving privileges, including, but not limited to, alcohol or drug treatment or community service.

(2) Nothing in this subsection shall be construed to require the court to make written findings or written payment plan orders.

(h) (1) Any conviction for a failure to comply pursuant to this section shall not be considered by the district or municipal court or the division of vehicles in determining suspended or restricted driving privileges if such conviction is more than five years old.

(2) After the expiration of five years from the date of conviction, the division shall notify by mail any persons whose driving privileges were suspended or restricted and have not since been restored. The division shall notify the person that the person may be eligible for driving privileges as a result of the expiration of the five years from the conviction for the failure to comply.

(3) The provisions of this subsection shall be construed and applied retroactively.

(i) As used in this section, "substantial compliance" or "substantially complied" means the person has followed the orders of the court involving payments of fines, court costs and any penalties and has not failed substantially in making payments or satisfying the terms of the court order.

Sec. 3. K.S.A. 20-3021 is hereby amended to read as follows: 20-3021.

(a) (1) ~~On and after July 1, 2014,~~ Any party filing an appeal with the court of appeals shall pay a fee in the amount of \$145 to the clerk of the supreme court.

(2) ~~On and after July 1, 2014,~~ Any party filing an appeal with the supreme court shall pay a fee in the amount of \$145 to the clerk of the supreme court.

(b) A poverty affidavit may be filed in lieu of a fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The fee shall be the only costs assessed in each case to services of the clerk of the supreme court. The clerk of the supreme court shall remit all revenues received from this section to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury. The fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$10 per fee, to fund the costs of non-judicial personnel.

(e) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

Sec. 4. K.S.A. 21-6614 is hereby amended to read as follows: 21-6614.

(a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, any nongrid felony or felony ranked in severity levels 6 through 10 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(3) Notwithstanding the provisions of subsection (a)(1), and except as provided in subsections (b), (c), (d), (e) and (f), any person who has completed the requirements of a specialty court program established pursuant to K.S.A. 20-173, and amendments thereto, may petition the district court for the expungement of the conviction and related arrest records. The court may waive all or part of the docket fee imposed for filing a petition pursuant to this subsection.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 21-6419, and

amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, post-release supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, “coercion” means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any felony ranked in severity levels 1 through 5 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 21-5406, and amendments thereto, or as prohibited by any law of another state that is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state that is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state that is in substantial conformity with that statute;

(4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state that is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604,

and amendments thereto, or required by a law of another state that is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a first violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of K.S.A. 8-1567, and amendments thereto.

(3) Except as provided further, the provisions of this subsection shall apply to all violations committed on or after July 1, 2006. The provisions of subsection (d)(2) shall not apply to violations committed on or after July 1, 2014, but prior to July 1, 2015.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto;

(7) internet trading in child pornography or aggravated internet trading in child pornography, as defined in K.S.A. 21-5514, and amendments thereto;

(8) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604, and amendments thereto;

(9) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 21-5601, and amendments thereto;

(10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 21-5602, and amendments thereto;

(11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 21-5401, and amendments thereto;

(12) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and amendments thereto;

(13) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 21-5403, and amendments thereto;

(14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 21-5404, and amendments thereto;

(15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 21-5405, and amendments thereto;

(16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505, and amendments thereto;

(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Except as provided in K.S.A. 22-4908, and amendments thereto, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) (A) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner if the petition is filed under subsection (a)(1) or (a)(2); or

(B) no proceeding involving a felony is presently pending or being instituted against the petitioner if the petition is filed under subsection (a)(3);

(2) the circumstances and behavior of the petitioner warrant the expungement;

(3) the expungement is consistent with the public welfare; and

(4) with respect to petitions seeking expungement of a felony conviction, possession of a firearm by the petitioner is not likely to pose a threat to the safety of the public.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation that shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency that may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that

was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through

75-7e09, and amendments thereto, and K.S.A. ~~2024 Supp.~~ 50-6,141, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense that requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

(2) A person whose arrest record, conviction or diversion of a crime that resulted in such person being prohibited by state or federal law from possessing a firearm has been expunged under this statute shall be deemed to have had such person's right to keep and bear arms fully restored. This restoration of rights shall include, but not be limited to, the right to use, transport, receive, purchase, transfer and possess firearms. The provisions of this paragraph shall apply to all orders of expungement, including any orders issued prior to July 1, 2021.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the re-

quest is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) (A) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. ~~2024 Supp.~~ 50-6,141, and amendments thereto; or

(B) the attorney general for any other purpose authorized by law, except that an expungement record shall not be the basis for denial of a license to carry a concealed handgun under the personal and family protection act; or

(17) the Kansas bureau of investigation, for the purpose of completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto.

(m) (1) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

(2) Upon the issuance of an order of expungement that resulted in the restoration of a person's right to keep and bear arms, the Kansas bureau of investigation shall report to the federal bureau of investigation that such expunged record be withdrawn from the national instant criminal background check system. The Kansas bureau of investigation shall include such order of expungement in the person's criminal history record for purposes of documenting the restoration of such person's right to keep and bear arms.

Sec. 5. K.S.A. 22-2410 is hereby amended to read as follows: 22-2410. (a) (1) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.

(2) (A) If a person has been arrested in this state as a result of mistaken identity or as a result of another person using the identifying information of the named person, and the charge against the named person is dismissed or not prosecuted, the prosecuting attorney or other judicial officer who ordered the dismissal or declined to prosecute shall provide notice to the court of such action and petition the district court for the

expungement of such arrest record, and the court shall order the arrest record and subsequent court proceedings, if any, expunged and purged from all applicable state and federal systems pursuant to subsection (d).

(B) For purposes of this section, the term “mistaken identity” means the erroneous arrest of a person for a crime as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the crime, misinformation provided to law enforcement as to the identity of the person who committed the crime or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime. “Mistaken identity” shall not include any situation in which an arrestee intentionally provides false information to law enforcement officials in an attempt to conceal such person’s identity.

(b) (1) When a petition for expungement is filed pursuant to subsection (a)(1), the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(2) When a petition for expungement is filed pursuant to subsection (a)(1) or (a)(2), the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order.

(3) (A) Except as otherwise provided by law, a petition for expungement pursuant to subsection (a)(1) shall be accompanied by a docket fee in the amount of \$176. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial personnel.

(B) No surcharge or fee shall be imposed to any person filing a petition pursuant to subsection (a)(1), who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or K.S.A. 21-6107(a), and amendments thereto, or who has had criminal charges dismissed because a court has found that there was no probable cause for the arrest, the petitioner was found not guilty in court proceedings or the charges have been dismissed.

(4) The petition filed pursuant to subsection (a)(1) or (a)(2) shall state:

- (A) The petitioner's full name;
 - (B) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
 - (C) the petitioner's sex, race and date of birth;
 - (D) the crime for which the petitioner was arrested;
 - (E) the date of the petitioner's arrest; and
 - (F) the identity of the arresting law enforcement agency.
- (c) At the hearing on a petition for expungement pursuant to subsection (a)(1), the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding:
- (1) The arrest occurred because of mistaken identity;
 - (2) a court has found that there was no probable cause for the arrest;
 - (3) the petitioner was found not guilty in court proceedings; or
 - (4) the expungement would be in the best interests of justice and: (A) Charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) (1) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, on a petition for expungement pursuant to subsection (a)(1), the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. If an order of expungement is entered, the petitioner pursuant to subsection (a)(1) shall be treated as not having been arrested.

(2) When the court has ordered expungement of arrest records on a petition for expungement pursuant to subsection (a)(2), the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (a)(2). The order shall also direct the Kansas bureau of investigation to purge the arrest information from the criminal justice information system central repository and all applicable state and federal databases. The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation, which shall carry out the order and shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency that may have a record of the arrest. If an order of expungement is entered, the person eligible for mandatory expungement pursuant to subsection (a)(2) shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes:

(1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:

(1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(h) Whenever a person's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(i) The docket fee collected at the time the petition for expungement is filed pursuant to subsection (a)(1) shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 6. K.S.A. 23-2510 is hereby amended to read as follows: 23-2510.

(a) The judge or clerk of the district court shall collect from the applicant for a marriage license a fee of \$59.

(b) The clerk of the court shall remit all fees prescribed by this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each remittance, the state treasurer shall credit 38.98% to the protection from abuse fund, 15.19% to the family and children trust account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto, 16.95% to the crime victims assistance fund created by K.S.A. 74-7334, and amendments thereto, and the remainder to the state general fund.

(c) Except as provided further, the marriage license fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for a marriage license. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$26.50 per marriage license fee, to fund the costs of non-judicial personnel.

Sec. 7. K.S.A. 28-170 is hereby amended to read as follows: 28-170. (a)

The docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and the fees for service of process, shall be the only costs assessed for services of the clerk of the district court and the sheriff in any case filed under chapter 60 or chapter 61 of the Kansas Statutes Annotated, and amendments thereto, except that no fee shall be charged for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-31a01 et seq., and amendments thereto. For services in other matters in which no other fee is prescribed by statute, the following fees shall be charged and collected by the clerk. Only one fee shall be charged for each bond, lien or judgment:

1. For filing, entering and releasing a bond, mechanic's lien, notice of intent to perform, personal property tax judgment or any judgment on which execution process cannot be issued\$14

2. For filing, entering and releasing a judgment of a court of this state on which execution or other process can be issued \$24
3. For a certificate, or for copying or certifying any paper or writ, such fee as shall be prescribed by the district court.

(b) The fees for entries, certificates and other papers required in naturalization cases shall be those prescribed by the federal government and, when collected, shall be disbursed as prescribed by the federal government. The clerk of the court shall remit to the state treasurer at least monthly all moneys received from fees prescribed by subsection (a) or (b) or received for any services performed which may be required by law. The state treasurer shall deposit the remittance in the state treasury and credit the entire amount to the state general fund.

(c) In actions pursuant to the revised Kansas code for care of children, K.S.A. 38-2201 et seq., and amendments thereto, the revised Kansas juvenile justice code, K.S.A. 38-2301 et seq., and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-4001 et seq., and amendments thereto, the act for treatment of drug abuse, K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto, the clerk shall charge an additional fee of \$1 which shall be deducted from the docket fee and credited to the prosecuting attorneys' training fund as provided in K.S.A. 28-170a, and amendments thereto.

(d) Except as provided further, the bond, lien or judgment fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such bond, lien or judgment. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per bond, lien or judgment fee, to fund the costs of non-judicial personnel.

Sec. 8. K.S.A. 28-172a is hereby amended to read as follows: 28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows:

Murder or manslaughter.....	\$180.50
Other felony.....	171.00
Misdemeanor.....	136.00
Forfeited recognizance	72.50
Appeals from other courts	72.50

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways, including those listed in K.S.A. 8-2118(c), and amendments thereto, a

cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of the Kansas Statutes Annotated, and amendments thereto, or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, a docket fee of \$86 shall be charged. When an action is disposed of under K.S.A. 8-2118(a) and (b), or K.S.A. 79-3393(f), and amendments thereto, the docket fee to be paid as court costs shall be \$86.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, a docket fee of \$86 shall be charged. When an action is disposed of under K.S.A. 8-2118(a) and (b), and amendments thereto, the docket fee to be paid as court costs shall be \$86.

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges made pursuant to the provisions of K.S.A. 20-362, and amendments thereto, shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may or

der the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

(f) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 9. K.S.A. 2025 Supp. 28-177 is hereby amended to read as follows: 28-177. (a) Except as provided in this section and K.S.A. 28-178, and amendments thereto, the fees established by legislative enactment shall be the only fee collected or moneys in the nature of a fee collected for court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. Court procedures shall include docket fees, filing fees or other fees related to access to court procedures. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$26.50 per fee or the amount established by the applicable statute, whichever amount is less, to fund the costs of non-judicial personnel.

(b) Such additional charge imposed by the court pursuant to K.S.A. 8-2107, 8-2110, ~~20-3021~~, ~~21-6614~~, 22-2410, 23-2510, 28-170, 28-172a, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and ~~65-409 and K.S.A. 21-6614 and 23-2510~~, 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 state general fund.

(c) There is hereby established in the state treasury the judicial branch docket fee fund which shall be administered by the chief justice at the Kansas supreme court. Moneys credited to the judicial branch docket fee fund shall not be expended for compensation of judges or justices of the judicial branch.

(d) All expenditures from the judicial branch docket fee fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

Sec. 10. K.S.A. 2025 Supp. 28-178 is hereby amended to read as follows: 28-178. (a) In addition to any other fees specifically prescribed by law, on and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the su-

preme court may impose a charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial personnel, on the following:

(1) A person who requests an order or writ of execution pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(2) Persons who request a hearing in aid of execution pursuant to K.S.A. 60-2419, and amendments thereto.

(3) A person requesting an order for garnishment pursuant to article 7 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or article 35 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto.

(4) Persons who request a writ or order of sale pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(5) A person who requests a hearing in aid of execution pursuant to K.S.A. 61-3604, and amendments thereto.

(6) A person who requests an attachment against the property of a defendant or any one or more of several defendants pursuant to K.S.A. 60-701 or 61-3501, and amendments thereto.

(b) The clerk of the district court shall remit all revenues received from the fees imposed pursuant to subsection (a) to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(c) The fees established in this section shall be the only fee collected or moneys in the nature of a fee collected for such court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

Sec. 11. K.S.A. 28-179 is hereby amended to read as follows: 28-179. (a) No post-decree motion petitioning for a modification or termination of separate maintenance, for a change in legal custody, residency, visitation rights or parenting time or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in the amount of \$40 to the clerk of the district court.

(b) A poverty affidavit may be filed in lieu of a docket fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030,

the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 12. K.S.A. 2025 Supp. 32-1049a is hereby amended to read as follows: 32-1049a. (a) (1) Failure to comply with a wildlife and parks citation means failure to:

(A) Appear before any district court in response to a wildlife and parks citation and pay in full any fine, court costs, assessments or fees imposed;

(B) fully pay or satisfy all fines, court costs, assessments or fees imposed as a part of the sentence of any district court for violation of the wildlife and parks laws of this state; or

(C) otherwise comply with a wildlife and parks citation as provided in K.S.A. 32-1049, and amendments thereto.

(2) Failure to comply with a wildlife and parks citation is a class C nonperson misdemeanor, regardless of the disposition of the charge for which such citation, complaint or charge was originally issued.

(b) The term “citation” means any complaint, summons, notice to appear, ticket, warrant, penalty assessment or other official document issued for the prosecution of the wildlife and parks laws or rules and regulations of this state.

(c) In addition to penalties of law applicable under subsection (a) when a person fails to comply with a wildlife and parks citation or sentence for a violation of wildlife and parks laws or rules and regulations, the district court in which the person should have complied shall mail a notice to the person that if the person does not appear in the district court or pay all fines, court costs, assessments or fees, and any penalties imposed within 30 days from the date of mailing, the Kansas department of wildlife and parks shall be notified to forfeit or suspend any license, permit, stamp or other issue of the department. Upon receipt of a report of a failure to comply with a wildlife and parks citation under this section, and amendments thereto, the department shall notify the violator and suspend or forfeit the license, permit, stamp or other issue of the department held by the violator until satisfactory evidence of compliance with the wildlife and parks citation or sentence of the district court for violation of the wildlife and parks laws or rules and regulations of this state are furnished to the informing court. Upon receipt of notification of such compliance from the informing court, the department shall terminate the suspension action, unless the violator is otherwise suspended.

(d) Except as provided in subsection (e), when the district court notifies the department of a failure to comply with a wildlife and parks citation or failure to comply with a sentence of the district court imposed on violation of a wildlife and parks law or rule and regulation, the court shall assess a reinstatement fee of \$50 for each charge or sentence on which the person failed to make satisfaction, regardless of the disposition of the

charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, court costs and other assessments, fees or penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the state general fund.

(e) The district court shall waive the reinstatement fee provided for in subsection (d), if the failure to comply with a wildlife and parks citation was the result of such person enlisting in or being drafted into the armed services of the United States of America, being called into service as a member of a reserve component of the military service of the United States of America, or volunteering for such active duty or being called into service as a member of the Kansas national guard or volunteering for such active duty and being absent from Kansas because of such military service. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

(f) Except as provided further, the reinstatement fee established in subsection (d) shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

Sec. 13. K.S.A. 38-2215 is hereby amended to read as follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under this code, if one is assessed as provided in this section, shall be \$34. Only one docket fee shall be assessed in each case. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Expenses*. The expenses for proceedings under this code, including fees and mileage allowed witnesses and fees and expenses approved by the court for appointed attorneys, shall be paid by the board of county commissioners from the general fund of the county.

(c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket fee may be assessed or waived by the court conducting the initial dispositional hearing and the docket fee may be assessed against the complaining witness or person initiating the proceedings or a party or interested party other than the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state, or a person acting in the capacity of an employee of the state or of a political subdivision of the state. Any docket fee received shall be remitted to the state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

(2) *Expenses.* Expenses may be assessed against the complaining witness, a person initiating the proceedings, a party or an interested party, other than the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state or a person acting in the capacity of an employee of the state or of a political subdivision of the state. When expenses are recovered from a person against whom they have been assessed the general fund of the county shall be reimbursed in the amount of the recovery. If it appears to the court in any proceedings under this code that expenses were unreasonably incurred at the request of any party the court may assess that portion of the expenses against the party.

(d) *Cases in which venue is transferred.* If venue is transferred from one county to another, the court from which the case is transferred shall send to the receiving court a statement of expenses paid from the general fund of the sending county. If the receiving court collects any of the expenses owed in the case, the receiving court shall pay to the sending court an amount proportional to the sending court's share of the total expenses owed to both counties. The expenses of the sending county shall not be an obligation of the receiving county except to the extent that the sending county's proportion of the expenses is collected by the receiving court. All amounts collected shall first be applied toward payment of the docket fee.

Sec. 14. K.S.A. 38-2312 is hereby amended to read as follows: 38-2312. (a) Except as provided in subsections (b) and (c), any records or files specified in this code concerning a juvenile may be expunged upon application to a judge of the court of the county in which the records or files are maintained. The application for expungement may be made by the juvenile, if 18 years of age or older or, if the juvenile is less than 18 years of age, by the juvenile's parent or next friend.

(b) There shall be no expungement of records or files concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402, prior to its repeal, or K.S.A. 21-5403, and amendments thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,

or K.S.A. 21-5404, and amendments thereto, voluntary manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-3439, prior to its repeal, or K.S.A. 21-5401, and amendments thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3) or (a)(5), and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A. 21-5506(a), and amendments thereto, indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments thereto, aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and amendments thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments thereto, aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto, sexual exploitation of a child; K.S.A. 21-5514(a), and amendments thereto, internet trading in child pornography; K.S.A. 21-5514(b), and amendments thereto, aggravated internet trading in child pornography; K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b), and amendments thereto, aggravated incest; K.S.A. 21-3608, prior to its repeal, or K.S.A. 21-5601(a), and amendments thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A. 21-5602, and amendments thereto, abuse of a child; or which would constitute an attempt to commit a violation of any of the offenses specified in this subsection.

(c) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(d) When a petition for expungement is filed, the court shall set a date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile's full name; (2) the full name of the juvenile as reflected in the court record, if different than (1); (3) the juvenile's sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs

of non-judicial personnel. All petitions for expungement shall be docketed in the original action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(e) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:

(A) (i) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge;

(ii) one year has elapsed since the final discharge for an adjudication concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-6419, and amendments thereto; or

(iii) the juvenile is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child, the adjudication concerned acts committed by the juvenile as a result of such victimization, including, but not limited to, acts which, if committed by an adult, would constitute a violation of K.S.A. 21-6203 or 21-6419, and amendments thereto, and the hearing on expungement occurred on or after the date of final discharge. The provisions of this clause shall not allow an expungement of records or files concerning acts described in subsection (b);

(B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender under the revised Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and

(C) the circumstances and behavior of the petitioner warrant expungement.

(2) The court may require that all court costs, fees and restitution shall be paid.

(f) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the sentence to be imposed. The petitioner, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the juvenile. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall be limited to inspection by the person who is the subject of the files or records and the person's designees.

(g) A certified copy of any order made pursuant to subsection (a) or (d) shall be sent to the Kansas bureau of investigation, which shall notify every juvenile or criminal justice agency which may possess records or

files ordered to be expunged. If the agency fails to comply with the order within a reasonable time after its receipt, such agency may be adjudged in contempt of court and punished accordingly.

(h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

(i) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile.

(j) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.

(k) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(7) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(8) the Kansas sentencing commission; or

(9) the Kansas bureau of investigation, for the purposes of:

(A) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(l) The provisions of subsection (k)(9) shall apply to all records created prior to, on and after July 1, 2011.

Sec. 15. K.S.A. 38-2314 is hereby amended to read as follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under this code, if one is assessed as provided by this section, shall be \$34. Only one docket fee shall be assessed in each case. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Expenses*. The expenses for proceedings under this code, including fees and mileage allowed witnesses and fees and expenses approved by the court for appointed attorneys, shall be paid by the board of county commissioners from the general fund of the county.

(c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The docket fee may be assessed or waived by the court conducting the initial sentencing hearing and may be assessed against the juvenile or the parent of the juvenile. Any docket fee received shall be remitted to the state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

(2) *Expenses*. Expenses may be waived or assessed against the juvenile or a parent of the juvenile. When expenses are recovered from a party against whom they have been assessed the general fund of the county shall be reimbursed in the amount of the recovery.

(3) *Prohibited assessment*. Docket fees or expenses shall not be assessed against the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state or a person acting in the capacity of an employee of the state or of a political subdivision of the state.

(d) *Cases in which venue is transferred*. If venue is transferred from one county to another, the court from which the case is transferred shall send to the receiving court a statement of expenses paid from the general fund of the sending county. If the receiving court collects any of the expenses owed in the case, the receiving court shall pay to the sending court

an amount proportional to the sending court's share of the total expenses owed to both counties. The expenses of the sending county shall not be an obligation of the receiving county except to the extent that the sending county's proportionate share of the expenses is collected by the receiving court. Unless otherwise ordered by the court, all amounts collected shall first be applied toward payment of restitution, then toward the payment of the docket fee.

Sec. 16. K.S.A. 59-104 is hereby amended to read as follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, without payment of an appropriate docket fee as follows:

Treatment of mentally ill.....	\$34.50
Treatment of alcoholism or drug abuse.....	34.50
Determination of descent of property.....	49.50
Termination of life estate	48.50
Termination of joint tenancy.....	48.50
Refusal to grant letters of administration.....	48.50
Adoption	48.50
Filing a will and affidavit under K.S.A. 59-618a, and amendments thereto.....	48.50
Guardianship	69.50
Conservatorship.....	69.50
Trusteeship	69.50
Combined guardianship and conservatorship.....	69.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto.....	23.50
Decrees in probate from another state	173.00
Probate of an estate or of a will	109.50
Civil commitment under K.S.A. 59-29a01 et seq., and amendments thereto.....	33.50

(2) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of K.S.A. 60-2001(b) and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

Sec. 17. K.S.A. 60-729 is hereby amended to read as follows: 60-729.

(a) Garnishment is a procedure whereby the wages, money or intangible property of a person can be seized or attached pursuant to an order of garnishment issued by the court under the conditions set forth in the order.

(b) Any party requesting an order of garnishment shall pay a fee in the amount of \$7.50 to the clerk of the district court.

(c) A poverty affidavit may be filed in lieu of a fee as established in K.S.A. 60-2001, and amendments thereto.

(d) The fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(e) Except as provided further, the fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial personnel.

(f) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

Sec. 18. K.S.A. 60-2001 is hereby amended to read as follows: 60-

2001. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of \$173 to the clerk of the district court. Except as provided further, the docket fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or

otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where a plaintiff by reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in: (A) The six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed pursuant to this subsection shall not prevent the court, pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) *Form of affidavit.* The affidavit provided for in this subsection shall set forth a factual basis upon which the plaintiff alleges by reason of poverty an inability to pay a docket fee, including, but not limited to, the source and amount of the plaintiff's weekly income. Such affidavit shall be signed and sworn to by the plaintiff under oath, before one who has authority to administer the oath, under penalty of perjury, K.S.A. 21-5903, and amendments thereto. The form of the affidavit shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(3) *Court review; grounds for dismissal; service of process.* The court shall review any petition authorized for filing under this subsection. Upon such review, if the court finds that the plaintiff's allegation of poverty is untrue, the court shall direct the plaintiff to pay the docket fee or dismiss the petition without prejudice. Notwithstanding K.S.A. 60-301, and amendments thereto, service of process shall not issue unless the court grants leave following its review.

(c) *Disposition of fees.* The docket fees and the fees for service of process shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. For every person to be served by the sheriff, the persons requesting service of process shall provide proper payment to the clerk and the clerk of the district court shall forward the

service of process fee to the sheriff in accordance with K.S.A. 28-110, and amendments thereto. The service of process fee, if paid by check or money order, shall be made payable to the sheriff. Such service of process fee shall be submitted by the sheriff at least monthly to the county treasurer for deposit in the county treasury and credited to the county general fund. The docket fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties as directed by the court. No sheriff in this state shall charge any mileage for serving any papers or process.

Sec. 19. K.S.A. 60-2203a is hereby amended to read as follows: 60-2203a. (a) After the commencement of any action in any district court of this state, or the courts of the United States in the state of Kansas or in any action now pending heretofore commenced in such courts, which does not involve title to real estate, any party to such action may give notice in any other county of the state of the pendency of the action by filing for record with the clerk of the district court of such other county a verified statement setting forth the parties to the action, the nature of the action, the court in which it is pending, and the relief sought, which shall impart notice of the pendency of the action and shall result in the same lien rights as if the action were pending in that county. The lien shall be effective from the time the statement is filed, but not to exceed four months prior to the entry of judgment except as provided in subsection ~~(e)~~ (b). The party filing such notice shall within 30 days after any satisfaction of the judgment entered in such action, or any other final disposition thereof, cause to be filed with such clerk of the district court a notice that all claims in such action are released. If the party filing fails or neglects to do so after reasonable demand by any party in interest, such party shall be liable in damages in the same amounts and manner as is provided by law for failure of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such a notice of the pendency of an action the clerk shall charge a fee of \$14 and shall enter and index the action in the same manner as for the filing of an original action. Upon the filing of a notice of release, the notice shall likewise be entered on the docket. Except as provided further, the fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the court procedure. Such fee shall only be established by an act of the legislature and no other

authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per fee, to fund the costs of non-judicial personnel.

(b) Notwithstanding the foregoing provisions of this section, the filing of a notice of the pendency of an action pursuant to subsection (a) shall create no lien rights against the property of an employee of the state or a municipality prior to the date judgment is rendered if the pleadings in the pending action allege a negligent or wrongful act or omission of the employee while acting within the scope of such employee's employment, regardless of whether or not it is alleged in the alternative that the employee was acting outside of such employee's employment. A judgment against an employee shall become a lien upon such employee's property in the county where notice is filed pursuant to subsection (a) when the judgment is rendered only if it is found that: (1) The employee's negligent or wrongful act or omission occurred when the employee was acting outside the scope of such employee's employment; or (2) the employee's conduct which gave rise to the judgment was because of actual fraud or actual malice of the employee. In such cases the lien shall not be effective prior to the date judgment was rendered. As used in this subsection ~~(e)~~, "employee" shall have the meaning ascribed to such term in K.S.A. 75-6102, and amendments thereto.

Sec. 20. K.S.A. 61-2704 is hereby amended to read as follows: 61-2704. (a) An action seeking the recovery of a small claim shall be considered to have been commenced at the time a person files a written statement of the person's small claim with the clerk of the court if, within 90 days after the small claim is filed, service of process is obtained or the first publication is made for service by publication. Otherwise, the action is deemed commenced at the time of service of process or first publication. An entry of appearance shall have the same effect as service.

(b) Upon the filing of a plaintiff's small claim, the clerk of the court shall require from the plaintiff a docket fee of \$35 if the claim does not exceed \$500; or \$55 if the claim exceeds \$500; unless for good cause shown the judge waives the fee. The docket fee shall be the only costs required in an action seeking recovery of a small claim. No person may file more than 20 small claims under this act in the same court during any calendar year.

(c) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$12.50 per docket fee, to fund the costs of non-judicial personnel.

Sec. 21. K.S.A. 61-4001 is hereby amended to read as follows: 61-4001. (a) *Docket fee.* (1) No case shall be filed or docketed pursuant to the code of civil procedure for limited actions without the payment of a docket fee in the amount of \$35 if the amount in controversy or claimed does not exceed \$500; \$55 if the amount in controversy or claimed exceeds \$500 but does not exceed \$5,000; or \$101 if the amount in controversy or claimed exceeds \$5,000. If judgment is rendered for the plaintiff, the court also may enter judgment for the plaintiff for the amount of the docket fee paid by the plaintiff.

(2) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit; additional court costs; exemptions for the state and municipalities.* The provisions of K.S.A. 60-2001(b), (c) and (d) and 60-2005, and amendments thereto, shall be applicable to lawsuits brought under the code of civil procedure for limited actions.

Sec. 22. K.S.A. 2025 Supp. 65-409 is hereby amended to read as follows: 65-409. (a) The clerk of the district court shall charge a fee of \$14 for entering and filing a lien statement under this act.

(b) Except as provided further, the lien fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such lien. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, ~~2019~~ 2026, through June 30, ~~2025~~ 2030, the supreme court may impose an additional charge, not to exceed \$22 per lien fee, to fund the costs of non-judicial personnel.

Sec. 23. K.S.A. 8-2107, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-179, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and K.S.A. 2025 Supp. 8-2110, 28-177, 28-178, 32-1049a and 65-409 are hereby repealed.

Sec. 24. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 3, 2026.

CHAPTER 36

HOUSE BILL No. 2702
(Amended by Chapter 155)

AN ACT concerning health professions and practices; relating to physician assistant practice agreements; providing that applicants for a physician assistant license submit to a criminal history record check; providing for the collaboration between a physician and a physician assistant; requiring the revocation of a physician assistant license under certain circumstances; amending K.S.A. 65-28, 127, 65-28a01, 65-28a02, 65-28a03, 65-28a04, 65-28a05, 65-28a06, 65-28a08, 65-28a09 and 65-28a11 and K.S.A. 2025 Supp. 22-4714 and repealing the existing sections.

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

New Section 1. (a) As part of an original application for licensure as a physician assistant or reinstatement of a license or in connection with any investigation of any holder of a license or certificate, the state board of healing arts may require an applicant to be fingerprinted and submit to a state and national criminal history record check pursuant to K.S.A. 22-4714, and amendments thereto.

(b) The state board of healing arts may fix and collect a fee as may be required by the board in an amount necessary to reimburse the board for the cost of conducting the fingerprinting and criminal history record check. Any moneys collected pursuant to this subsection shall be deposited in the state treasury and credited to the healing arts fee fund.

(c) This section shall be a part of and supplemental to the physician assistant licensure act.

Sec. 2. K.S.A. 2025 Supp. 22-4714 is hereby amended to read as follows: 22-4714. (a) A governmental agency other than a criminal justice agency as defined in K.S.A. 22-4701, and amendments thereto, identified in subsection (b) may require a person to be fingerprinted and shall submit such fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a search of the state and federal database. Fingerprints provided pursuant to this section may be used to identify a person and to determine whether such person has a record of criminal history in this state or in another jurisdiction. An agency identified in subsection (b) may use the information obtained from the criminal history record check for the purposes of verifying the identification of a person and in the official determination of the qualifications and fitness of such person to be issued or maintain employment, licensure, registration, certification or a permit, act as an agent of a licensee, hold ownership of a licensee or serve as a director or officer of a licensee.

(b) (1) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications, juvenile diversions and juvenile expunged records to:

(A) The Kansas department for children and families or the Kansas department for aging and disability services for initial or continuing employment or participation in any program administered for the placement, safety, protection or treatment of vulnerable children or adults as described in K.S.A. 75-53,105, and amendments thereto;

(B) the attorney general for applicants as defined in K.S.A. 75-7b01, and amendments thereto, in connection with such application as described in K.S.A. 75-7b04 and 75-7b17, and amendments thereto;

(C) the attorney general for applicants as defined in K.S.A. 75-7c02, and amendments thereto, in connection with such application as described in K.S.A. 75-7c05, and amendments thereto;

(D) the attorney general for applicants as defined in K.S.A. 75-7b01, and amendments thereto, in connection with such application for certification as described in K.S.A. 75-7b21, and amendments thereto; and

(E) the attorney general for applicants as defined in K.S.A. 7e01, and amendments thereto, in connection with such application as described in K.S.A. 75-7e03, and amendments thereto.

(2) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records and juvenile expunged records to:

(A) The state lottery for candidates for employees as defined in K.S.A. 74-8702, and amendments thereto, in connection with such employment as described in K.S.A. 74-8704, and amendments thereto; and

(B) the Kansas racing and gaming commission for candidates for employees or licensees as defined in K.S.A. 74-8802, and amendments thereto, in connection with such employment or license as described in K.S.A. 74-8804, and amendments thereto, including an applicant for a simulcasting license.

(3) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications and juvenile diversions to:

(A) The emergency medical services board for applicants as defined in K.S.A. 65-6129, and amendments thereto, in connection with such application as described in K.S.A. 65-6129, and amendments thereto;

(B) the department of administration for candidates for sensitive employees as defined in K.S.A. 75-3707e, and amendments thereto, in connection with such employment as described in K.S.A. 75-3707e, and amendments thereto; and

(C) the state gaming agency for candidates for employees and licensees as defined in K.S.A. 74-9802, and amendments thereto, in connection with such employment or license as described in K.S.A. 74-9805, and amendments thereto.

(4) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions and adult expunged records to:

(A) The supreme court and state board of law examiners for applicants as defined in K.S.A. 7-127, and amendments thereto, in connection with such application as described in K.S.A. 7-127, and amendments thereto; and

(B) the commission on peace officers' standards and training for applicants for certification under the Kansas law enforcement training act as described in K.S.A. 74-5607, and amendments thereto.

(5) The Kansas bureau of investigation shall release criminal history record information related to adult convictions, adult non-convictions, adult diversions and juvenile adjudications to:

(A) The athletic commission within the Kansas department of commerce for a candidate for boxing commission as defined in K.S.A. 74-50,182, and amendments thereto, in connection with such appointment as described in K.S.A. 74-50,184, and amendments thereto;

(B) the secretary of health and environment for employees at a child care facility as defined in K.S.A. 65-503, and amendments thereto, in connection with such employment as described in K.S.A. 65-516, and amendments thereto;

(C) the secretary of commerce for final applicants for a sensitive position or employees in a sensitive position as defined in K.S.A. 2025 Supp. 74-5005a, and amendments thereto, in connection with such employment as described in K.S.A. 2025 Supp. 74-5005a, and amendments thereto;

(D) the secretary of labor for employees as defined in K.S.A. 75-5702, and amendments thereto, in connection with such employment as described in K.S.A. 75-5702, and amendments thereto; and

(E) the state bank commissioner for any officer, partner, member, owner, principal or director of an applicant or registrant in connection with such application or registration as described in K.S.A. 2025 Supp. 9-2411, and amendments thereto.

(6) The Kansas bureau of investigation shall release criminal history record information related to adult convictions and juvenile adjudications to:

(A) The secretary for aging and disability services for applicants as defined in K.S.A. 39-970, and amendments thereto, in connection with such application as described in K.S.A. 39-970, and amendments thereto;

(B) the Kansas department for aging and disability services for applicants as defined in K.S.A. 39-2009, and amendments thereto, in connection with such application as described in K.S.A. 39-2009, and amendments thereto; and

(C) the secretary for aging and disability services for applicants as defined in K.S.A. 65-5117, and amendments thereto, in connection

with such application as described in K.S.A. 65-5117, and amendments thereto.

(7) The Kansas bureau of investigation shall release criminal history record information related to adult convictions and adult non-convictions to:

(A) The division of motor vehicles within the department of revenue for applicants for reinstatement of a license to drive a commercial motor vehicle as described in K.S.A. 8-2,142, and amendments thereto;

(B) the board of examiners in optometry for applicants or licensees as defined in K.S.A. 65-1501, and amendments thereto, in connection with such application or an investigation as described in K.S.A. 65-1505, and amendments thereto;

(C) the board of pharmacy for fingerprint candidates as defined in K.S.A. 65-1626, and amendments thereto, in connection with such application or license as described in K.S.A. 65-1696, and amendments thereto;

(D) the state board of healing arts for applicants or licensees as defined in K.S.A. 65-2802, and amendments thereto, in connection with such application or an investigation as described in K.S.A. 65-28,129, and amendments thereto;

(E) the state board of healing arts for applicants or licensees as defined in K.S.A. 65-2901, and amendments thereto, in connection with such application or an investigation as described in K.S.A. 65-2924, and amendments thereto;

(F) the board of nursing for applicants as defined in K.S.A. 74-1112, and amendments thereto, in connection with such application as described in K.S.A. 74-1112, and amendments thereto;

(G) the behavioral sciences regulatory board for licensees as defined in K.S.A. 74-7511, and amendments thereto, in connection with such application or license as described in K.S.A. 74-7511, and amendments thereto;

(H) the state lottery for a vendor to whom a major procurement contract is to be awarded in connection with an investigation as described in K.S.A. 74-8705, and amendments thereto;

(I) the attorney general for appointees of the governor to positions subject to confirmation by the senate and judicial appointees as described in K.S.A. 75-712, and amendments thereto;

(J) appointing authorities as defined in K.S.A. 75-4315d, and amendments thereto, for nongubernatorial appointees as described in K.S.A. 75-4315d, and amendments thereto;

(K) the Kansas real estate commission for applicants as defined in K.S.A. 58-3035, and amendments thereto, or for licensees as defined in K.S.A. 58-3035, and amendments thereto, in connection with an investigation as described in K.S.A. 58-3039, and amendments thereto;

(L) the insurance commissioner for applicants for licensure as an insurance agent as defined in K.S.A. 40-4902, and amendments thereto, in connection with such application as described in K.S.A. 40-4905, and amendments thereto;

(M) the insurance commissioner for applicants as defined in K.S.A. 40-5501, and amendments thereto, in connection with such application as described in K.S.A. 40-5505, and amendments thereto; ~~and~~

(N) the state bank commissioner for applicants in control of a licensee, licensees or key individuals as defined in K.S.A. 2025 Supp. 9-555, and amendments thereto, in connection with such application as described in K.S.A. 2025 Supp. 9-565, and amendments thereto; *and*

(O) *the state board of healing arts for applicants or licensees as defined in K.S.A. 65-28a01, and amendments thereto, in connection with such application or investigation pursuant to section 1, and amendments thereto.*

(8) The Kansas bureau of investigation shall release criminal history record information related to adult convictions to:

(A) The department of agriculture for hemp employees as defined in K.S.A. 2-3901, and amendments thereto, in connection with such employment as described in K.S.A. 2-3902, and amendments thereto;

(B) the department of agriculture for applicants for licensure as a hemp producer as defined in K.S.A. 2-3901, and amendments thereto, in connection with such application as described in K.S.A. 2-3906, and amendments thereto;

(C) the office of state fire marshal for applicants for registration as a hemp processor as defined in K.S.A. 2-3901, and amendments thereto, in connection with such application as described in K.S.A. 2-3907, and amendments thereto;

(D) the department of agriculture for hemp destruction employees as defined in K.S.A. 2-3901, and amendments thereto, in connection with such employment as described in K.S.A. 2-3911, and amendments thereto;

(E) the bank commissioner for any applicant as defined in K.S.A. 9-508, and amendments thereto, in connection with such application as described in K.S.A. 9-509, and amendments thereto;

(F) the bank commissioner for an applicant for employment as a new executive officer or director with a money transmitter company as described in K.S.A. 9-513e, and amendments thereto;

(G) the bank commissioner for any applicant as defined in K.S.A. 9-1719, and amendments thereto, in connection with such application as described in K.S.A. 9-1722, and amendments thereto;

(H) the bank commissioner for an applicant, registrant or licensee as defined in K.S.A. 9-2201, and amendments thereto, in connection with

such application, registration or license as described in K.S.A. 9-2209, and amendments thereto;

(I) the state banking board for any officer, director or organizer of a proposed fiduciary financial institution as defined in K.S.A. 9-2301, and amendments thereto, in connection with such role as described in K.S.A. 9-2302, and amendments thereto;

(J) municipalities for applicants for merchant or security police as described in K.S.A. 12-1679, and amendments thereto;

(K) the bank commissioner for applicants as defined in K.S.A. 16a-6-104, and amendments thereto, in connection with such application as described in K.S.A. 16a-6-104, and amendments thereto;

(L) the state department of credit unions for every candidate as defined in K.S.A. 17-2234, and amendments thereto, in connection with such employment as described in K.S.A. 17-2234, and amendments thereto;

(M) the division of alcoholic beverage control within the department of revenue for applicants as defined in K.S.A. 41-102, and amendments thereto, in connection with such application as described in K.S.A. 41-311b, and amendments thereto;

(N) the division of post audit for employees as defined in K.S.A. 46-1103, and amendments thereto, in connection with such employment as described in K.S.A. 46-1103, and amendments thereto;

(O) the bank commissioner for licensees as defined in K.S.A. 50-1126, and amendments thereto, in connection with such license as described in K.S.A. 50-1128, and amendments thereto;

(P) the real estate appraisal board for licensees as defined in K.S.A. 58-4102, and amendments thereto, in connection with an application or investigation as described in K.S.A. 58-4127, and amendments thereto;

(Q) the real estate appraisal board for applicants as defined in K.S.A. 58-4703, and amendments thereto, in connection with such application as described in K.S.A. 58-4709, and amendments thereto;

(R) the department of health and environment for an employee as defined in K.S.A. 65-2401, and amendments thereto, in connection with such employment as described in K.S.A. 65-2402, and amendments thereto;

(S) the Kansas office of veterans services for candidates as defined in K.S.A. 73-1210a, and amendments thereto, in connection with an application as described in K.S.A. 73-1210a, and amendments thereto;

(T) a senate standing committee for a member named, appointed or elected to the public employee retirement systems board of trustee membership as described in K.S.A. 74-4905, and amendments thereto;

(U) the department of revenue for employees as defined in K.S.A. 75-5133c, and amendments thereto, in connection with such employment as described in K.S.A. 75-5133c, and amendments thereto;

(V) the division of motor vehicles within the department of revenue for employees as defined in K.S.A. 75-5156, and amendments thereto, in connection with such employment as described in K.S.A. 75-5156, and amendments thereto;

(W) the Kansas commission for the deaf and hard of hearing for applicants as defined in K.S.A. 75-5397f, and amendments thereto, in connection with such application as described in K.S.A. 75-5393a, and amendments thereto;

(X) the Kansas commission for the deaf and hard of hearing for employees as defined in K.S.A. 75-5397f, and amendments thereto, in connection with such employment as described in K.S.A. 75-5393c, and amendments thereto;

(Y) the department of health and environment for employees as defined in K.S.A. 75-5609a, and amendments thereto, in connection with such employment as described in K.S.A. 75-5609a, and amendments thereto; and

(Z) an executive branch agency head for employees as defined in K.S.A. 75-7241, and amendments thereto, in connection with such employment as described in K.S.A. 75-7241, and amendments thereto.

(c) State and local law enforcement agencies shall assist with taking fingerprints of individuals as authorized by this section.

(d) Any board, commission, committee or other public body shall recess into a closed executive session pursuant to K.S.A. 75-4319, and amendments thereto, to receive and discuss criminal history record information obtained pursuant to this section.

(e) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(f) (1) Fingerprints and criminal history record information received pursuant to this section shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2029, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

(2) Disclosure or use of any information received pursuant to this section for any purpose other than the purpose described in this section shall be a class A nonperson misdemeanor and shall constitute grounds for removal from office.

Sec. 3. K.S.A. 65-28,127 is hereby amended to read as follows: 65-28,127. (a) Every *collaborating*, supervising or responsible licensee who *collaborates with*, directs, supervises, orders, refers, accepts responsibility for, enters into written agreements or practice protocols with, or who delegates acts which constitute the practice of the healing arts to other persons shall:

- (1) Be actively engaged in the practice of the healing arts in Kansas;
 - (2) review and keep current any required written *or electronic* agreements or practice protocols between the *collaborating*, supervising or responsible licensee and such persons, as may be determined by the board;
 - (3) *collaborate with*, direct, supervise, order, refer, enter into a written *or electronic* agreement or practice protocol with, or delegate to such persons only those acts and functions ~~which~~ *that* the *collaborating*, supervising or responsible licensee knows or has reason to believe can be competently performed by such person and is not in violation of any other statute or regulation;
 - (4) *collaborate with*, direct, supervise, order, refer, enter into a written *or electronic* agreement or practice protocol with, or delegate to other persons only those acts and functions ~~which~~ *that* are within the normal and customary specialty, competence and lawful practice of the *collaborating*, supervising or responsible licensee;
 - (5) provide for a qualified, substitute licensee who accepts responsibility for the direction, supervision, delegation and written *or electronic* agreements or practice protocols with such persons when the supervising or responsible licensee is temporarily absent; and
 - (6) comply with all rules and regulations of the board establishing limits and conditions on the *collaboration*, delegation and supervision of services constituting the practice of medicine and surgery.
- (b) “Responsible licensee” means a person licensed by the state board of healing arts to practice medicine and surgery or chiropractic who has accepted responsibility for the actions of persons who perform acts pursuant to written agreements or practice protocols with, or at the order of, or referral, direction, supervision or delegation from such responsible licensee.
- (c) Except as otherwise provided by rules and regulations of the board implementing this section, the physician assistant licensure act shall govern the ~~direction and~~ supervision of *and collaboration with* physician assistants by persons licensed by the state board of healing arts to practice medicine and surgery.
- (d) Nothing in subsection (a)(4) shall be construed to prohibit a person licensed to practice medicine and surgery from ordering, authorizing or directing anesthesia care by a registered nurse anesthetist pursuant to K.S.A. 65-1158, and amendments thereto.
- (e) Nothing in this section shall be construed to prohibit a person licensed to practice medicine and surgery from ordering, authorizing or directing physical therapy services pursuant to K.S.A. 65-2901 et seq., and amendments thereto.
- (f) Nothing in this section shall be construed to prohibit a person licensed to practice medicine and surgery from entering into a

co-management relationship with an optometrist pursuant to K.S.A. 65-1501 et seq., and amendments thereto.

(g) The board may adopt rules and regulations establishing limits and conditions on the *collaboration*, delegation and supervision of services constituting the practice of medicine and surgery.

(h) As used in this section, “supervising physician” ~~shall have the meaning ascribed thereto~~ means the same as defined in K.S.A. 65-28a02, and amendments thereto.

(i) This section shall be part of and supplemental to the Kansas healing arts act.

Sec. 4. K.S.A. 65-28a01 is hereby amended to read as follows: 65-28a01. K.S.A. 65-28a01 to 65-28a12, inclusive, and amendments thereto, of this act shall be known and may be cited as the physician assistant *and physician associate* licensure act.

Sec. 5. K.S.A. 65-28a02 is hereby amended to read as follows: 65-28a02. (a) ~~The following words and phrases when~~ As used in the physician assistant *and physician associate* licensure act shall have the meanings respectively ascribed to them in this section:

(1) “Board” means the state board of healing arts.

(2) ~~“Direction and supervision” means the guidance, direction and coordination of activities of a physician assistant by such physician assistant’s supervising physician, whether written or verbal, whether immediate or by prior arrangement, in accordance with standards established by the board by rules and regulations, which standards shall be designed to ensure adequate direction and supervision by the supervising physician of the physician assistant. The term “direction and supervision” shall not be construed to mean that the immediate or physical presence of the supervising physician is required during the performance of the physician assistant~~ “*Collaboration*” means consultation or referral to the appropriate member of the healthcare team, as indicated by the patient’s condition, the education, experience and competencies of the physician assistant and the standard of care. Collaboration does not require the personal presence of a physician at the time or place the physician assistant provides care.

(3) “*Collaborating physician*” means a physician who is engaged in a practice agreement in which the physician and physician assistant collaborate to use their complementary training, skill, knowledge, and experience to provide patient care.

(4) “*Licensee*” means all persons issued a license or temporary license pursuant to the physician assistant and physician associate licensure act.

(5) “*License*” means any license or temporary license issued pursuant to the physician assistant and physician associate licensure act.

(6) *“Healthcare services” means services provided by a physician assistant licensed pursuant to the physician assistant and physician associate licensure act.*

(7) *“Practice agreement” means a written or electronic document that describes the manner in which a physician assistant will provide healthcare services in accordance with the provisions of the physician assistant and physician associate licensure act.*

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

(4)(9) *“Physician assistant” or “physician associate” means a person who is licensed to provide healthcare services in accordance with the provisions of K.S.A. 65-28a04, and amendments thereto, and who provides patient services under the direction and supervision of a supervising physician.*

(10) *“Supervision” means overseeing the activities and healthcare services rendered by a physician assistant. The constant physical presence of the physician is not required if the physician and physician assistant can easily communicate through telecommunication.*

~~(5)~~(11) *“Supervising physician” means prior to January 11, 2016, a responsible physician and on and after January 11, 2016, a physician who has accepted responsibility for the medical services rendered and actions of the physician assistant while performing under the direction and supervision of the supervising physician a physician who has accepted responsibility for the healthcare services rendered by and actions of the physician assistant while performing under the direction and supervision of such supervising physician.*

(6) *“Responsible physician” means a physician who has accepted continuous and ultimate responsibility for the medical services rendered and actions of the physician assistant while performing under the direction and supervision of the responsible physician.*

(7) *“Licensee,” for purposes of the physician assistant licensure act, means all persons issued a license or temporary license pursuant to the physician assistant licensure act.*

(8) *“License,” for purposes of the physician assistant licensure act, means any license or temporary license granted by the physician assistant licensure act.*

(9) *“Agreement” means, prior to January 11, 2016, protocol and on and after January 11, 2016, agreement.*

(b) ~~Prior to January 11, 2016, wherever the term “supervising physician” in connection with the term “physician assistant,” or words of like effect, appears in any statute, contract or other document, it shall mean responsible physician as defined in subsection (a)(6). On and after January 11, 2016, such term shall mean supervising physician as defined in subsection (a)(5).~~

Sec. 6. K.S.A. 65-28a03 is hereby amended to read as follows: 65-28a03. (a) There is hereby created a designation of active license. The board is authorized to issue an active license to a physician assistant who makes written application for such license on a form provided by the board and remits the fee for an active license established pursuant to subsection (h). ~~As a condition of engaging in active practice as a physician assistant, each licensed physician assistant shall file a request to engage in active practice signed by the physician assistant and the physician who will be responsible for the physician assistant. The request~~ *application* shall contain such information as required by rules and regulations adopted by the board. The board shall maintain a list of the names of physician assistants who may engage in active practice in this state.

(b) All licenses, except temporary licenses, *as provided pursuant to K.S.A. 65-28a07, and amendments thereto*, shall be canceled on the date of cancellation established by rules and regulations of the board and may be renewed as required by the board. The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established pursuant to this section, which shall be paid not later than the renewal date of the license. The board, prior to renewal of an active license, shall require the licensee to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402, and amendments thereto, and has paid the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.

(c) At least 30 days before the renewal date of the license of a physician assistant, except a temporary license, *as provided pursuant to K.S.A. 65-28a07, and amendments thereto*, the board shall notify the licensee of the renewal date by mail addressed to the licensee's last mailing address as noted upon the office records of the board. If the licensee fails to submit the renewal application and pay the renewal fee by the renewal date of the license, the licensee shall be given notice that the licensee has failed to pay the renewal fee by the renewal date of the license and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the 30-day period following the renewal date and that, if both fees are not received within the 30-day period, the license shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reissued only after the license has been reinstated under subsection (d).

(d) Any license canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing

appropriate continuing education requirements for reinstatement of licenses canceled for failure to renew.

(e) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an inactive license established pursuant to subsection (h) ~~of this section~~. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a physician assistant and who does not engage in active practice as a physician assistant in the state of Kansas. An inactive license shall not entitle the holder to engage in active practice. The provisions of subsections (c) and (d) ~~of this section~~ relating to cancellation, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by presenting a request required by subsection (a) and submit to the board evidence satisfactory to the board that such licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402, and amendments thereto, and has paid the premium surcharges as required by K.S.A. 40-3404, and amendments thereto. The request shall contain such information as required by rules and regulations adopted by the board. The request shall be accompanied by the fee established pursuant to subsection (h).

(f) (1) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensed physician assistant who makes written application for such license on a form provided by the board and remits the same fee required for a federally active license established under subsection (h). The board may issue a federally active license only to a person who meets all of the requirements for a license to practice as a physician assistant in Kansas and who practices as a physician assistant solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. A person issued a federally active license may engage in limited practice outside of the course of federal employment consistent with the scope of practice of exempt licensees under subsection (g), except that the scope of practice of a federally active licensee shall be limited to the following:

(A) Performing administrative functions, including peer review, disability determinations, utilization review and expert opinions;

(B) providing direct patient ~~care~~ *healthcare* services gratuitously or providing supervision, direction or consultation for no compensation except that nothing in this ~~subsection (f)(1)(B)~~ *subparagraph* shall prohibit a physician assistant issued a federally active license from receiving payment for subsistence allowances or actual and necessary expenses incurred in providing such services; and

(C) rendering ~~professional~~ *healthcare* services as a charitable ~~health care~~ *healthcare* provider as defined in K.S.A. 75-6102, and amendments thereto.

(2) The provisions of subsections (c) and (d) ~~of this section~~ relating to continuing education, cancellation, renewal and reinstatement of a license shall be applicable to a federally active license issued under this subsection.

(3) A person who practices under a federally active license shall not be deemed to be rendering professional service as a ~~health care~~ *healthcare* provider in this state for purposes of K.S.A. 40-3402, and amendments thereto.

(g) (1) There is hereby created a designation of exempt license. The board is authorized to issue an exempt license to any licensed physician assistant who makes written application for such license on a form provided by the board and remits the fee for an exempt license established under subsection (h). The board may issue an exempt license to a person who is not regularly engaged in physician assistant practice in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. An exempt license shall entitle the holder to all privileges of a physician assistant for which such license is issued. Each exempt license may be renewed subject to the provisions of this section. Each exempt licensee shall be subject to all provisions of the physician assistant licensure act, except as otherwise provided in this subsection (g). The holder of an exempt license may be required to submit evidence of satisfactory completion of a program of continuing education required by this section. The requirements for continuing education for exempt licensees under this section shall be established by rules and regulations adopted by the board. Each exempt licensee may apply for an active license to regularly engage in the practice of a physician assistant upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by the active license fee established pursuant to subsection (h).

(2) For the licensee whose license has been exempt for less than two years, the board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice as a physician assistant within Kansas. Any licensee whose license has been exempt for more than two years and who has not been in the active practice as a physician assistant or engaged in a formal educational program since the license has been exempt may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(3) Nothing in this subsection ~~(g)~~ shall be construed to prohibit a person holding an exempt license from serving as a paid employee of:

(A) A local health department as defined by K.S.A. 65-241, and amendments thereto; or

(B) an indigent ~~health-care~~ *healthcare* clinic as defined by K.S.A. 75-6102, and amendments thereto.

(h) The following fees shall be fixed by rules and regulations adopted by the state board of healing arts and shall be collected by the board:

(1) For an active license as a physician assistant, the sum of not more than \$200;

(2) for any license by endorsement as a physician assistant, the sum of not more than \$200;

(3) for temporary licensure as a physician assistant, the sum of not more than \$30;

(4) for the renewal of an active license to practice as a physician assistant, the sum of not more than \$150;

(5) for renewal of an inactive license, the sum of not more than \$150;

(6) for the late renewal of any license as a physician assistant, the sum of not more than \$250;

(7) for reinstatement of a license canceled for failure to renew, the sum of not more than \$250;

(8) for a certified statement from the board that a physician assistant is licensed in this state, the sum of not more than \$30;

(9) for a federally active license, the sum of not more than \$200;

(10) for the exempt license, the sum of not more than \$150;

(11) for a copy of the licensure certificate of a physician assistant, the sum of not more than \$25; and

(12) for conversion of an inactive license to an active license to actively practice as a physician assistant, the sum of not more than \$150.

(i) The board shall remit all moneys received by or for the board under the provisions of this act to the state treasurer and such money shall be deposited in the state treasury, credited to the state general fund and the healing arts fee fund and expended all in accordance with K.S.A. 65-2855, and amendments thereto.

(j) The board may ~~promulgate~~ *adopt* all necessary rules and regulations for carrying out the provisions of this act.

Sec. 7. K.S.A. 65-28a04 is hereby amended to read as follows: 65-28a04. (a) ~~No person shall be licensed as a physician assistant by The state board of healing arts unless such person has~~ *may grant a physician assistant license to an applicant who:*

(1) ~~Presented to the state board of healing arts proof that the applicant has successfully completed a course of education and training approved by the state board of healing arts for the education and training of a physician assistant or presented to the state board of healing arts proof that the applicant has acquired experience while serving in the armed~~

~~forces of the United States which experience is equivalent to the minimum experience requirements established by the~~ Submits an application on forms approved by the state board of healing arts;

(2) ~~passed an examination approved by the state board of healing arts covering subjects incident to the education and training of a physician assistant; and~~ pays the appropriate fees as determined by the board;

(3) *has successfully completed an educational program for physician assistants or physician associates accredited by the accreditation review commission on education for the physician assistant or, prior to 2001, either by the committee on allied health education and accreditation or the commission on accreditation of allied health education programs;*

(4) *has passed the physician assistant national certifying examination administered by the national commission on certification of physician assistants;*

(5) *has no license as a physician assistant that is currently under discipline, revocation, suspension or probation for cause resulting from the applicant's practice as a physician assistant, unless the board considers such condition and agrees to licensure; and*

(6) *submitted to the state board of healing arts any other information the state board of healing arts deems necessary to evaluate the applicant's qualifications.*

(b) *The board may also grant a license to an applicant who:*

(1) *Does not meet the educational requirement specified in subsection (a)(3), but who prior to 1986, passed the physician assistant national certifying examination administered by the national commission on certification of physician assistants; and*

(2) *presents to the state board of healing arts proof that such applicant has acquired experience while serving in the armed forces of the United States which experience is equivalent to the minimum experience requirements established by the state board of healing arts.*

(c) *The board may refuse to license a person as a physician assistant upon any of the grounds for which the board may revoke such license.*

~~(e)(d)~~ The state board of healing arts shall require every physician assistant to submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the state board of healing arts. The state board of healing arts by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act. In establishing such requirements the state board of healing arts shall consider any existing programs of continuing education currently being offered to physician assistants.

~~(d)~~ A person registered to practice as a physician assistant immediately prior to the effective date of this act shall be deemed to be licensed

to practice as a physician assistant under this act, and such person shall not be required to file an original application for licensure under this act. Any application for registration filed which has not been granted prior to February 1, 2001, shall be processed as an application for licensure under this act.

Sec. 8. K.S.A. 65-28a05 is hereby amended to read as follows: 65-28a05. A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately 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:

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

(b) the licensee has obtained a license by means of fraud, *deception*, misrepresentations or concealment of material facts;

~~(c) the licensee has committed an act of professional incompetency as defined by rules and regulations adopted by the board~~ *been convicted of a felony, class A misdemeanor or a substantially similar offense in this or another jurisdiction, whether or not such conviction is related to the practice of healing arts, or such licensee has been convicted in a special or general court-martial, whether or not such conviction is related to the practice of healing arts. The board shall revoke a licensee's license following the conviction of a felony, a substantially similar offense in another jurisdiction or a general court-martial occurring on or after July 1, 2000, unless a two-thirds majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in the capacity of a licensee and that such licensee has been sufficiently rehabilitated to warrant the public trust. If a person who has been convicted of a felony or in a general court-martial applies for an original license or to reinstate a canceled license, the application for such person shall be denied unless a two-thirds majority of the board members present and voting on such application determined by clear and convincing evidence that such applicant will not pose a threat to the public in the capacity of a licensee and that such applicant has been sufficiently rehabilitated to warrant public trust;*

~~(d) the licensee has been convicted of a felony;~~

~~(e)~~ *the licensee has violated any provision of this act, and amendments thereto, or any other laws governing licensed healthcare professionals or any stipulation or agreement of the board;*

~~(f)(e)~~ *the licensee has violated any lawful order or rule and regulation of the board or other regulations governing licensed healthcare professionals or any stipulation or agreement of the board;*

~~(g)(f)~~ *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 is incompetent to stand trial by a court of competent jurisdiction;

~~(h)~~(g) the licensee has violated a federal law or regulation relating to controlled substances;

~~(i)~~(h) 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~~ *healthcare* facility, a professional association or society, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

~~(j)~~(i) the licensee has surrendered a license or authorization to practice as a physician assistant in another state or jurisdiction, has surrendered the authority to utilize controlled substances issued by any state or federal agency, has agreed to a limitation to or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

~~(k)~~(j) the licensee has failed to report to the board the surrender of the licensee's license or authorization to practice as a physician assistant 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;

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

~~(m)~~(l) 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;

~~(n)~~(m) the licensee's ability to practice with reasonable skill and safety to patients is impaired by reason of physical or mental illness, or condition or use of alcohol, drugs or controlled substances. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery by or release to any person or entity outside of a board proceeding;

~~(o)~~(n) the licensee has exceeded or has acted outside the ~~scope of authority given the physician assistant by the supervising physician or by this act~~ *practice agreement*; or

~~(p)~~(o) the licensee has assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-5407, and amendments thereto, as established by any of the following:

(1) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-5407, and amendments thereto.

(2) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto.

(3) A copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

Sec. 9. K.S.A. 65-28a06 is hereby amended to read as follows: 65-28a06. (a) It shall be unlawful for any person who is not licensed under this act or whose license has been revoked or suspended to engage in the practice as a physician assistant as defined by this act.

(b) No person shall use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a licensed physician assistant, nor shall any person represent oneself to be a licensed physician assistant unless such person has been duly licensed as a physician assistant in accordance with the provisions of this act.

(c) *A person who meets the qualifications for licensure under this act but does not possess a current license may use the title "PA", "physician assistant" or "physician associate" but shall not practice as a physician assistant unless licensed in accordance with the provisions of this act.*

(d) The provisions of this act shall not be construed to include the following ~~persons~~:

(1) Persons rendering gratuitous services in the case of an emergency.

(2) Persons gratuitously administering ordinary household remedies.

(3) Individuals practicing religious beliefs ~~which~~ *that* provide for reliance on spiritual means alone for healing.

(4) *Physician assistant students while performing professional services in an approved enrolled in a physician assistant education and training program accredited by the accreditation review commission on education for the physician assistant or its successor agency while performing healthcare services under the supervision of an approved instructor.*

(5) Persons whose ~~professional~~ *healthcare* services are performed under the direct and personal supervision or by order of a practitioner who is licensed under the healing arts act.

(6) ~~Other health care~~ *healthcare* providers licensed, registered, certified or otherwise credentialed by agencies of the state of Kansas.

(7) ~~Persons who practice as Physician assistants solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies employed in the service of the federal government while performing duties pursuant to that employment.~~

~~(d)~~(e) Any person violating the provisions of this section shall be guilty of a class B *nonperson* misdemeanor.

Sec. 10. K.S.A. 65-28a08 is hereby amended to read as follows: 65-28a08. (a) ~~The practice of A physician assistant shall include medical~~ *may provide healthcare services within the education, training and, experience of the physician assistant that are delegated by the supervising physician. Physician assistants practice in a dependent role with a supervising physician, and may perform those duties and responsibilities through delegated authority or written agreement. Medical services rendered by physician assistants may be performed in any setting authorized by the supervising physician, including, but not limited to, clinics, hospitals, ambulatory surgical centers, patient homes, nursing homes and other medical institutions and competence of the physician assistant. A physician assistant shall be responsible for the healthcare services that such physician assistant provides. Healthcare services provided by physician assistants may include, but shall not be limited to:*

(1) *Obtaining and performing a comprehensive health history and physical examination;*

(2) *evaluating, diagnosing, managing and providing medical treatment, including prescribing drugs;*

(3) *ordering and evaluating a diagnostic study and therapeutic procedure;*

(4) *educating a patient on health promotion and disease prevention;*

(5) *providing patient consultation or referral;*

(6) *writing medical orders;*

(7) *obtaining informed consent;*

(8) *authenticating any document with the physician assistant's signature, certificate stamp or endorsement if such document may be authenticated in the same manner by a physician;*

(9) *pronounce death; and*

(10) *supervise, delegate and assign therapeutic measures to licensed or unlicensed personnel.*

(b)(1) *A physician assistant may:*

(A) *Prescribe durable medical devices and medical equipment and prescribe, procure or administer any drug. Physician assistants may plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions, including, but not limited to, durable medical equipment and diagnostic support services; and*

(B) *prescribe, procure and administer drugs, including drugs in schedules II through V of the uniform controlled substances act and all legend drugs.*

(2) *Any drug that is a controlled substance shall be prescribed, procured or administered in accordance with the uniform controlled sub-*

stances act. A prescription shall include the name, address and telephone number of the physician assistant.

(3) *In order to prescribe controlled substances, a physician assistant shall register with the federal drug enforcement administration and comply with federal drug enforcement administration requirements related to controlled substances.*

(4) *A physician assistant may request, receive and sign for professional samples and may distribute professional samples to patients.*

(5) *As used in this section, "drug" means those articles and substances defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.*

(6) *All dispensing activities of a physician assistant shall:*

(A) *Comply with appropriate state and federal regulations;*

(B) *occur when pharmacy services are not reasonably available, when it is in the best interests of the patient or during an emergency; and*

(C) *include any medication that may be dispensed by a physician.*

(c) *Consistent with the scope of practice, physician assistants may certify the health or disability of a patient as required by a local, state or federal program.*

(d) *Physician assistants may provide services in healthcare facilities or programs, including, but not limited to, clinics, hospitals, ambulatory surgical centers, patient homes, adult care homes, hospices and other medical institutions.*

(e) *A physician assistant shall not perform any act or procedure performed in the practice of optometry, except as provided in K.S.A. 65-1508 and 65-2887, and amendments thereto.*

(f) *A physician assistant shall not perform any healthcare service, act or procedure that is not authorized by applicable law.*

~~(b) (1) A person licensed as a physician assistant may perform, only under the direction and supervision of a physician, acts which constitute the practice of medicine and surgery to the extent and in the manner authorized by the physician responsible for the physician assistant and only to the extent such acts are consistent with rules and regulations adopted by the board which relate to acts performed by a physician assistant under the supervising physician's direction and supervision. A physician assistant may prescribe drugs pursuant to a written agreement as authorized by the supervising physician.~~

~~(2) On and after January 11, 2016, a physician assistant, when authorized by a supervising physician, may dispense prescription only drugs:~~

~~(A) In accordance with rules and regulations adopted by the board governing prescription only drugs;~~

~~(B) when dispensing such prescription only drugs is in the best interests of the patient and pharmacy services are not readily available; and~~

(C) — if such prescription only drugs do not exceed the quantity necessary for a 72 hour supply.

~~(e)(g)~~ Before a physician assistant shall perform under the direction and supervision of a supervising physician, such ~~A physician assistant licensed under this act shall be identified to the patient and others involved in providing the patient services as a physician assistant to the supervising physician use the title of “PA”, “physician assistant” or “physician associate” when engaged in professional activities requiring a physician assistant license.~~ Physician assistants licensed under the provisions of this act shall keep such person's license available for inspection at their primary place of business. ~~A physician assistant may not perform any act or procedure performed in the practice of optometry except as provided in K.S.A. 65-1508 and 65-2887, and amendments thereto.~~

(h) *A physician assistant who attests to having 4,000 hours or more of postgraduate clinical experience, and has not had a disciplinary action taken against such licensee's license pursuant to K.S.A. 65-28a05, and amendments thereto, may practice in collaboration with a physician or physician group pursuant to a practice agreement that is kept on file at the practice site and made available to the board upon request. Such physician assistant shall collaborate with, consult with or refer to the appropriate member of the healthcare team as indicated by the patient's condition, the education, experience and competencies of the physician assistant and the standard of care. The terms, conditions and limitations of collaboration shall be determined by the collaborating physician or the collaborating physician group and physician assistant. If such collaboration takes place in a licensed healthcare facility, then the terms, conditions and limitations of collaboration shall be determined by the collaborating physician, collaborating physician group, physician assistant and the credentialing and privileging systems of such licensed healthcare facility.*

(i) *Except as provided by this subsection, after the effective date of this act, any physician assistant in a written practice agreement with a collaborating physician is authorized to continue to practice for not more than 180 days, with board approval, after the loss or absence of a collaborating physician, if such physician assistant:*

(1) *Has not had a disciplinary action taken against such licensee's license pursuant to K.S.A. 65-28a05, and amendments thereto; and*

(2) *seeks any necessary collaboration for patients who require healthcare services beyond the training and experience of the physician assistant through referral patterns established with a physician or other healthcare providers as indicated by the patient's condition. Upon request and approval by the board, such physician assistant may be granted one extension of up to an additional 180 days to continue practicing.*

(j) *A physician assistant with fewer than 4,000 hours of postgraduate clinical experience shall practice with physician supervision under the terms of a written practice agreement.*

~~(d)(k)~~ (1) The board shall adopt rules and regulations ~~to be effective January 11, 2016, governing that govern~~ the practice of physician assistants, including the delegation, direction and supervision and responsibilities of a *collaborating physician, collaborating physician group or supervising physician*. Such rules and regulations shall establish conditions and limitations as the board determines to be necessary to protect the public health and safety, ~~and may include a limit upon the number of physician assistants that a supervising physician is able to safely and properly supervise.~~ In developing rules and regulations relating to the practice of physician assistants, the board shall take into consideration the amount of training and capabilities of physician assistants, the different practice settings in which physician assistants and supervising physicians practice, ~~and the needs of the geographic area of the state in which the physician assistant and the supervising physician practice and the differing degrees of direction and supervision by a supervising physician appropriate for such settings and areas.~~

(2) The board shall adopt rules and regulations governing the prescribing of drugs by physician assistants ~~and the responsibilities of the supervising physician with respect thereto.~~ Such rules and regulations shall establish such conditions and limitations as the board determines to be necessary to protect the public health and safety. In developing rules and regulations relating to the prescribing of drugs by physician assistants, the board shall take into consideration the amount of training and capabilities of physician assistants, the different practice settings in which physician assistants and supervising physicians practice, ~~the degree of direction and supervision to be provided by a supervising physician and the needs of the geographic area of the state in which the supervising physician's physician assistant and the supervising physician practice.~~ In all cases in which a physician assistant is authorized to prescribe drugs by a supervising physician, a written agreement between the supervising physician and the physician assistant containing the essential terms of such authorization shall be in effect. Any written prescription order shall include the name, address and telephone number of the supervising physician. In no case shall the scope of the authority of the physician assistant to prescribe drugs exceed the normal and customary practice of the supervising physician in the prescribing of drugs.

~~(e)~~ The physician assistant may request, receive and sign for professional samples and may distribute professional samples to patients pursuant to a written agreement as authorized by the supervising physician. In order to prescribe or dispense controlled substances, the physician assistant shall register with the federal drug enforcement administration.

(f) ~~As used in this section, “drug” means those articles and substances defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.~~

(g) ~~Prior to January 11, 2016, the board shall limit the number of physician assistants a responsible physician may supervise at any one time to the equivalent of two full time physician assistants as approved in each case by the board. Any limitation on the number of physician assistants in this subsection shall not apply to services performed in a medical care facility, as defined in K.S.A. 65-425, and amendments thereto. The provisions of this subsection shall expire on January 11, 2016.~~

Sec. 11. K.S.A. 65-28a09 is hereby amended to read as follows: 65-28a09. (a) If a supervising physician temporarily leaves such physician's customary location of practice, the supervising physician shall, by prior arrangement, name another supervising physician who shall provide direction and supervision to the physician assistant.

(b) ~~A physician assistant with a supervision practice agreement shall not perform professional healthcare services pursuant to this act unless the name, address and signature of each supervising physician and on the form required under subsection (a)(2) of K.S.A. 65-28a03, and amendments thereto, have agreement has been provided to the board. A supervising physician and physician assistant shall notify the board when supervision and direction of the physician assistant a practice agreement has terminated. The board shall provide forms for identifying each supervising physician and for giving notice that direction and supervision a practice agreement has terminated. These forms may direct that additional information be provided, including a copy of any written agreements, as required by rules and regulations adopted by the board.~~

Sec. 12. K.S.A. 65-28a11 is hereby amended to read as follows: 65-28a11. (a) There is established a physician assistant council to advise the board in carrying out the provisions of K.S.A. 65-28a01 through 65-28a09, and amendments thereto. The council shall consist of five members, all citizens and residents of the state of Kansas appointed as follows: One member shall be a physician *in a practice agreement with a physician assistant* appointed by the board ~~who is a supervising physician for a physician assistant~~; one member shall be the president of the board or a person designated by the president; and three members shall be licensed physician assistants *with active licenses* appointed by the governor. The governor, insofar as possible, shall appoint persons from different geographical areas and persons who represent various types of practice settings. If a vacancy occurs on the council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term, if any. The Kansas academy of physician assistants *associates* shall recommend the names of licensed physician assistants to the governor in a number equal to at least twice the

positions or vacancies to be filled, and the governor may appoint members to fill the positions or vacancies from the submitted list. Members of the council appointed by the governor on and after the effective date of this act shall be appointed for terms of three years and until their successors are appointed and qualified except that of the members first appointed by the governor on or after the effective date of this act one shall be appointed for a term of one year, one shall be appointed for a term of two years and one shall be appointed for a term of three years, as designated by the governor. The member appointed by the board shall serve at the pleasure of the board. A member designated by the president of the board shall serve at the pleasure of the president.

(b) Members of the council attending meetings of the council, or attending a subcommittee meeting thereof authorized by the council, shall be paid amounts provided in ~~subsection (e) of K.S.A. 75-3223(e)~~, and amendments thereto, from the healing arts fee fund.

Sec. 13. K.S.A. 65-28,127, 65-28a01, 65-28a02, 65-28a03, 65-28a04, 65-28a05, 65-28a06, 65-28a08, 65-28a09 and 65-28a11 and K.S.A. 2025 Supp. 22-4714 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after January 1, 2027, and its publication in the statute book.

Approved April 3, 2026.

CHAPTER 37

House Substitute for SENATE BILL No. 366

AN ACT concerning traffic regulations; prohibiting the use of a mobile telephone while operating a motor vehicle in a school zone or a road construction zone; permitting the display of certain lighting in road construction zones by vehicles and trailers engaged in highway construction and maintenance operations; amending K.S.A. 8-1729 and 8-1731 and K.S.A. 2025 Supp. 8-2118 and repealing the existing sections.

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

New Section 1. (a) No person shall use a mobile telephone while operating a motor vehicle in a school zone at a time when a reduced speed limit is enforced as established by K.S.A. 8-1560(a) or 8-1560e, and amendments thereto, or in a road construction zone, as that term is defined in K.S.A. 8-1458a, and amendments thereto, while workers are present and signs are posted at the beginning of the road construction zone alerting drivers to such workers.

(b) The provisions of subsection (a) shall not apply to:

(1) A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;

(2) a person operating a motor vehicle that is halted at a location where the vehicle can safely and lawfully remain stationary; or

(3) a mobile telephone that is being used with a hands-free device.

(c) The provisions of subsection (a) shall not prohibit a person from using a mobile telephone while operating a motor vehicle that would otherwise violate subsection (a) to:

(1) Report current or ongoing illegal activity to a law enforcement agency;

(2) prevent imminent injury to a person or property;

(3) summon medical or other emergency assistance; or

(4) relay information between a transit or for hire operator and the operator's dispatcher, if the device is permanently affixed to the motor vehicle.

(d) Holding a mobile telephone shall constitute a rebuttable presumption of a violation of subsection (a) for persons operating a motor vehicle in a school zone or a road construction zone.

(e) A law enforcement officer shall not, without the consent of the person:

(1) Confiscate a mobile telephone device for the purpose of determining compliance with this section;

(2) confiscate a mobile telephone and retain it as evidence pending trial for a violation of this section; or

(3) extract or otherwise download information from a mobile telephone for a violation of this section unless:

(A) The law enforcement officer has probable cause to believe that the mobile telephone has been used in the commission of a crime;

(B) the information is extracted or otherwise download under a valid search warrant; or

(C) otherwise authorized by law.

(f) As used in this section:

(1) “Hands-free device” means speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether or not the hands-free device is permanently installed in the motor vehicle, that allows use of the mobile telephone without use of either of the operator’s hands.

(2) “Mobile telephone” does not include a commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device or remote diagnostics system.

(3) (A) “Use a mobile telephone” means the use of the mobile telephone by an operator of the motor vehicle when performed without the use of a hands-free device.

(B) “Use a mobile telephone” does not apply to:

(i) A voice-based communication that is automatically converted to the device to be sent as a message in a written form when used in hands-free mode;

(ii) the use of the device for navigation of the vehicle or for global positioning system purposes when used in hands-free mode; or

(iii) the use of the device to perform any task that would otherwise be allowed to be performed on the motor vehicle’s entertainment system when used in hands-free mode.

(g) A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (a). The provisions of this subsection shall expire on and after July 1, 2027.

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

Sec. 2. K.S.A. 8-1729 is hereby amended to read as follows: 8-1729.

(a) During the times specified in K.S.A. 8-1703, and amendments thereto, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps and school bus warning lamps that projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) Except as required or permitted in K.S.A. 8-1720 and 8-1730, and amendments thereto, or K.S.A. 8-1762, and amendments thereto, no person shall drive or move any vehicle or equipment upon any highway with

any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.

(c) Flashing lights are prohibited except as authorized or required in K.S.A. 8-1717, 8-1720, 8-1721, 8-1722, 8-1723, 8-1730, 8-1730a and 8-1731, and amendments thereto.

(d) *Except as provided in K.S.A. 8-1731, and amendments thereto*, the flashing lights described in K.S.A. 8-1720, 8-1730 and 8-1730a, and amendments thereto, shall not be used on any vehicle other than a school bus, church bus or day care program bus, as defined in K.S.A. 8-1730a, and amendments thereto, or an authorized emergency vehicle.

(e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, ~~which~~ *that* may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

Sec. 3. K.S.A. 8-1731 is hereby amended to read as follows: 8-1731.

(a) Notwithstanding the provisions of K.S.A. 8-1729, and amendments thereto, vehicles engaged in highway construction and maintenance operations may display flashing, rotating or oscillating amber, green or white lights at all times in a road construction zone. Such lights may be displayed by themselves or in a combination of two or three of such lights.

(b) Notwithstanding the provisions of K.S.A. 8-1729, and amendments thereto, stationary trailers engaged in highway construction and maintenance operations may display flashing, rotating or oscillating white and blue lights within the area of a road construction zone when any portion of the highway is closed, subject to the following conditions:

(1) The lights are used during the hours between sunset and sunrise; and

(2) There are workers present in such road construction zone.

(c) The secretary of transportation shall adopt rules or regulations establishing specifications and rules governing the design and use of special flashing lights on vehicles engaged in highway construction or maintenance operations in accordance with the provisions of this section.

Sec. 4. K.S.A. 2025 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

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

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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Driving on left side of roadway	8-1514	\$75
Failure to keep right to pass oncoming vehicle	8-1515	\$75
Improper passing; increasing speed when passed	8-1516	\$75
Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$75
Driving on left in no-passing zone	8-1520	\$75
Unlawful passing of stopped emergency vehicle	8-1520a	\$75
Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75
Following too close	8-1523	\$75
Improper crossover on divided highway	8-1524	\$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approaching vehicle when turning left	8-1527	\$75
Failure to yield at stop or yield sign	8-1528	\$75
Failure to yield from private road or driveway	8-1529	\$75
Failure to yield to emergency vehicle	8-1530	\$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$105
Failure to comply with restrictions in road construction zone	8-1531a	\$45
Disobeying pedestrian traffic control device	8-1532	\$45

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
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	8-15,116	\$75
<i>Unlawful use of mobile telephone</i>	<i>section 1</i>	<i>\$60</i>
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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
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

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$287
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$137
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$137
No authority as private or common carrier	66-1,111	\$137
Violation of motor carrier safety rules and regulations, except for violations specified in K.S.A. 66-1,130(b)(2), and amendments thereto	66-1,129	\$115

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

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

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

of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined $2\frac{1}{2}$ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

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

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

Sec. 5. K.S.A. 8-1729 and 8-1731 and K.S.A. 2025 Supp. 8-2118 are hereby repealed.

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

Approved April 3, 2026.

CHAPTER 38

HOUSE BILL No. 2622

AN ACT concerning municipal lease-purchase agreements; modifying the protest petition requirements; amending K.S.A. 10-1116c and repealing the existing section.

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

Section 1. K.S.A. 10-1116c is hereby amended to read as follows: 10-1116c. Any lease-purchase agreement entered into pursuant to this act shall be subject to the following conditions:

(a) If the proposed agreement is for a term exceeding the current fiscal year of the municipality, it shall be approved by a majority vote of all members of the governing body.

(b) If the proposed agreement involves the acquisition of land or buildings by a municipality other than a county, school district or community college, is for a term of three or more years, and provides for payments in any year in excess of 3% of the total amount budgeted by the municipality for expenditure during the current year, excluding debt service, a notice thereof specifying the purpose and the total of all payments shall be published once each week for two consecutive weeks in a newspaper of general circulation within such municipality. If, within 30 days following the last publication of such notice, a petition in opposition to the agreement signed by not less than ~~5%~~ 3% of the qualified voters of such municipality is filed with the appropriate county election officer, no such agreement shall take effect unless and until the same is approved by a majority of the qualified voters of such municipality voting at an election thereon. Any such election shall be called and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto, or in accordance with the provisions of the mail ballot election act.

(c) If the municipality is a county, school district or community college and the proposed agreement involves the acquisition of land or buildings, is for a term exceeding the current fiscal year of the municipality, and provides for annual payments which in the aggregate exceed \$100,000, the governing body of such municipality first shall adopt a resolution stating its intent to enter into such lease-purchase agreement. The resolution shall specify the total of all payments to be made pursuant to the agreement and the purpose for which such agreement is to be entered into. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation within the municipality. If a protest petition signed by not less than ~~5%~~ 3% of the qualified voters of the municipality, ~~as determined by the vote for secretary of state at the last general election,~~ is filed with the appropriate county election officer within 30 days following the last publication of the resolution, no such

agreement shall take effect unless approved by a majority of the qualified voters of the municipality voting at an election thereon. Any such election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, or in accordance with the provisions of the mail ballot election act. If no such protest petition is filed within the time limitation contained herein, the governing body of the municipality may enter into such agreement. If an election is held pursuant to a protest petition and a majority vote is cast in favor of the proposition, the governing body of the municipality shall have authority to enter into such agreement.

(d) If the proposed agreement is for a term exceeding the current fiscal year of the municipality, the agreement shall specify the following: (1) The amount or capital cost required to purchase the item if paid for by cash; (2) the annual average effective interest cost; and (3) the amount included in the payments for service, maintenance, insurance or other charges exclusive of the capital cost and interest cost.

Sec. 2. K.S.A. 10-1116c 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 3, 2026.

CHAPTER 39

HOUSE BILL No. 2467
(Amended by Chapter 155)

AN ACT concerning traffic regulations; relating to failure to comply with a traffic citation; prohibiting past convictions or sanctions that are more than five years old from being considered by courts or the division of vehicles in determining suspended or restricted driving privileges; eliminating certain notice requirements for the division of vehicles related to suspended or restricted drivers' licenses; amending K.S.A. 2025 Supp. 8-2110 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay any fine and court costs imposed as ordered by the court; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) (A) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for any violations provided in subparagraph (C), the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay fines, court costs and any penalties as ordered by the court within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall restrict such person's driving privileges pursuant to the terms set forth in subparagraph (B). The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles unless the district or municipal court has determined pursuant to a written order that the person shall fulfill any requirements set forth by the court prior to the suspension. Failure to abide by the terms of the order shall result in the court notifying the division of vehicles that the person's license shall be suspended for the failure to comply with a traffic citation. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of substantial compliance with the terms of the

traffic citation has been furnished to the informing court unless such person is eligible for restricted driving privileges pursuant to subparagraph (B). If the person is eligible for restricted driving privileges, the division of vehicles shall notify the violator that the person's driving privileges are restricted pursuant to the terms set forth in subparagraph (B). When the court determines the person is in substantial compliance with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the restriction, suspension or suspension action.

(B) (i) When restricted driving privileges are approved pursuant to this subsection, the person's driving privileges shall be restricted to driving only under the following circumstances:

(a) In going to or returning from the person's place of employment or schooling;

(b) in the course of the person's employment;

(c) in going to or returning from an appointment with a healthcare provider or during a medical emergency;

(d) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court;

(e) in going to or returning from dropping off or picking up one or more children from school or child care;

(f) in going to or returning from purchasing groceries or fuel for their vehicle; and

(g) in going to or returning from any religious worship service held by a religious organization.

(ii) A person shall not qualify for restricted driving privileges pursuant to this subparagraph if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect for the lesser of time of either:

(a) 60 days from the date that the division of vehicles mails notice to the person of the restricted driving privileges;

(b) the person enters into an agreement with the court regarding the person's failure to comply; or

(c) the rescission of the restricted driving privileges by the division of vehicles.

(iii) The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of:

(a) A violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation; or

(b) operating a motor vehicle in violation of restrictions provided in clause (i) two or more times.

(iv) A person operating a motor vehicle in violation of restrictions provided in clause (i) shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto.

(C) (i) Violations of the following sections or violations of substantially similar offenses under a city ordinance shall not provide the basis for a violation of this section: K.S.A. 8-1513, 8-1532, 8-1534, 8-1536, 8-1537, 8-1538, 8-1543, 8-1569, 8-1571, 8-1572, 8-1573, 8-1578, 8-1578a, 8-1583, 8-1585, 8-1586, 8-1588, 8-1589, 8-1590, 8-1591, 8-1592, 8-15,102, 8-15,108, 8-15,113, 8-1744, 21-5607, 21-5810, 21-5815, 21-5816, 21-5817, 21-6203, 41-715, 41-727, 66-1330, 68-2106, 75-4510a and 79-34,112, and amendments thereto.

(ii) The provisions of this subparagraph shall be construed and applied retroactively. A person may petition the district or municipal court in which the person should have complied with the citation that led to a prior violation of this section. If the court determines that the person committed an offense that does not provide the basis for a violation of this section, as amended by this act, the court shall immediately electronically notify the division of vehicles. Upon receipt of such notification from the informing court, the division of vehicles shall terminate any restriction, suspension or suspension action that resulted from the prior violation of this section.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges. The driver may apply and be eligible for restricted driving privileges pursuant to this paragraph if such driver has previously been approved for restricted driving privileges pursuant to paragraph (1).

(B) (i) A person whose driving privileges have been revoked solely for driving a motor vehicle on any highway as defined in K.S.A. 8-1424, and amendments thereto, of this state at a time when such person's privilege to do so was canceled, suspended or revoked for failure to comply with a traffic citation pursuant to this section may submit to the division of vehicles a written request for restricted driving privileges. A person shall not qualify for restricted driving privileges pursuant to this section if such person has been convicted for driving with a canceled, suspended or revoked license more than three times or if such person is suspended for reasons other than a failure to comply with a traffic citation at the time of application. Restricted driving privileges approved pursuant to this subparagraph shall remain in effect unless otherwise rescinded for the lesser of time of either:

(a) The remainder of the period of time that such person's driving privileges are revoked; or

(b) three years from the date when the restricted driving privileges were approved.

(ii) The division shall rescind restricted driving privileges for any person authorized pursuant to this subparagraph if the person is found guilty of a violation resulting in a license suspension, revocation or cancellation for reasons other than failure to comply with a traffic citation.

(iii) A person operating a motor vehicle in violation of restrictions provided in subparagraph (D) shall be guilty of operating a vehicle in violation of restrictions as provided in K.S.A. 8-291, and amendments thereto.

(C) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges. ~~And~~ A person shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met:

(i) The suspended license that expired was issued by the division of vehicles;

(ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); and

(iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state.

(D) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles until the terms of the traffic citation have been substantially complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to substantially comply with the traffic citation, the driving privileges will be suspended by the division of vehicles until the court determines the person has substantially complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such substantial compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances:

(i) In going to or returning from the person's place of employment or schooling;

(ii) in the course of the person's employment;

(iii) in going to or returning from an appointment with a health care provider or during a medical emergency;

(iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court;

(v) in going to or returning from dropping off or picking up one or more children from school or child care;

(vi) in going to or returning from purchasing groceries or fuel for their vehicle; and

(vii) in going to or returning from any religious worship service held by a religious organization.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the state general fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the state general fund.

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

(e) (1) A person who is assessed a reinstatement fee pursuant to subsection (c) may petition the court that assessed the fee at any time to waive payment of the fee, any additional charge imposed pursuant to subsection (f), or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(2) A person who is assessed a fine or court costs for a traffic citation may petition the court that assessed the fine or costs at any time to waive payment of the fine or costs, or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(3) The clerk of the district court and the clerk of the municipal court shall make forms available to any person seeking to petition the court to waive or reduce traffic fines, court costs or reinstatement fees.

(f) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2019, through June 30, 2025, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

(g) (1) Prior to issuing an order pursuant to this section that notifies the division of vehicles to restrict or suspend a person's driving privileges, the court shall consider:

(A) Waiver or reduction of fees, fines and court costs and allowing for payment plans for any fees, fines and court costs; and

(B) alternative requirements in lieu of restriction or suspension of driving privileges, including, but not limited to, alcohol or drug treatment or community service.

(2) Nothing in this subsection shall be construed to require the court to make written findings or written payment plan orders.

(h) (1) Any conviction *or sanction* for a failure to comply pursuant to this section shall not be considered by the district or municipal court or the division of vehicles in determining suspended or restricted driving privileges if such conviction *or sanction* is more than five years old.

~~(2) After the expiration of five years from the date of conviction, the division shall notify by mail any persons whose driving privileges were suspended or restricted and have not since been restored. The division shall notify the person that the person may be eligible for driving privileges as a result of the expiration of the five years from the conviction for the failure to comply.~~

~~(3) The provisions of this subsection and the amendments made to this subsection by this act shall be construed and applied retroactively.~~

(i) As used in this section, "substantial compliance" or "substantially complied" means the person has followed the orders of the court involving payments of fines, court costs and any penalties and has not failed substantially in making payments or satisfying the terms of the court order.

Sec. 2. K.S.A. 2025 Supp. 8-2110 is hereby repealed.

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

Approved April 6, 2026.

CHAPTER 40

HOUSE BILL No. 2487

AN ACT concerning postsecondary education; relating to the Kansas education opportunity scholarship program act; defining teacher and paraprofessional for purposes of eligibility for a scholarship under such act; amending K.S.A. 2025 Supp. 74-3284 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 74-3284 is hereby amended to read as follows: 74-3284. (a) K.S.A. 74-3284 through 74-3289, and amendments thereto, shall be known and may be cited as the Kansas education opportunity scholarship program act.

(b) As used in this act:

(1) “Kansas education opportunity scholarship program” means a program under which the state provides financial assistance through the award of Kansas education opportunity scholarships to Kansas education opportunity scholars.

(2) “Kansas education opportunity scholarship” means a financial award made by this state under this act to a Kansas education opportunity scholar.

(3) “Kansas education opportunity scholar” means ~~a person~~ *an individual* who:

(A) (i) Is a resident of Kansas;

(ii) has been accepted for admission to or is enrolled full time in an educational program at an eligible institution;

(iii) has established financial need; and

(iv) is a first generation student or has a parent who is employed in Kansas as a teacher or paraprofessional for any of the grades pre-K through 12; or

(B) has previously so qualified and remains qualified for the renewal of a Kansas education opportunity scholarship on the basis of maintaining full-time enrollment in an educational program at an eligible institution, remaining in good standing and making satisfactory progress toward completion of the requirements for the award of a degree or certificate of completion.

(4) “Eligible institution” means postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, or an accredited independent institution, as defined in K.S.A. 72-3222, and amendments thereto.

(5) (A) “Employed in Kansas as a teacher or paraprofessional” means *an individual*:

(i) *Who is an employee of a unified school district or the governing authority of any nonpublic school located in Kansas; and*

(ii) *whose primary employment duties are providing classroom instruction to students in any of the grades pre-K through 12 or providing instructional support to students in any of the grades pre-K through 12.*

(B) *An individual shall not be considered “employed in Kansas as a teacher or paraprofessional” unless an administrator for the school at which such individual is employed certifies to the state board of regents, in such form and manner as prescribed by the state board, that such individual satisfies the provisions of subparagraph (A).*

(6) “Financial need” means the difference between the available financial resources of a Kansas education opportunity scholar and the scholar’s total anticipated expenses to attend an eligible institution. A scholar’s financial resources shall be determined on the basis of criteria provided under the federal methodology of need analysis.

~~(6)~~(7) “First generation student” means an individual who does not have a parent or guardian who has completed a baccalaureate degree.

~~(7)~~(8) “Semester” means one of two principal terms when there are only two principal terms in the academic year of an eligible institution whether or not there are other shorter terms during the same academic year of the eligible educational institution.

~~(8)~~(9) “Term” means one of two or more substantially equivalent divisions of the academic year of an eligible institution.

~~(9)~~(10) “Program period” means the duration of the period of time, or any division thereof, required for completion of a vocational or technical education program at an eligible institution.

Sec. 2. K.S.A. 2025 Supp. 74-3284 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 6, 2026.

CHAPTER 41

HOUSE BILL No. 2440

AN ACT concerning property taxation; relating to exemptions; excluding owners of oil leases from having to file request for exemption with the board of tax appeals; amending K.S.A. 2025 Supp. 79-213 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 79-213 is hereby amended to read as follows: 79-213. (a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the state board of tax appeals and provided by the county appraiser.

(b) The initial exemption request shall identify the property for which the exemption is requested and state, in detail, the legal and factual basis for the exemption claimed.

(c) The request for exemption shall be filed with the county appraiser of the county where such property is principally located.

(d) After a review of the exemption request, and after a preliminary examination of the facts as alleged, the county appraiser shall recommend that the exemption request either be granted or denied, and, if necessary, that a hearing be held. If a denial is recommended, a statement of the controlling facts and law relied upon shall be included on the form.

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the state board of tax appeals. With regard to a request for exemption from property tax pursuant to the provisions of K.S.A. 79-201g and 82a-409, and amendments thereto, not filed with the board of tax appeals by the county appraiser on or before the effective date of this act ~~July 1, 2014~~, if the county appraiser recommends the exemption request be granted, the exemption shall be provided in the amount recommended by the county appraiser and the county appraiser shall not file the request for exemption and recommendations of the county appraiser with the state board of tax appeals. The county clerk or county assessor shall annually make such adjustment in the taxes levied against the real property as the owner may be entitled to receive under the provisions of K.S.A. 79-201g, and amendments thereto, as recommended by the county appraiser, beginning with the first period, following the date of issue of the certificate of completion on which taxes are regularly levied, and during the years which the landowner is entitled to such adjustment.

(f) Upon receipt of the request for exemption, the board shall docket the ~~same~~ request for exemption and notify the applicant and the county appraiser of such fact.

(g) After examination of the request for exemption and the county appraiser's recommendation related thereto, the board may fix a time and place for hearing, and shall notify the applicant and the county appraiser of the time and place so fixed. A request for exemption pursuant to: (1) Section 13 of article 11 of the constitution of the state of Kansas; or (2) K.S.A. 79-201a *Second*, and amendments thereto, for property constructed or purchased, in whole or in part, with the proceeds of revenue bonds under the authority of K.S.A. 12-1740 through 12-1749, and amendments thereto, prepared in accordance with instructions and assistance which shall be provided by the department of commerce, shall be deemed approved unless scheduled for hearing within 30 days after the date of receipt of all required information and data relating to the request for exemption, and such hearing shall be conducted within 90 days after such date. Such time periods shall be determined without regard to any extension or continuance allowed to either party to such request. In any case where a party to such request for exemption requests a hearing thereon, the same shall be granted. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. In all instances where the board sets a request for exemption for hearing, the county shall be represented by its county attorney or county counselor.

(h) Except as otherwise provided by subsection (g), in the event of a hearing, the ~~same~~ hearing shall be originally set not later than 90 days after the filing of the request for exemption with the board.

(i) During the pendency of a request for exemption, no person, firm, unincorporated association, company or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon and the same becomes a final order. In the event that taxes have been assessed against the subject property, no interest shall accrue on any unpaid tax for the year or years in question nor shall the unpaid tax be considered delinquent from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon. In the event the board determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, and interest shall accrue as prescribed therein.

(j) In the event the board grants the initial request for exemption, ~~the same request for exemption~~ shall be effective beginning with the date of first exempt use except that, with respect to property the construction of which commenced not to exceed 24 months prior to the date of first exempt use, the same shall be effective beginning with the date of commencement of construction.

(k) In conjunction with its authority to grant exemptions, the board shall have the authority to abate all unpaid taxes that have accrued from and since the effective date of the exemption. In the event that taxes have been paid during the period where the subject property has been determined to be exempt, the board shall have the authority to order a refund of taxes for the year immediately preceding the year in which the exemption application is filed in accordance with subsection (a).

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) all property exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants' and manufacturers' inventories exempted from ad valorem taxation by K.S.A. 79-201m, and amendments thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a *Seventeenth*, and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (10) aquaculture machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, "aquaculture" has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (12) property used

exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x, and amendments thereto, from the property tax levied pursuant to K.S.A. 72-5142, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 *Ninth*, and amendments thereto; (17) from and after July 1, 1998, motor vehicles exempted from taxation by K.S.A. 79-5107(e), and amendments thereto; (18) commercial and industrial machinery and equipment exempted from property or ad valorem taxation by K.S.A. 79-223, and amendments thereto; (19) telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by K.S.A. 79-224, and amendments thereto; (20) property exempted from property or ad valorem taxation by K.S.A. 79-234, and amendments thereto; (21) recreational vehicles exempted from property or ad valorem taxation by K.S.A. 79-5121(e), and amendments thereto; (22) property acquired by a land bank exempt from property or ad valorem taxation pursuant to K.S.A. 12-5909 or K.S.A. 19-26,111, and amendments thereto; (23) property belonging exclusively to the United States and exempted from ad valorem taxation by K.S.A. 79-201a *First*, and amendments thereto, except that the provisions of this subsection (1)(23) shall not apply to any such property that the congress of the United States has expressly declared to be subject to state and local taxation; (24) watercraft exempted from property or ad valorem taxation by K.S.A. 79-5501, and amendments thereto; ~~and~~ (25) property exempted from property or ad valorem taxation by K.S.A. 2025 Supp. 79-267, and amendments thereto; *and* (26) *oil leases exempted from property or ad valorem taxation by K.S.A. 79-201t, and amendments thereto.*

(m) The provisions of this section shall apply to property exempt pursuant to the provisions of section 13 of article 11 of the constitution of the state of Kansas.

(n) The provisions of subsection (k) as amended by this act shall be applicable to all exemption applications filed in accordance with subsection (a) after December 31, 2001.

(o) No exemption authorized by K.S.A. 79-227, and amendments thereto, of property from the payment of ad valorem property taxes assessed shall be granted unless the requesting property owner files an initial request for exemption pursuant to this section within two years of the date in which construction of a new qualifying pipeline property began. The provisions of this subsection shall be applicable to all requests for exemptions filed in accordance with subsection (a) after June 30, 2017.

Sec. 2. K.S.A. 2025 Supp. 79-213 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 6, 2026.

CHAPTER 42

HOUSE BILL No. 2470

AN ACT concerning economic development; relating to the Kansas neighborhood revitalization act; providing that certain municipalities may designate the entire municipality within a neighborhood revitalization area; amending K.S.A. 12-17,116 and repealing the existing section.

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

Section 1. K.S.A. 12-17,116 is hereby amended to read as follows: 12-17,116. The governing body of any municipality may designate any area within such municipality as a neighborhood revitalization area if the governing body finds that one or more of the conditions as described in ~~subsection (c) of K.S.A. 12-17,115(c)~~, and amendments thereto, exist and that the rehabilitation, conservation or redevelopment of the area is necessary to protect the public health, safety or welfare of the residents of the municipality. The governing body may declare a building outside of a neighborhood revitalization area to be a dilapidated structure if the structure satisfies the conditions set forth in ~~subsection (a) of K.S.A. 12-17,115(a)~~. *Nothing in the Kansas neighborhood revitalization act shall prohibit any municipality with a population of less than 10,000 people from designating the entire municipality as being within a neighborhood revitalization area.*

Sec. 2. K.S.A. 12-17,116 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 6, 2026.

CHAPTER 43

HOUSE BILL No. 2374

AN ACT relating to healthcare professions; creating a specialty practice student loan program; establishing the specialty medical loan repayment fund; allowing for transfers from the psychiatry medical loan repayment fund and the OBGYN medical loan repayment fund to the specialty medical loan repayment fund; abolishing the psychiatry medical loan repayment fund and the OBGYN medical loan repayment fund; amending K.S.A. 76-380 and K.S.A. 2025 Supp. 76-381, 76-382, 76-384 and 76-385 and repealing the existing sections.

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

New Section 1. (a) There is hereby established a specialty practice student loan program. Subject to appropriations and the terms set forth in K.S.A. 76-383, and amendments thereto, the university of Kansas school of medicine may enter into medical student loan agreements with undergraduate students who intend to pursue practice in an approved specialty and commit to satisfy obligations to engage in the full-time practice of medicine and surgery in a service commitment area, pursuant to this act.

(b) The chancellor of the university of Kansas has authority to administer the medical specialty student loan program, including discretion to determine workforce needs and allocate which specialties are eligible for the non-primary care allotment of agreements.

(c) The chancellor of the university of Kansas may determine the new specialties to add to approved specialties, as defined in section 2, and amendments thereto, if such specialties are underserved in Kansas and evaluate or update which locations are compliant as service commitment areas based on population, comorbidity, community needs and other relevant data. The university of Kansas school of medicine shall submit a report annually to the senate committee on public health and welfare, senate committee on ways and means, house committee on health and human services and house committee on appropriations relating to any changes made to specialties or compliant service commitment areas.

(d) In any one fiscal year, any unawarded specialty agreements may be used for primary care agreements. Unawarded primary care agreements may not be used for specialty agreements.

Sec. 2. K.S.A. 76-380 is hereby amended to read as follows: 76-380. The provisions of K.S.A. 76-380 through 76-386, *and amendments thereto, and section 1, and amendments thereto*, shall be known and may be cited as the medical student loan act.

Sec. 3. K.S.A. 2025 Supp. 76-381 is hereby amended to read as follows: 76-381. As used in ~~K.S.A. 76-380 through 76-386, and amendments thereto~~ *the medical student loan act*:

- (a) “Act” means the medical student loan act;
- (b) “approved postgraduate residency training program” means a residency training program in general pediatrics, general internal medicine, family medicine, family practice, emergency medicine, obstetrics and gynecology, general psychiatry, child psychiatry or fellowship training in geriatric medicine, *or any other residency or fellowship training in an approved specialty*;
- (c) “service commitment area” means:
 - (1) Any community within any county in Kansas other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte county;
 - (2) any state medical care facility or institution;
 - (3) any medical center operated by the veterans administration of the United States;
 - (4) the university of Kansas school of medicine if serving as full-time faculty as provided in K.S.A. 76-384(c), and amendments thereto; or
 - (5) any community within Wyandotte county for purposes of any practice obligation under an agreement entered into by a person who is enrolled for the first time after July 1, 2004, in a course of study leading to the medical degree. *“Service commitment area” for approved specialty providers means any community within any county in Kansas, other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte; and*
- (d) “state medical care facility or institution” includes, but is not limited to, the Kansas state school for the blind, the Kansas state school for the deaf, any institution under the secretary for aging and disability services, as defined in K.S.A. 76-12a01, and amendments thereto, any institution as defined in K.S.A. 38-2302, and amendments thereto, the Kansas soldiers’ home, the Kansas veterans’ home and any correctional institution under the secretary of corrections, as defined in K.S.A. 75-5202, and amendments thereto, but shall not include any state educational institution under the state board of regents, as defined in K.S.A. 76-711, and amendments thereto, except as specifically provided by statute.
- (e) *“approved specialty” means gynecology, general psychiatry and any specialty approved by the chancellor of the university of Kansas; and*
- (f) *“primary care” means general pediatrics, general internal medicine, family medicine, family practice and emergency medicine.*

Sec. 4. K.S.A. 2025 Supp. 76-382 is hereby amended to read as follows: 76-382. (a) There is hereby established the medical student loan program at the university of Kansas school of medicine.

(b) ~~Subject to the provisions of appropriation acts appropriations,~~ the university of Kansas school of medicine may make medical student loans in accordance with the provisions of the medical student loan act to undergraduate students enrolled in or admitted to the university of Kansas school of medicine in a course of instruction leading to the degree of

doctor of medicine who enter into a written medical student loan agreement with the university of Kansas school of medicine in accordance with K.S.A. 76-383, and amendments thereto.

(c) Each medical student loan agreement under the medical student loan act shall provide to the person receiving the loan the payment of all tuition and a stipend for living expenses in an amount of up to \$2,000 per month for each month enrolled in such school during a year *a 12-month period*. Subject to the maximum amount, the amount of the monthly stipend shall be determined on an annual basis by the student receiving the loan.

(d) Subject to the provisions of appropriation acts *appropriations*, medical student loan agreements under the medical student loan act may be entered into on an annual basis and shall provide the payment of the amounts specified under subsection (c) for one year unless otherwise terminated before such period of time. Subject to the provisions of appropriation acts *appropriations*, an undergraduate student enrolled in or admitted to the university of Kansas school of medicine in a course of instruction leading to the degree of doctor of medicine may receive a separate loan under the medical student loan act for each separate year the student enters into a written medical student loan agreement with the university of Kansas school of medicine in accordance with K.S.A. 76-383, and amendments thereto. Loans may be awarded retroactively for any academic year that a student has completed successfully at the university of Kansas medical school but for which a loan had not previously been awarded. Retroactive loans shall be in an amount equal to the amount of tuition paid by the student, plus a stipend in an amount not to exceed the maximum amount of the stipend for such academic year multiplied by the number of months for which the student was enrolled at the medical school during such year *the 12-month period*. For each separate year a student receives a loan under the medical student loan act, the student shall engage in the full-time practice of medicine and surgery in an appropriate service commitment area for a period of 12 months unless such obligation is otherwise satisfied as provided in K.S.A. 76-386, and amendments thereto.

(e) Medical student loans shall be awarded on a priority basis as follows: First, to qualified applicants who are Kansas residents at the time of entry into the university of Kansas school of medicine; and second, to qualified applicants who are not Kansas residents at the time of entry into the university of Kansas school of medicine. As used in this subsection, "Kansas residents" means persons who meet the residence requirements established in K.S.A. 76-729, and amendments thereto.

(f) Subject to appropriations, the university of Kansas school of medicine shall enter into medical student loan agreements with up to 12 individuals who commit to satisfy obligations to engage in the full-time practice of medicine and surgery in a service commitment area by:

(1) ~~Serving as a full-time faculty member of the university of Kansas school of medicine in general psychiatry or child psychiatry pursuant to K.S.A. 76-384(c), and amendments thereto; or~~

(2) ~~performing at least 100 hours per month of on-site mental health care pursuant to K.S.A. 76-384(d), and amendments thereto.~~

(g) ~~For~~ Any student who has entered into a medical student loan agreement pursuant to the medical student loan act, the university of Kansas school of medicine shall not prohibit or otherwise create any substantial impediment to such student switching between approved post-graduate residency training programs.

Sec. 5. K.S.A. 2025 Supp. 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, *in primary care* may satisfy the obligation to engage in the full-time practice of medicine and surgery 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, *or* 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, *or* 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, Osawatimie 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:

(A) Unable to secure 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

(B) 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. 6. K.S.A. 2025 Supp. 76-385 is hereby amended to read as follows: 76-385. (a) (1) Except as otherwise provided in paragraphs (2) through (6) or in K.S.A. 76-386, and amendments thereto, upon the failure of any person to satisfy the obligation to engage in the full-time practice of medicine and surgery within a service commitment area of this state for the required period of time under any medical student loan agreement entered into under this act, such person shall repay to the university of Kansas school of medicine in accordance with subsection (b) an amount equal to the total of: (A) The amount of money received by such person pursuant to such agreement, or the amount of money determined under rules and regulations of the university of Kansas; plus (B) annual interest at a rate of 15% from the date such money was received.

(2) Any person who fails to apply for and enter an approved postgraduate residency training program shall be required to repay all moneys received pursuant to an agreement entered into for any such medical student loan, plus accumulated interest at an annual rate of 15% and shall commence such repayment in accordance with subsection (b) within 90 days of graduation from the school of medicine or upon termination or completion of a residency training program that does not comply with the provisions of this act, whichever is later.

(3) If at any time a person is failing to satisfy an obligation to engage in the full-time practice of medicine and surgery in Kansas for the required period of time under an agreement entered into under this act because such person is engaged in the full-time practice of medicine and surgery in a state other than Kansas, or within Kansas in an area that is not a service commitment area or in the practice of medicine and surgery which does not otherwise comply with the agreement entered into under this act, and if such person is subject to or currently making repayments un-

der this section and if such person subsequently commences the practice of medicine and surgery in this state which is in a service commitment area or which otherwise complies with the agreement entered into under this act, 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, 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.

(4) If, during the time a person is satisfying the service requirement of an agreement entered into under this act, such person desires to engage in less than the full-time practice of medicine and surgery within a service commitment area of the state and remain in satisfaction of such service requirement, such person may make application to the chancellor of the university of Kansas or the designee of the chancellor for permission to engage in less than such full-time practice of medicine and surgery. Upon a finding of exceptional circumstances made by the chancellor of the university of Kansas, or the designee of the chancellor, such person may be authorized to engage in less than the full-time practice of medicine and surgery within a service commitment area of the state for the remaining required period of time under such agreement and for an additional period of time which shall be equal to the length of the originally required period of time multiplied by the decimal fraction which is equal to the reduction of the full-time practice of medicine and surgery to be authorized hereunder, multiplied by two. In any such determination of the period required to be engaged in the less than full-time practice of medicine and surgery, the decimal fraction utilized shall not exceed 0.5 and any person granted permission to engage in less than the full-time practice of medicine and surgery in accordance with the provisions of this paragraph shall be required to engage in at least the half-time practice of medicine and surgery.

(5) Any person who enters but fails to complete an approved postgraduate residency training program, or who enters and completes an approved postgraduate residency training program but fails to satisfy the obligation to engage in the full-time practice of medicine and surgery within a service commitment area of this state for the required period of time shall be required to repay all money received pursuant to an agreement entered into under this act for any such medical student loan, plus accumulated interest at an annual rate of 15%, and shall commence such repayment in accordance with subsection (b) within 90 days of failure

to complete an approved postgraduate residency training program or 90 days of failure to commence qualifying practice, whichever occurs first. Any person who fails to satisfy the obligation to engage in the full-time practice of medicine and surgery in accordance with this section due to active military service of such person or such person's spouse shall not be required to pay the 15% annual interest rate on any moneys received under such agreement.

(6) For any person who entered and completed an approved postgraduate residency training program in obstetrics and gynecology, if during the time such person is satisfying the service requirement of an agreement entered into pursuant to this act, such person is employed by, provides services at or establishes any clinic or facility as such terms are defined in K.S.A. 65-4a01, and amendments thereto, or performs or induces, or attempts to perform or induce, an abortion, except in the case of a medical emergency as defined in K.S.A. 65-6701, and amendments thereto, or in the case of a pregnancy resulting from rape or incest, such person shall be deemed to have failed to complete such person's service requirement and shall be required to repay all money received pursuant to an agreement entered into under this act for any such medical student loan, plus accumulated interest at an annual rate of 15%, and shall commence such repayment in accordance with subsection (b).

(b) For any repayment requirement under this section, the person shall repay an amount totaling the entire amount to be repaid under all such agreements for which such obligations are not satisfied, including all amounts of interest at the rate prescribed. The repayment shall be made in not more than 10 equal annual installment payments.

(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 university of Kansas school of medicine based upon the circumstances of each individual case. In all cases, 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.

(d) The total repayment obligation imposed under all agreements entered into under this act may be satisfied by the person who entered into the agreements at any time prior to graduation from the university of Kansas school of 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 thereon at the rate prescribed to the date of payment.

(e) The university of Kansas school of medicine 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 medical loan repayment fund.

(f) There is hereby created in the state treasury the medical loan repayment fund. All expenditures from the medical loan repayment fund shall be for medical student loans under the medical student loan act and for the expenses of administration of the medical student loan act and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chancellor of the university of Kansas or by a person designated by the chancellor, except that expenditures shall not be made from the medical loan repayment fund for medical student loans for medical students who intend to enter and complete an approved postgraduate residency training program in *an approved specialty, including, but not limited to, obstetrics and gynecology, general psychiatry or child psychiatry*. On the effective date of this act, the director of accounts and reports shall transfer all moneys in the medical scholarship and loan repayment fund to the medical loan repayment fund. On the effective date of this act, all liabilities of the medical scholarship and loan repayment fund are hereby imposed on the medical loan repayment fund and the medical scholarship and loan repayment fund is hereby abolished. Whenever the medical scholarship and loan repayment fund, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the medical loan repayment fund. *The chancellor of the university of Kansas may transfer funds from the medical loan repayment fund to the specialty loan repayment fund for the purposes of medical student loans for students in an approved specialty program under the medical student loan act. The chancellor of the university of Kansas shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each certification to the director of legislative research and the director of the budget.*

(g) There is hereby established in the state treasury the ~~psychiatry specialty~~ medical loan repayment fund. All moneys credited to the ~~psychiatry specialty~~ medical loan repayment fund shall be expended only for medical student loans for ~~general psychiatry or child psychiatry~~ students *in an approved specialty program* under the medical student loan act and for the expenses of administration of the medical student loan act associated with such students. *If in any one year, not all specialty agreements are awarded, such funds may be used for primary care agreements.* All expenditures from the ~~psychiatry specialty~~ medical loan repayment 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 chancellor of the university of Kansas or the chancellor's designee. *On*

July 1, 2026, the director of accounts and reports shall transfer all moneys in the psychiatry medical loan repayment fund and the OBGYN medical loan repayment fund to the specialty medical loan repayment fund. On the effective date of this act, all liabilities of the psychiatry medical loan fund and the OBGYN medical loan repayment fund are hereby transferred to and imposed on the specialty medical loan repayment fund. The psychiatry medical loan repayment fund and the OBGYN medical loan repayment fund are hereby abolished.

(h) ~~There is hereby established in the state treasury the OBGYN medical loan repayment fund. All moneys credited to the OBGYN medical loan repayment fund shall be expended only for medical student loans for medical students who intend to enter and complete an approved post-graduate residency training program in obstetrics and gynecology under the medical student loan act and for the expenses of administration of the medical student loan act associated with such students. All expenditures from the OBGYN medical loan repayment 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 chancellor of the university of Kansas or the chancellor's designee.~~

(i) ~~Notwithstanding any other provision of law to the contrary, no moneys shall be transferred from the comprehensive grant program account of the state board of regents to the medical loan repayment fund, the OBGYN specialty medical loan repayment fund or the psychiatry medical loan repayment fund or expended for any purposes related thereto.~~

Sec. 7. K.S.A. 76-380 and K.S.A. 2025 Supp. 76-381, 76-382, 76-384 and 76-385 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 6, 2026.

CHAPTER 44

HOUSE BILL No. 2536

AN ACT concerning the Kansas uniform guardianship, conservatorship and other protective arrangements act; requiring the secretary for aging and disability services to approve training programs for proposed guardians for certain adults who have a cognitive impairment or are diagnosed with a neurological condition; requiring such proposed guardians to complete an approved training program prior to appointment as a guardian; amending K.S.A. 59-30,149 and repealing the existing section.

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

New Section 1. (a) The secretary for aging and disability services shall approve training programs for proposed guardians for adults as described in K.S.A. 59-30,149, and amendments thereto, and maintain a list of such approved programs for use by courts and proposed guardians.

(b) The secretary shall require such training programs to provide specific guidance for proposed guardians who will be assisting adults who have a cognitive impairment or are diagnosed with Alzheimer's disease, dementia or a similar neurological condition, which shall include:

- (1) Common aspects of normal aging;
- (2) warning signs of Alzheimer's disease and dementia;
- (3) effective strategies for communicating with such adults; and
- (4) effective strategies and resources available for supporting such adults in exercising their rights.

(c) Application for approval of a training program under this section shall be made to the secretary in such manner as the secretary may direct. The secretary may suspend or revoke approval of a program under this section if the secretary finds that such program is not in compliance with the criteria established in this section or rules and regulations adopted pursuant to this section.

(d) The secretary shall adopt rules and regulations necessary to administer the provisions of this section.

(e) This section shall be a part of and supplemental to the Kansas uniform guardianship, conservatorship and other protective arrangements act.

Sec. 2. K.S.A. 59-30,149 is hereby amended to read as follows: 59-30,149. (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 *whom* 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.

(f) (1) *Except as provided further, if the respondent has cognitive impairment or has been diagnosed with Alzheimer's disease, dementia or a similar neurological condition, the court shall not appoint a person as guardian for such adult until such person completes a training program approved pursuant to section 1, and amendments thereto, and verifies completion of such program by filing an affidavit with the court.*

(2) *The court, acting in the best interest of the respondent, may waive the requirements of this subsection. The court shall enter such waiver in the record of the proceedings.*

Sec. 3. K.S.A. 59-30,149 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 6, 2026.

CHAPTER 45

HOUSE BILL No. 2537

AN ACT concerning crimes, punishment and criminal procedure; relating to sexual extortion; requiring the attorney general to prepare and provide educational materials and information concerning such crime; increasing the penalties for such crime when an offender is 18 years of age or older and the victim is less than 18 years of age or a dependent adult; creating the crimes of aggravated sexual extortion causing great bodily harm and aggravated sexual extortion causing death; amending K.S.A. 21-5515 and repealing the existing section.

WHEREAS, Section 1 and the amendments made to the provisions of K.S.A. 21-5515 by this act shall be known as Caleb's Law.

Now, therefore:

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

New Section 1. The attorney general shall prepare and provide educational materials and information concerning sexual extortion as defined in K.S.A. 21-5515, and amendments thereto. The attorney general shall collaborate with the state board of education and law enforcement agencies to educate and notify schools, students, parents and guardians and the public about the amendments to K.S.A. 21-5515, and amendments thereto, by this act and the availability of educational materials and information concerning sexual extortion. On or before July 1, 2027, and annually thereafter, the attorney general shall file a report regarding the implementation of this section with the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives and the state board of education.

Sec. 2. K.S.A. 21-5515 is hereby amended to read as follows: 21-5515.
(a) Sexual extortion is:

(1) Communicating by any means a threat to injure the property or reputation of a person, commit violence against a person, or distribute an image, video or other recording of a person that is of a sexual nature or depicts ~~such~~ a person in a state of nudity:

~~(1)(A)~~ With the intent to coerce ~~such~~ a person to:

~~(A)(i)~~ Engage in sexual contact, sexual intercourse or conduct that is of a sexual nature; or

~~(B)(ii)~~ produce, provide or distribute an image, video or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature; or

~~(2)(B)~~ that causes ~~such~~ a person to:

~~(A)(i)~~ Engage in sexual contact, sexual intercourse or conduct that is of a sexual nature; or

~~(B)(ii)~~ produce, provide or distribute an image, video or other record-

ing of a person in a state of nudity or engaging in conduct that is of a sexual nature; or

(2) *communicating by any means a threat to distribute an image, video or other recording of a person that is of a sexual nature or depicts a person in a state of nudity;*

(A) *With the intent to coerce such person to produce or provide anything of value; or*

(B) *that causes such person to produce or provide anything of value.*

(b) *Aggravated sexual extortion causing great bodily harm is sexual extortion as defined in subsection (a) resulting in great bodily harm to the victim and the trier of fact finds that the sexual extortion of the victim was the proximate cause of the great bodily harm.*

(c) *Aggravated sexual extortion causing death is sexual extortion as defined in subsection (a) resulting in the death of the victim and the trier of fact finds that the sexual extortion of the victim was the proximate cause of the death.*

(d) *Sexual extortion as defined in:*

(1) *Subsection (a)(1)(A) or (a)(2)(A) is a:*

(A) *Severity level 7, person felony, except as provided in subsection (d)(1)(B); and*

(B) *severity level 6, person felony when the offender is 18 years of age or older and the victim is:*

(i) *Less than 18 years of age; or*

(ii) *a dependent adult; and*

(2) *subsection ~~(a)(2)~~ (a)(1)(B) or (a)(2)(B) is a:*

(A) *Severity level 4, person felony, except as provided in subsection (d)(2)(B); and*

(B) *a severity level 3, person felony when the offender is 18 years of age or older and the victim is:*

(i) *Less than 18 years of age; or*

(ii) *a dependent adult.*

~~(e)(e)~~ *Aggravated sexual extortion causing great bodily harm is a severity level 3, person felony.*

(f) *Aggravated sexual extortion causing death is a severity level 1, person felony.*

(g) *It shall not be a defense that the victim contributed to the victim's own great bodily harm or death.*

(h) *As used in this section:*

(1) *"Dependent adult" means the same as defined in K.S.A. 21-5417, and amendments thereto; and*

(2) *"image, video or other recording" means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, including, but not*

limited to, any such item that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict a person, regardless of whether such person was involved in the creation of the original image, video or other recording.

(i) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 3. K.S.A. 21-5515 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 6, 2026.

CHAPTER 46

HOUSE BILL No. 2562

AN ACT concerning motor vehicles; relating to registration; providing for the issuance of a special license plate or permanent or temporary placard for a person with a disability based on documentation of satisfactory proof of disability from a physical therapist; amending K.S.A. 8-1,125 and repealing the existing section.

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

Section 1. K.S.A. 8-1,125 is hereby amended to read as follows: 8-1,125. (a) Any Kansas resident who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person is a person with a disability or is responsible for the transportation of a person with a disability shall be issued a special license plate or a permanent placard for any motor vehicle owned by such person or shall be issued a temporary placard. Satisfactory proof of disability, condition or impairment shall include a statement from a person licensed to practice the healing arts in any state, a licensed optometrist, an advanced practice registered nurse licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant, *a physical therapist as defined in K.S.A. 65-2901, and amendments thereto*, or a Christian Science practitioner listed in The Christian Science Journal certifying that such person is a person with a disability. The placard shall be suspended immediately below the rear view mirror of any motor vehicle used for the transportation of a person with a disability so as to be maximally visible from outside the vehicle. In addition to the special license plate or permanent placard, the director of vehicles shall issue to the person with a disability an individual identification card, which must be carried by the person with a disability when the motor vehicle being operated by or used for the transportation of such person is parked in accordance with the provisions of K.S.A. 8-1,126, and amendments thereto. In addition to the temporary placard, a person issued such temporary placard shall carry the state or county receipt showing the name of the person who is issued such temporary placard. A person submitting satisfactory proof that such person's disability, condition or impairment is permanent in nature, and upon such person's request and payment of the fees prescribed in subsection (b), shall be issued an individual identification card and: (1) A permanent placard; (2) a permanent placard and a special license plate; or (3) a permanent placard and a wheelchair emblem decal to be affixed to a distinctive license plate. Upon proper request, one additional permanent placard shall be issued to the applicant who has not requested and received a special license plate. Upon proper request, one additional temporary placard shall be issued to the applicant certified as temporarily disabled. Temporary placards shall have an expiration date of not longer than six months from the date of

issuance. The special license plates, decals and placards shall display the international symbol of access to the physically disabled.

(b) Special license plates issued pursuant to this section shall be issued for the same period of time as other license plates are issued or for the remainder of such period if an existing license plate is to be exchanged for the special license plate. There shall be no fee for such special license plates in addition to the regular registration fee. No person shall be issued more than one special license plate, except that agencies or businesses ~~which~~ *that* provide transportation for persons with a disability as a service, may obtain additional special license plates for vehicles ~~which~~ *that* are utilized in the provision of ~~that~~ *such* service. Special license plates may be personalized license plates subject to the provisions of K.S.A. 8-132, and amendments thereto, including the payment of the additional fee.

(c) Placards and individual identification cards issued pursuant to this section shall be valid ~~as long as~~ *if* the person *with a disability* or a person responsible for the transportation of a person with a disability is eligible for a special license plate or permanent placard. The secretary of revenue shall ~~promulgate~~ *adopt* the rules and regulations necessary to remain compliant with 23 C.F.R. § 1235.4.

(d) The color of the permanent placard shall be white on a blue background, and the temporary placard shall be white on a red background.

(e) In addition to such other information contained on individual identification cards, cards shall have the date of birth and the sex of the person to whom the card is issued.

(f) Permanent placards and individual identification cards shall be returned to the department of revenue upon the death of the person with a disability. Temporary placards shall be returned to the department of revenue upon the expiration of the placard or ~~upon~~ the death of the person with a disability. Special license plates shall be returned to the county treasurer to be exchanged for another license plate upon the death of the person with a disability. The individual identification cards issued with the special license plates shall be returned to the department of revenue upon the death of the person with a disability.

(g) Violation of subsection (f) is an unclassified misdemeanor punishable by a fine of not more than \$50.

Sec. 2. K.S.A. 8-1,125 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 6, 2026.

CHAPTER 47

HOUSE BILL No. 2747

AN ACT concerning crimes, punishment and criminal procedure; relating to the revised Kansas sentencing guidelines act; specifying that courts shall consider certain factors in determining whether a prior violation of law is comparable to any act described in certain driving under the influence crimes when calculating a person's criminal history classification; amending K.S.A. 21-6811 and repealing the existing section.

WHEREAS, The amendments made to the provisions of K.S.A. 21-6811 by this act shall be known as Sidnee's Law.

Now, therefore:

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

Section 1. K.S.A. 21-6811 is hereby amended to read as follows: 21-6811. In addition to the provisions of K.S.A. 21-6810, and amendments thereto, the following shall apply in determining an offender's criminal history classification as contained in the presumptive sentencing guidelines grids:

(a) Every three prior adult convictions or juvenile adjudications of class A and class B person misdemeanors in the offender's criminal history, or any combination thereof, shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes. Every three prior adult convictions or juvenile adjudications of assault as defined in K.S.A. 21-3408, prior to its repeal, or K.S.A. 21-5412(a), and amendments thereto, occurring within a period commencing three years prior to the date of conviction for the current crime of conviction shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes.

(b) A conviction of criminal possession of a firearm as defined in K.S.A. 21-4204(a)(1) or (a)(5), prior to its repeal, criminal use of weapons as defined in K.S.A. 21-6301(a)(10) or (a)(11), and amendments thereto, or unlawful possession of a firearm as in effect on June 30, 2005, and as defined in K.S.A. 21-4218, prior to its repeal, will be scored as a select class B nonperson misdemeanor conviction or adjudication and shall not be scored as a person misdemeanor for criminal history purposes.

(c) (1) If the current crime of conviction was committed before July 1, 1996, and is for K.S.A. 21-3404(b), as in effect on June 30, 1996, involuntary manslaughter in the commission of driving under the influence, then, each prior adult conviction or juvenile adjudication for K.S.A. 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(2) If the current crime of conviction was committed on or after July 1, 1996, and is for a violation of K.S.A. 21-5405(a)(3) or (a)(5), and

amendments thereto, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for: (A) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (B) a violation of a law of another state ~~or~~, an ordinance of any city, or resolution of any county, ~~which~~ *that* prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(3) If the current crime of conviction is for a violation of K.S.A. 21-5413(b)(3) or (b)(4), and amendments thereto:

(A) The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one nonperson felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (ii) a violation of a law of another state ~~or~~, an ordinance of any city, or resolution of any county, ~~which~~ *that* prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; and

(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (ii) a violation of a law of another state ~~or~~, an ordinance of any city, or resolution of any county, ~~which~~ *that* prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto.

(4) *For the purposes of this subsection, in determining whether a violation of a law of another state, an ordinance of any city or resolution of any county prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto, the court shall consider the factors listed in K.S.A. 8-1567(j), and amendments thereto.*

(d) Prior burglary adult convictions and juvenile adjudications will be scored for criminal history purposes as follows:

(1) As a prior person felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(a), prior to its repeal, or K.S.A. 21-5807(a)(1), and amendments thereto.

(2) As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(b) or (c), prior to its repeal, or K.S.A. 21-5807(a)(2) or (a)(3), and amendments thereto.

The facts required to classify prior burglary adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(e) (1) Out-of-state convictions and juvenile adjudications shall be used in classifying the offender's criminal history.

(2) An out-of-state crime will be classified as either a felony or a misdemeanor according to the convicting jurisdiction.

(A) If a crime is a felony in the convicting jurisdiction, it will be counted as a felony in Kansas.

(B) If a crime is a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as a class A, B or C misdemeanor. If the comparable offense in the state of Kansas is a felony, the out-of-state crime shall be classified as a class A misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender's criminal history.

(C) If a crime is not classified as either a felony or a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as either a felony or a misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender's criminal history.

(3) The state of Kansas shall classify the crime as person or nonperson.

(A) In designating a misdemeanor as person or nonperson, comparable offenses under the Kansas criminal code in effect on the date the current crime of conviction was committed shall be referred to. If the state of Kansas does not have a comparable person offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall be classified as a nonperson crime.

(B) In designating a felony crime as person or nonperson, the felony crime shall be classified as follows:

(i) An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as a person felony if one or more of the following circumstances is present as defined by the convicting jurisdiction in the elements of the out-of-state offense:

- (a) Death or killing of any human being;
- (b) threatening or causing fear of bodily or physical harm or violence, causing terror, physically intimidating or harassing any person;
- (c) bodily harm or injury, physical neglect or abuse, restraint, confinement or touching of any person, without regard to degree;
- (d) the presence of a person, other than the defendant, a charged accomplice or another person with whom the defendant is engaged in the sale, distribution or transfer of a controlled substance or non-controlled substance;

(e) possessing, viewing, depicting, distributing, recording or transmitting an image of any person;

(f) lewd fondling or touching, sexual intercourse or sodomy with or by any person or an unlawful sexual act involving a child under the age of consent;

(g) being armed with, using, displaying or brandishing a firearm or other weapon, excluding crimes of mere unlawful possession; or

(h) entering or remaining within any residence, dwelling or habitation.

(ii) An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as a person felony if the elements of the out-of-state felony offense that resulted in the conviction or adjudication necessarily prove that a person was present during the commission of the offense. For purposes of this clause, the person present must be someone other than the defendant, a charged accomplice or another person with whom the defendant is engaged in the sale, distribution or transfer of a controlled substance or non-controlled substance. The presence of a person includes physical presence and presence by electronic or telephonic communication.

(iii) An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as a nonperson felony if the elements of the offense do not require proof of any of the circumstances in subparagraph (B)(i) or (ii).

(4) Convictions or adjudications occurring within the federal system, other state systems, the District of Columbia, foreign, tribal or military courts are considered out-of-state convictions or adjudications.

(5) The facts required to classify out-of-state adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(f) Except as provided in K.S.A. 21-4710(d)(4), (d)(5) and (d)(6), prior to its repeal, or K.S.A. 21-6810(d)(3)(B), (d)(3)(C), (d)(3)(D), (d)(4) and (d)(5), and amendments thereto, juvenile adjudications will be applied in the same manner as adult convictions. Out-of-state juvenile adjudications will be treated as juvenile adjudications in Kansas.

(g) A prior felony conviction of an attempt, a conspiracy or a solicitation as provided in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, to commit a crime shall be treated as a person or nonperson crime in accordance with the designation assigned to the underlying crime.

(h) Drug crimes are designated as nonperson crimes for criminal history scoring.

(i) If the current crime of conviction is for a violation of K.S.A. 8-1602(b)(3) through (b)(5), and amendments thereto, each of the following prior convictions for offenses committed on or after July 1, 2011, shall count as a person felony for criminal history purposes: K.S.A. 8-235, 8-262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605, 21-5405(a)(3) or (a)(5), 21-5406 and 40-3104, and amendments thereto, ~~and K.S.A. 21-5405(a)(3) or (a)(5) and 21-5406, and amendments thereto,~~ or a violation of a city ordinance or law of another state ~~which~~ *that* would also constitute a violation of such sections. *For the purposes of this subsection, in determining whether a violation of a city ordinance or law of another state would also constitute a violation of K.S.A. 8-1567, and amendments thereto, the court shall consider the factors listed in K.S.A. 8-1567(j), and amendments thereto.*

(j) The amendments made to this section by chapter 5 of the 2015 Session Laws of Kansas are procedural in nature and shall be construed and applied retroactively.

Sec. 2. K.S.A. 21-6811 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 6, 2026.

Published in the *Kansas Register* April 16, 2026.

CHAPTER 48

HOUSE BILL No. 2320
(Amended by Chapter 155)

AN ACT concerning education; relating to school districts; relating to children in the custody of the secretary for children and families; requiring transfer of a child's records when such child's placement is changed by the secretary and establishing a deadline for the transfer of such records; authorizing children in the custody of the secretary to attend any school district; authorizing such children to remain enrolled in and continue attending the school of origin; amending K.S.A. 38-2218 and 72-3439 and K.S.A. 2025 Supp. 72-3122, 72-3123 and 72-3124 and repealing the existing sections.

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

Section 1. K.S.A. 38-2218 is hereby amended to read as follows: 38-2218. (a) When the court has granted legal custody of a child in a hearing under the code to an agency, association or individual, the custodian or an agent designated by the custodian shall have authority to make educational decisions for the child if the parents of the child are unknown or unavailable. When the custodian of the child is the secretary, ~~and the parents of the child are unknown or unavailable; and the child appears to be an exceptional child who requires special education, the secretary shall immediately notify the state board of education, or a designee of the state board, and the school district in which the child is residing that the child is in need of an education advocate. As used in this section, a parent is unavailable if:~~

(1) Repeated attempts have been made to contact the parent to provide notice of an IEP meeting and secure the parent's participation and such attempts have been unsuccessful;

(2) having been provided actual notice of an IEP meeting, the parent has failed or refused to attend and participate in the meeting; or

(3) the parent's whereabouts are unknown so that notice of an IEP meeting cannot be given to the parent. As soon as possible after notification, the state board of education, or its designee, shall appoint an education advocate for the child.

(b) (1) If the secretary changes the placement of a ~~pupil child~~ from one school district to another *school district* or ~~to another~~ *across a school boundary* within the same district, it shall be the duty of the secretary to *notify the affected school district or districts within two business days that the child's placement has changed and request such child's records be transferred following the best interest determination conducted pursuant to federal and state law and the policies and procedure manual of the department for children and families. The secretary shall complete the best interest determination prior to any planned placement change or within two business days following an unplanned placement disruption.*

(2) *It shall be the duty of the school district and school in possession of any records pertaining to such child to cooperate with the secretary and transfer, or make provision for the transfer, of all school such records of such pupil to the school district or school to which the pupil where such child is transferred. Such school records shall be transferred at the same time that the pupil is transferred or as soon as possible thereafter following receipt of such notice but not later than two business days following the business day that such notice was received by the school district. A school district shall not deny or delay enrollment and attendance of any such child whose placement has changed on the basis that the school district or school is not in possession of such child's educational records.*

(c) As used in this section:

(1) *“Business day” means any weekday from Monday through Friday in which the school district or school’s administrative office is open. “Business day” does not include any federal or state holiday, any weekday that the school district or school’s administrative office is closed or any weekday in which the school day has been canceled due to inclement weather or any other unforeseen circumstance.*

(2) *The terms “exceptional child,” “special education,” and “education advocate” have the meanings respectively ascribed thereto mean the same as defined in the special education for exceptional children act, K.S.A. 72-3403 et seq., and amendments thereto. The term “pupil” means a child living in a school district as a result of a placement therein by the secretary pursuant to this code.*

Sec. 2. K.S.A. 2025 Supp. 72-3122 is hereby amended to read as follows: 72-3122. (a) Any child who has attained the age of eligibility for school attendance may attend school in the district where the child lives, if:

(1) The child lives *if the child lives* with a resident of the district and the resident is the parent, or a person acting as parent, of the child;

(2) ~~subject to the provisions of subsection (c), the child lives in the district, resides or is staying~~ as a result of placement therein by a district court or by the secretary for children and families. *If the court or secretary changes the placement of a child across a school boundary within the same school district, such child shall be permitted to:*

(A) *Enroll in and attend the school of the school district where such child is placed; or*

(B) *remain enrolled in and continue attending the child’s school of origin; or*

(3) *the secretary for children and families determines that the child’s enrollment and attendance is in the best interests of the child; or*

(4) *the child resides or is staying if the child is a homeless child.*

(b) Any child who has attained the age of eligibility for school attendance may attend school in a school district where the child is not a

resident in accordance with K.S.A. 72-13,101, 72-3123 or 72-3125, and amendments thereto.

Sec. 3. K.S.A. 2025 Supp. 72-3123 is hereby amended to read as follows: 72-3123. (a) ~~Beginning in school year 2024-2025,~~ The board of education of any school district shall permit nonresident students to enroll in and attend the schools of the district if such school district has open seats as determined pursuant to this section.

(b) Each school district shall determine capacity in each school of the school district for the following school year as follows:

(1) For kindergarten and grades one through eight, the classroom student-teacher ratio in each grade level; and

(2) for grades nine through 12, the student-teacher ratio for each school building or program in each school building, including, but not limited to, advanced placement or international baccalaureate programs.

(c) (1) On or before May 1 of each year, each school board shall determine for each grade level in each school building of the school district for the next succeeding school year the:

(A) Capacity as determined pursuant to subsection (b);

(B) number of students expected to attend school in the school district; and

(C) number of open seats available to nonresident students.

(2) On or before June 1 of each year, each school district shall publish on such school district's website the number of open seats available to nonresident students in each grade level for each school building of the school district for the next succeeding school year.

(3) From January 1 through June 15, each school district shall accept applications from nonresident students who are seeking to enroll in and attend the school district in the next succeeding school year. Applications shall be on a form and in a manner determined by the school district.

(4) If the number of applications for a grade level in a school building is less than the number of available seats for such grade level in such school building, the nonresident students shall be accepted for enrollment and attendance at such school district. If the number of applications for a grade level in a school building is greater than the number of available seats for such grade level in such school building, the school district shall randomly select nonresident students using a confidential lottery process. Such process shall be completed on or before July 15 of each year.

(5) The school district shall provide to the parent or person acting as parent of a nonresident student who was not accepted for or denied enrollment at such school district the reason for the nonacceptance or denial and an explanation of the nonresident student selection process on or before July 30 of each year.

(6) If a school district denies an application of a nonresident student due to the school district deeming the nonresident student as not in good standing, the parent or person acting as parent of such student may appeal such denial to the school district board of education.

(d) (1) Subject to capacity, school districts shall give priority to any sibling of a nonresident student who is enrolled in and attending such school district or who is accepted to enroll in and attend such school district. Priority shall be given when the nonresident student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such sibling shall not be subject to the open seat lottery.

(2) Subject to capacity, school districts shall give priority to any nonresident student who is a military student as defined in K.S.A. 72-5139, and amendments thereto. Priority shall be given when the military student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such military student shall not be subject to the open seat lottery.

(3) Any child ~~who is in the custody of the department secretary for children and families and who is living in the home of a nonresident student who transfers may attend school in the receiving school district~~ *has attained the age of eligibility for school attendance shall be permitted to:*

- (A) *Enroll in and attend school in any school district of the state; or*
- (B) *remain enrolled in and continue attending the child's school of origin.*

(4) Any nonresident student who has a parent or person acting as parent employed by a school district shall be permitted to enroll in and attend such school district as if the student is a resident of the school district. Any such student shall not be subject to the open-seat lottery established pursuant to subsection (c) when enrolling in and attending the school district where the parent or person acting as parent is employed.

(5) Any child who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence.

(e) A school district shall not:

(1) Charge tuition or fees to any nonresident student who transfers to such school district pursuant to this section except fees that are otherwise charged to every student enrolled in and attending school in the district; or

(2) accept or deny a nonresident student transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability.

(f) (1) A nonresident student accepted for enrollment and attendance at a receiving school district on or after June 1, 2024, shall be permitted to continue such enrollment and attendance in such school district until

such student graduates from high school, unless such student is deemed as no longer in good standing pursuant to subsection (g).

(2) A nonresident student who was enrolled in and attended a school district of nonresidence during school year 2023-2024 shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is deemed as no longer in good standing pursuant to subsection (g).

(3) A nonresident student who was enrolled in and attended a school district of residence during school year 2023-2024 shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is deemed as no longer in good standing pursuant to subsection (g).

(g) A receiving school district may deem any nonresident student as not in good standing in accordance with such school district's nonresident transfer policy, including any nonresident student who has not previously attended or been enrolled in the receiving school district. If a school district deems a nonresident student as not in good standing, such school district may deny such student's enrollment or continued enrollment in the school district. Prior to making any determination to deem a nonresident student as not in good standing, a district shall consider a student's status as a homeless child and the resulting factors of homelessness on such student's standing.

(h) A student may always enroll at any time in the school district where such student resides.

(i) Except for a child in the custody of the ~~department~~ *secretary* for children and families or a child who is experiencing homelessness, a nonresident student shall not transfer more than once per school year to one or more receiving school districts pursuant to the provisions of this section.

(j) (1) Neither a resident school district nor a receiving school district shall be required to provide transportation to nonresident students unless otherwise required by applicable law. If space is available on school district transportation vehicles, a school district may provide nonresident students an in-district bus stop where transportation may be provided by such school district to and from such bus stop and the school for such nonresident students.

(2) A school district shall ensure that transportation for nonresident homeless students is provided comparably to that of housed students.

(3) *If the secretary for children and families changes the placement of a child from one school district to another school district or across a school boundary within the same district, and determines that it is in the best interests of the child to remain enrolled in and attending the school of origin, the affected school district and the secretary shall coordinate to develop*

a transportation plan to get the child to and from such school of origin. Such plan shall address the availability and cost of such transportation, including how such costs shall be reimbursed by the secretary, paid by the school district or shared between both parties. When developing such transportation plan, consideration shall be given to the:

- (A) *Age, maturity and behavioral capacity of the child;*
- (B) *type of transportation available;*
- (C) *flexibility in the school schedule;*
- (D) *the effect of extracurricular activities on transportation options;*
- (E) *traffic routes and patterns; and*
- (F) *individualized needs of the child.*

(k) Each school district board of education shall submit annually to the state department of education the school district's policy adopted pursuant to K.S.A. ~~2024~~ 2025 Supp. 72-3126, and amendments thereto, the number of nonresident student transfers approved and denied by such board in each grade level and whether the denials were based on capacity or in accordance with the policy adopted pursuant to K.S.A. ~~2024~~ 2025 Supp. 72-3126, and amendments thereto. The state department of education shall collect and report such data on such department's website and make such data available to the legislative division of post audit.

(l) (1) Each year, the state department of education, as part of the department's enrollment audit, shall audit the nonresident student capacity and enrollment.

(2) In calendar year 2027, subject to a request made by the house standing committee on K-12 education budget or the senate standing committee on education, or any successor committees, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit of nonresident student transfers pursuant to this section. If requested, such audit shall be reported to the legislative post audit committee on or before January 15, 2028, and subsequently presented to the house standing committee on K-12 education budget and the senate standing committee on education, or any successor committees.

(m) Nothing in this section shall be construed to exempt any nonresident student who transfers to a receiving school district pursuant to this section from the policies and requirements of the activities association referred to in K.S.A. 72-7114, and amendments thereto.

(n) The provisions of this section shall not apply to any:

(1) School located on a military installation as defined in K.S.A. 72-8268, and amendments thereto; or

(2) virtual school as defined in K.S.A. 72-3712, and amendments thereto.

Sec. 4. K.S.A. 2025 Supp. 72-3124 is hereby amended to read as follows: 72-3124. (a) The board of education of any school district shall allow

any nonresident student to enroll in and attend school in such district pursuant to K.S.A. 72-3123, and amendments thereto. *Except as provided in K.S.A. 72-3123, and amendments thereto*, the board of education of such district may furnish or provide transportation to any nonresident student who is enrolled in and attending school in the district. If the district agrees to furnish or provide transportation to a nonresident student, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a nonresident student, the receiving school district shall notify the board of education of the sending school district that transportation will be furnished or provided for such student.

(b) Nonresident students shall be counted as regularly enrolled in and attending school in the receiving school district for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, except computation of transportation weighting under such act, and for the purposes of the statutory provisions contained in article 64 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto. Such nonresident student shall not be charged for the costs of attendance at school.

Sec. 5. K.S.A. 72-3439 is hereby amended to read as follows: 72-3439. (a) All records of an exceptional child ~~who transfers, or~~ who is transferred, from one school district to another *school district or across a school boundary within the same school district*, shall be transferred at the same time that such child ~~transfers, or~~ is transferred, or as soon thereafter as possible.

(b) If the transfer is a result of the change in placement by the secretary for children and families, *secretary of corrections or commissioner of juvenile justice*, it shall be the duty of the secretary or commissioner to *notify the affected school district or districts that the child's placement has changed and request that child's records be transferred. It shall be the duty of the school district and school in possession of any records pertaining to such child to cooperate with the secretary or commissioner and transfer, or make provision for the transfer, of all such records to the school district or school to which the where such child is transferred.* ~~If the transfer is a result of the change in placement by the commissioner of juvenile justice, it shall be the duty of the commissioner to transfer, or make provision for the transfer, of such records to the district or school to which the child is transferred. If the transfer is a result of the change in placement by the secretary of the department of corrections, it shall be the duty of the secretary to transfer, or make provision for the transfer, of such records to the district or school to which the child is transferred. Such records shall be transferred as soon as possible following receipt of such notice but not later than two business days following the business~~

day that such notice was received by the school district. A school district shall not deny or delay enrollment and attendance of any such child whose placement has changed on the basis that the school district or school is not in possession of such child's educational records.

(c) As used in this section, "business day" means any weekday from Monday through Friday in which the school district or school's administrative office is open. "Business day" does not include any federal or state holiday, any weekday that the school district or school's administrative office is closed or any weekday in which the school day has been canceled due to inclement weather or any other unforeseen circumstance.

Sec. 6. K.S.A. 38-2218 and 72-3439 and K.S.A. 2025 Supp. 72-3122, 72-3123 and 72-3124 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 6, 2026.

CHAPTER 49

Substitute for HOUSE BILL No. 2435

AN ACT concerning natural gas public utilities; relating to the gas system reliability surcharge; authorizing natural gas public utilities to recover certain growth-related investments in plant, facilities or equipment; raising the cap on the amount that the monthly fixed charge may be increased each year; requiring the state corporation commission to issue an order not later than 90 days after a utility files a petition to change the gas system reliability surcharge; amending K.S.A. 66-2202 and 66-2204 and repealing the existing sections.

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

Section 1. K.S.A. 66-2202 is hereby amended to read as follows: 66-2202. For the purposes of this act:

(a) “GSRS” means gas system reliability surcharge;
(b) “appropriate pretax revenues” means the revenues necessary to produce net operating income equal to:

(1) The natural gas public utility’s weighted cost of capital last approved by the commission multiplied by the net original cost of eligible infrastructure system investments, including recognition of accumulated deferred income taxes, accumulated depreciation associated with eligible infrastructure system investments that are included in a currently effective GSRS;

(2) recover state, federal and local income or excise taxes applicable to such income; *and*

(3) recover depreciation expenses;

(c) “commission” means the state corporation commission;

(d) “eligible infrastructure system investments” means natural gas public utility plant projects that:

~~(1) Do not increase revenues by directly connecting the infrastructure investments to new customers;~~

~~(2)~~(1) Are in service and used and required to be used; and

~~(3)~~(2) were not included in the natural gas public utility’s rate base in its most recent general rate case;

(e) “natural gas public utility” ~~shall have the same meaning respectively ascribed thereto by means the same as defined in K.S.A. 66-1,200(a), and amendments thereto;~~

(f) “natural gas *public* utility plant projects” consist of the following:

(1) Mains, meters, valves, service lines, regulator stations, vaults and other pipeline system components installed to replace, upgrade or modernize obsolete facilities, including, but not limited to, installation to comply with state or federal safety requirements *or* replacing existing facilities;

(2) main relining projects, service line insertion projects, joint encapsulation projects and other similar projects extending the useful life or

enhancing the integrity of pipeline system components, including, but not limited to, projects undertaken to comply with state or federal safety requirements;

(3) facility relocations required due to construction or improvement of a highway, road, street, public way or other public work by or on behalf of the United States, this state, a political subdivision of this state or another entity having the power of eminent domain provided that the costs related to such projects have not been reimbursed to the natural gas public utility;

(4) system security costs including allocated corporate costs incurred by a natural gas public utility; ~~and~~

(5) investments made in accordance with the utility's safety and risk management programs; *and*

(6) *any other investment in plant, facilities or equipment, excluding allocated corporate costs;*

(g) "GSRS revenues" means revenues produced through a GSRS exclusive of revenues from all other rates and charges;

(h) "obsolete facility" means a facility *that*: (1) *Is* comprised of materials that are no longer produced or supported by the manufacturer; (2) ~~that~~ shows signs of physical deterioration; or (3) does not meet current safety codes or industry standards. "Obsolete facility" includes the cost-effective replacement of other facilities that are not considered obsolete when the replacement of such is done in conjunction with the replacement of an obsolete facility; *and*

(i) "system security" ~~shall mean~~ *means* capital expenditures to protect a utility's capital assets, including both physical assets and cyber assets, such as networks, computers, servers, operating systems, storage, programs and data, from attack, damage or unauthorized use and access.

Sec. 2. K.S.A. 66-2204 is hereby amended to read as follows: 66-2204. (a) ~~At the time that~~ *When* a natural gas public utility files a petition with the commission seeking to establish or change a GSRS, ~~it~~ *such utility* shall:

(1) Submit proposed GSRS rate schedules and ~~its supporting~~ documentation ~~regarding to support~~ the calculation of the proposed GSRS ~~with the petition~~; *and shall*

(2) serve commission staff and ~~the citizens~~ *citizens'* utility ratepayer board with a copy of ~~its the~~ petition, ~~its~~ proposed rate schedules and ~~its~~ supporting documentation.

(b) (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto, the commission shall conduct an examination of the proposed GSRS;

(2) the staff of the commission shall examine information of the natural gas public utility to confirm that the underlying costs are in ac-

cordance with the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto, and to confirm proper calculation of the proposed charge. The staff shall submit a report regarding ~~its~~ *such* examination to the commission not later than 60 days after the petition is filed. No other revenue requirement or ratemaking issues may be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of K.S.A. 66-2202 and 66-2204, and amendments thereto;

(3) the commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than ~~120~~ 90 days after the petition is filed; and

(4) if the commission finds that a petition complies with the requirements of K.S.A. 66-2202 through 66-2204, and amendments thereto, the commission shall enter an order authorizing the natural gas public utility to impose a GSRS that is sufficient to recover appropriate pretax revenue, as determined by the commission pursuant to the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto.

(c) A natural gas utility may effectuate a change in its rate pursuant to the provisions of this section ~~no~~ *not* more often than once every ~~12 months~~ *calendar year*.

(d) In determining the appropriate pretax revenue, the commission shall consider only the following factors:

(1) The net original cost of eligible infrastructure system investments. The net original cost shall be defined as the original cost of eligible infrastructure system investments less associated retirements of existing infrastructure;

(2) the accumulated deferred income taxes associated with the eligible infrastructure system investments, as adjusted to comply with internal revenue service regulations;

(3) the accumulated depreciation associated with the eligible infrastructure system investments;

(4) the current state, federal and local income tax or excise rates;

(5) the natural gas public utility's actual regulatory capital structure as determined during the most recent general rate proceeding of the natural gas public utility;

(6) the actual cost rates for the natural gas public utility's debt and preferred stock as determined during the most recent general rate proceeding of the natural gas public utility;

(7) the natural gas public utility's cost of common equity as determined during the most recent general rate proceeding of the natural gas public utility;

(8) the current depreciation rates applicable to the eligible infrastructure system investments; and

(9) in the event *that* information pursuant to paragraphs (5), (6) and (7) ~~are~~ is unavailable and the commission is not provided with such information on an agreed-upon basis, the commission shall utilize the average of the recommendations contained in the testimony submitted by the natural gas public utility and commission staff during the most recent general rate proceeding of the natural gas public utility to determine the capital structure, recommended cost rates for debt and preferred stock and recommended cost of common equity to determine the average weighted cost of capital.

(e) (1) The monthly GSRS charge shall be allocated among the natural gas public utility's classes of customers in the same manner as costs for the same type of facilities was allocated among classes of customers in the natural gas public utility's most recent general rate proceeding. If that allocation is not available or determinable, the commission shall utilize the average of the recommendations contained in the testimony submitted by the natural gas public utility and the commission staff regarding class allocation of costs. A GSRS shall be charged to customers as a monthly fixed charge and not based on volumetric consumption. Such monthly charge shall not increase more than ~~\$.80~~ \$1.35 per residential customer over the:

(A) Base rates in effect for the initial filing of a GSRS; or

(B) *monthly charge established in the most recent filing of a GSRS for any subsequent filing of a GSRS.* ~~Thereafter, each filing shall not increase the monthly charge more than \$.80 per residential customer over the most recent filing of a GSRS;~~

(2) ~~At the end of each twelve-month~~ 12-month calendar period *that the GSRS is in effect or in conjunction with a natural gas public utility's petition to change the GSRS,* the natural gas public utility shall reconcile the differences between the revenues resulting from a GSRS and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed GSRS adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustments of the GSRS charge.

(f) (1) A natural gas public utility that has implemented a GSRS pursuant to the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto, shall file revised rate schedules to reset the GSRS to zero when new base rates and charges become effective for the natural gas public utility following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility's base rates, subject to subsections (h) and (i), eligible costs previously reflected in the currently effective GSRS; and

(2) upon the inclusion in a natural gas public utility's base rates subject to subsections (h) and (i) of eligible costs previously reflected in a GSRS, the natural gas public utility shall immediately thereafter reconcile

any previously unreconciled GSRS revenues as necessary to ensure that revenues resulting from the GSRS match as closely as possible the appropriate pretax revenues as found by the commission for that period.

(g) A natural gas public utility's filing of a petition or change to a GSRS pursuant to the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto, shall not be deemed to be a rate increase for purposes of K.S.A. 66-117, and amendments thereto.

(h) Commission approval of a petition, and any associated rate schedules, to establish or change a GSRS pursuant to the provisions of K.S.A. 66-2202 through 66-2204, and amendments thereto, shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system investments during a subsequent general rate proceeding ~~when in which~~ the commission may ~~undertake to~~ review the reasonableness and prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system investments previously included in a GSRS, the natural gas public utility shall offset ~~its~~ *such utility's* GSRS in the future as necessary to recognize and account for any such over collections.

(i) Nothing in this section shall be construed as limiting the authority of the commission to review and consider the costs of infrastructure system investments, along with other costs, during any general rate proceeding of any natural gas public utility.

Sec. 3. K.S.A. 66-2202 and 66-2204 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 6, 2026.

CHAPTER 50

HOUSE BILL No. 2520

AN ACT concerning adult care homes; relating to the adult care home licensure act; amending the definition of home plus to increase the cap of residents from 12 to 16; amending K.S.A. 2025 Supp. 39-923 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 39-923 is hereby amended to read as follows: 39-923. (a) As used in this act:

(1) “Adult care home” means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential healthcare facility, home plus, boarding care home and adult day care facility, all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) “Nursing facility” means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) “Nursing facility for mental health” means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) “Intermediate care facility for people with intellectual disability” means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) “Assisted living facility” means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services, including personal care or supervised nursing care *that is* available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this

act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) “Residential healthcare facility” means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and supervised nursing care to compensate for activities of daily living limitations and ~~where~~ such place or facility includes individual living units and provides or coordinates personal care or supervised nursing care *that is* available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential healthcare facility is not prohibited by this act. Generally, the skilled services provided in a residential healthcare facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) “Home plus” means any residence or facility caring for not more than ~~12~~ 16 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and ~~who~~ *such resident*, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not ~~less~~ *fewer* than five-bed but not more than ~~12-bed~~ 16-bed home plus facility if the home plus facility remains separate from the adult care home and each facility remains contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents’ needs in order to maintain the current level of nursing care standards. *Any home plus that provides care for more than 12 individuals on and after July 1, 2026, shall develop and maintain written plans demonstrating the ability of such home plus to meet residents’ needs, respond to emergencies and maintain resident health and safety at the increased capacity. Such plans shall be available for review during survey or inspection to ensure that the home plus has the capacity to safely serve additional residents without diminishing the quality of care.* Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) “Boarding care home” means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not

related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) “Continuing care retirement community” means any place or facility that combines a range of housing and services to encompass the continuum of aging care needs provided at an independent living facility, an assisted living facility, a residential healthcare facility, home plus or a skilled nursing care facility within a single place or facility to avoid the need for residents to relocate to a separate place or facility. The provision of community care includes the multiple levels of care provided as part of a continuing care retirement community.

(10) “Adult day care” means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(11) “Place or facility” means a building, ~~or~~ any one or more complete floors of a building, ~~or~~ any one or more complete wings of a building, ~~or~~ any one or more complete wings and one or more complete floors of a building. “Place or facility” includes multiple buildings.

(12) “Skilled nursing care” means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist and other nursing functions that require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(13) “Supervised nursing care” means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures, administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(14) “Resident” means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(15) “Person” means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(16) “Operate an adult care home” means to own, lease, sublease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the words “own” and “lease” do not include hospital districts, cities and counties that hold title to an adult care home purchased or constructed through the sale of bonds.

(17) “Licensing agency” means the secretary for aging and disability services.

(18) “Skilled nursing home” means a nursing facility.

(19) “Intermediate nursing care home” means a nursing facility.

(20) “Apartment” means a private unit that includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(21) “Individual living unit” means a private unit that includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(22) “Operator” means an individual registered pursuant to the operator registration act, K.S.A. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential healthcare facility with fewer than 61 residents, a home plus or adult day care facility.

(23) “Activities of daily living” means those personal, functional activities required by an individual for continued well-being, including, but not limited to, eating, nutrition, dressing, personal hygiene, mobility and toileting.

(24) “Personal care” means care provided by staff to assist an individual with or to perform activities of daily living.

(25) “Functional impairment” means an individual has experienced a decline in physical, mental and psychosocial well-being and, as a result, is unable to compensate for the effects of the decline.

(26) “Kitchen” means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(27) “Intermediate personal care home” *means a residential health-care facility* for purposes of those individuals applying for or receiving veterans’ benefits ~~means residential health-care facility.~~

(28) “Paid nutrition assistant” means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and 42 C.F.R. § 483.35(h); and ~~who~~ provides such assistance under the supervision of a registered professional or licensed practical nurse.

(29) “Medicaid program” means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended *or* any successor federal or state, or both, health insurance program or waiver granted thereunder.

(30) “Licensee” means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(31) “Insolvent” means that the adult care home or any individual or entity that operates an adult care home or appears on the adult care home license ~~and~~ has stopped paying debts in the ordinary course of business or is unable to pay debts as they come due in the ordinary course of business.

(b) “Adult care home” does not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas office of veterans services, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices that are certified to participate in the medicare program under 42 C.F.R. § 418.1 et seq., and provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 C.F.R. § 460 et seq., that provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential healthcare facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with fewer than 60 beds converting a portion of the facility to residential healthcare shall have the option of licensing for residential healthcare for fewer than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology, and such agency may further amend, substitute, change and, in a manner consistent with the definitions established in this section, further define and identify the specific acts and services that shall fall within the respective categories of facilities ~~so long as~~ *as if* the above categories for adult care homes are used as guidelines to define and identify the specific acts.

Sec. 2. K.S.A. 2025 Supp. 39-923 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 6, 2026.

CHAPTER 51

HOUSE BILL No. 2524
(Amended by Chapter 155)

AN ACT concerning child care facilities; relating to licensure of family foster homes; requiring the secretary for children and families to allow maintenance of licensure of family foster homes when certain persons with convictions or adjudications reside in such homes; permitting the secretary, when not required, to license or allow maintenance of licensure when certain persons reside in such homes; creating an appeal process for family foster homes; amending K.S.A. 2025 Supp. 65-516 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 65-516 is hereby amended to read as follows: 65-516. (a) *Except as provided in subsection (d)*, no person shall knowingly maintain a child care facility if an employee who, in this state or in other states or the federal government:

(1) (A) Has been convicted of a crime that is classified as a person felony under the Kansas criminal code;

(B) has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) has been convicted of any act that is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

(D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government;

(2) ~~except as provided in subsection (b)~~, has been adjudicated a juvenile offender because of having committed an act which, if committed by an adult, would constitute the commission of a felony and that is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55

or 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 21-6104, 21-6325, 21-6326, 21-6418 through 21-6422 or 21-6424, and amendments thereto, or similar statutes of any other state or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government;

(3) has been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any other state or as a sex offender on the national sex offender registry;

(4) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 38-2226, and amendments thereto, or any similar child abuse and neglect registries maintained by any other state or the federal government and:

(A) The person has failed to successfully complete a corrective action plan that had been deemed appropriate and approved by the Kansas department for children and families or requirements of similar entities in any other state or the federal government; or

(B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families or similar entities in any other state or the federal government;

(5) has had a child removed from home based on a court order pursuant to K.S.A. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;

(6) has had parental rights terminated pursuant to the revised Kansas code for care of children, or a similar statute of other states;

(7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(8) has an infectious or contagious disease.

(b) ~~If the secretary determines that there is no safety concern, The secretary may license a family foster home, as defined in K.S.A. 38-134, and amendments thereto, when a person who has been adjudicated as a juvenile offender for an offense described in subsection (a)(2);~~

~~(1) Was a child in the custody of the secretary and placed with such family foster home by the secretary;~~

~~(2) is 18 years of age or older;~~

~~(3) (A) maintains residence at such family foster home; or~~

~~(B) has been legally adopted by any person who resides at such family foster home; and~~

~~(4) six months have passed since the date of adjudication.~~

~~(e)~~ No person shall maintain a child care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

~~(d)~~(c) Any person who resides in a child care facility and who has been found to be in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.

(d) (1) The secretary for children and families shall allow maintenance of an existing license of a family foster home, as defined in K.S.A. 38-134, and amendments thereto, when:

(A) Such applicant or licensee otherwise qualifies for such licensure; and

(B) a person who resides in such home:

(i) Has been convicted or adjudicated of an offense described in subsection (a);

(ii) was a child with such conviction or adjudication in custody of and placed in such home by the secretary;

(iii) is less than 26 years of age; and

(iv) maintains residence in such home or has been legally adopted by a person who resides in such home.

(2) The secretary for children and families may grant a license to or allow maintenance of an existing license of a family foster home, as defined in K.S.A. 38-134, and amendments thereto, if the secretary determines that there are no safety concerns and a person residing in such home otherwise meets the requirements in paragraph (1) but:

(A) Is older than 26 years of age; or

(B) has an additional conviction or adjudication described in subsection (a) after release from the custody of the secretary for children and families.

(3) (A) An applicant or licensee may appeal to the secretary for children and families for review, if such secretary has not granted or allowed the maintenance of a license when such licensure shall or may be otherwise granted or allowed to be maintained under this subsection.

(B) Upon review of such appeal, licensure may be granted or allowed to be maintained by the secretary, whose decision shall be final.

(e) In accordance with the provisions of this subsection, the secretary of health and environment shall have access to any court orders or

adjudications of any court of record, any records of such orders or adjudications, criminal history record information including, but not limited to, diversion agreements, in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 38-2226, and amendments thereto, in the possession of the Kansas department for children and families or court of this state concerning employees in a child care facility. The secretary shall have access to these records for the purpose of determining whether or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.

(f) In accordance with the provisions of this subsection, the secretary is authorized to conduct national criminal history record checks to determine criminal history on employees in a child care facility. In order to conduct a national criminal history check the secretary shall require fingerprinting for identification and determination of criminal history in accordance with K.S.A. 2025 Supp. 22-4714, and amendments thereto.

(g) (1) The secretary shall adopt rules and regulations to fix a fee for fingerprinting employees in a child care facility, as may be required by the department to reimburse the department for the cost of the fingerprinting.

(2) The secretary shall remit all moneys received from the fees established under this section 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 to the credit of the child care criminal background and fingerprinting fund.

(h) The child care criminal background and fingerprinting fund is hereby created in the state treasury to be administered by the secretary of health and environment. All moneys credited to the child care criminal background and fingerprinting fund shall be used to pay local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for the department. All expenditures from the child care criminal background and fingerprinting 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.

(i) The secretary shall notify the child care applicant or licensee, within seven days by certified mail with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsections (a)(1) through (8) with regard to the person who is the subject of the review.

(j) No child care facility or the employees thereof, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such facility's or home's compliance with the

provisions of this section if such home acts in good faith to comply with this section.

(k) For the purpose of subsection (a)(3), a person listed in the child abuse and neglect central registry shall not be prohibited from residing, working or volunteering in a child care facility unless such person has:

(1) Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and

(2) been given notice of the agency decision and an opportunity to appeal such decision to the secretary and to the courts pursuant to the Kansas judicial review act.

(l) In regard to Kansas issued criminal history records:

(1) The secretary of health and environment shall provide in writing information available to the secretary to each child placement agency requesting information under this section, including the information provided by the Kansas bureau of investigation pursuant to this section, for the purpose of assessing the fitness of persons living, working or regularly volunteering in a family foster home under the child placement agency's sponsorship.

(2) The child placement agency is considered to be a governmental entity and the designee of the secretary of health and environment for the purposes of obtaining, using and disseminating information obtained under this section.

(3) The information shall be provided to the child placement agency regardless of whether the information discloses that the subject of the request has been convicted of any offense.

(4) Whenever the information available to the secretary reveals that the subject of the request has no criminal history on record, the secretary shall provide notice thereof in writing to each child placement agency requesting information under this section.

(5) Any staff person of a child placement agency who receives information under this subsection shall keep such information confidential, except that the staff person may disclose such information on a need-to-know basis to:

(A) The person who is the subject of the request for information;

(B) the applicant or operator of the family foster home in which the person lives, works or regularly volunteers;

(C) the department of health and environment;

(D) the Kansas department for children and families;

(E) the department of corrections; and

(F) the courts.

(6) A violation of paragraph (5) shall be an unclassified misdemeanor punishable by a fine of \$100 for each violation.

~~(m)(1) No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except where extraor-~~

dinary circumstances exist, the secretary of health and environment may exercise discretion to make exceptions to this requirement. The provisions of this subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010, or who had an application for an initial license or the renewal of an existing license pending on July 1, 2010.

(2) ~~This subsection shall expire on June 30, 2026.~~

Sec. 2. K.S.A. 2025 Supp. 65-516 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 6, 2026.

CHAPTER 52

HOUSE BILL No. 2552

AN ACT concerning crimes, punishment and criminal procedure; relating to reports and records; requiring presentence investigation reports and journal entries to be completed and submitted in the form and manner prescribed by the Kansas sentencing commission; amending K.S.A. 21-6813, 22-3426, 22-3426a and 22-3439 and repealing the existing sections.

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

Section 1. K.S.A. 21-6813 is hereby amended to read as follows: 21-6813. (a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence investigation report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

(2) If the defendant desires to do so, a summary of the defendant's version of the crime.

(3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

(4) An appropriate classification of each crime of conviction on the crime severity scale.

(5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. If any such journal entries or other documents are obtained by the court services officer, they shall be attached to the presentence investigation report. Any prior criminal history worksheets of the defendant shall also be attached.

(6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

(7) If the proposed grid block classification is a grid block that presumes imprisonment, the presumptive prison term range and the pre-

sumptive duration of postprison supervision as it relates to the crime severity scale.

(8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.

(9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, prior to their repeal, or K.S.A. 21-5706, and amendments thereto, and meet the requirements of K.S.A. 21-6824, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-6824, and amendments thereto.

(10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 65-4160 or 65-4162, prior to their repeal, or K.S.A. 21-5706, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-6824, and amendments thereto.

(c) The presentence investigation report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and assessments shall be accessible only to: The parties; the sentencing judge; the department of corrections; community correctional services; any entity required to receive the information under the interstate compact for adult offender supervision; and, if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220, and amendments thereto, to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence investigation report.

(e) The presentence investigation report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) Except as provided in K.S.A. 21-6814, and amendments thereto, the court may take judicial notice in a subsequent felony proceeding of an earlier presentence investigation report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence investigation reports in any case in which the defendant has been convicted of a felony shall be ~~on a form approved~~ *completed and submitted in the form and manner prescribed* by the Kansas sentencing commission.

Sec. 2. K.S.A. 22-3426 is hereby amended to read as follows: 22-3426. (a) When judgment is rendered or sentence of imprisonment is imposed, upon a plea or verdict of guilty, a record thereof shall be made upon the journal of the court, reflecting, if applicable, conviction or other judgment, the sentence if imposed, and the commitment, which record among other things shall contain a statement of the crime charged, and under what statute; the plea or verdict and the judgment rendered or sentence imposed, and under what statute, and a statement that the defendant was duly represented by counsel naming such counsel, or a statement that the defendant has stated on the record or in writing that the defendant did not want representation of counsel.

(b) If defendant is sentenced to the custody of the secretary of corrections the journal entry shall record, ~~in a judgment form, if used,~~ all the information required under K.S.A. 21-6711, and amendments thereto, unless such section is not applicable.

(c) It shall be the duty of the court personally to examine *and sign* the journal entry ~~and to sign the same.~~

(d) For felony convictions for crimes committed on or after July 1, 1993, in addition to the provisions of subsections (a) through (c), the journal entry shall contain the following information:

- (1) Court case number;
- (2) Kansas bureau of investigation number;
- (3) case transaction number;
- (4) court O.R.I. number;
- (5) the type of counsel;
- (6) type of trial, if any;
- (7) pretrial status of the offender;
- (8) the date of the sentencing hearing;
- (9) a listing of offenses for which the defendant is convicted;
- (10) the criminal history classification;
- (11) the sentence imposed for each offense including postrelease or probation supervision durations;
- (12) whether the sentences run concurrently or consecutively;
- (13) amount of credit for time spent incarcerated;
- (14) period ordered in county jail as a condition of probation;
- (15) a listing of offenses in which a departure sentence is imposed;
- (16) type of departure sentence; and
- (17) factors cited as a basis for departure sentence.

(e) The journal entry shall be ~~recorded on a form approved~~ *completed and submitted in the form and manner prescribed* by the Kansas sentencing commission.

Sec. 3. K.S.A. 22-3426a is hereby amended to read as follows: 22-3426a. (a) For crimes committed on or after July 1, 1993, when a con-

victed person is revoked for a probation violation, a record thereof shall be made upon the journal of the court. Such journal entry shall include:

- (1) Court case number;
- (2) Kansas bureau of investigation number;
- (3) case transaction number;
- (4) court O.R.I. number;
- (5) name of the judge who heard the evidence;
- (6) those present and whether defendant's counsel was appointed or retained;
- (7) date violator was sentenced to department of corrections;
- (8) offenses for which defendant was sentenced and time to be served for each crime;
- (9) total imprisonment term;
- (10) supervision revoked;
- (11) date motion to revoke defendant's probation was filed; and
- (12) whether there are sufficient evidence and grounds for the court to revoke defendant's probation.

(b) It shall be the duty of the court to personally examine *and sign* the journal entry ~~and sign the same~~.

(c) The journal entry shall be ~~recorded on a form approved~~ *completed and submitted in the form and manner prescribed* by the Kansas sentencing commission.

Sec. 4. K.S.A. 22-3439 is hereby amended to read as follows: 22-3439.

(a) For all felony convictions for offenses committed on or after July 1, 1993, the court shall forward a signed copy of the journal entry, attached together with the presentence investigation report as provided by K.S.A. 21-6813, and amendments thereto, to the Kansas sentencing commission within 30 days after sentencing.

(b) For probation revocations which result in the defendant's imprisonment in the custody of the department of corrections, the court shall forward a signed copy of the journal entry of revocation to the Kansas sentencing commission within 30 days of final disposition.

(c) The court shall ~~insure~~ *ensure* that information concerning dispositions for all other felony probation revocations based upon crimes committed on or after July 1, 1993, and for all class A and B misdemeanor crimes and assault as defined in K.S.A. 21-3408, prior to its repeal, or ~~subsection (a) of K.S.A. 21-5412(a)~~, and amendments thereto, committed on or after July 1, 1993, is forwarded to the Kansas bureau of investigation central repository. Such information shall be transmitted on a form or in a format approved by the attorney general within 30 days of that final disposition.

(d) *All documents required to be forwarded to the Kansas sentencing commission pursuant to this section shall be completed and submitted in*

the form and manner prescribed by the commission. The court shall not receive or recognize as valid such documents that are completed and submitted in any other form and manner.

Sec. 5. K.S.A. 21-6813, 22-3426, 22-3426a and 22-3439 are hereby repealed.

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

Approved April 6, 2026.

Published in the *Kansas Register* April 16, 2026.

CHAPTER 53

HOUSE BILL No. 2574

AN ACT concerning cybersecurity; relating to consolidation of cybersecurity services; modifying the duties of the chief information security officers for each branch of government; removing maturity requirements for cybersecurity programs; requiring periodic audits of compliance with such programs; creating the judicial branch technology oversight council and the legislative branch information technology oversight council; requiring the executive branch chief information security officer to assess executive branch agencies for compliance with cybersecurity standards and report findings to the legislature; providing for consideration of cybersecurity compliance during the budgeting process; modifying the membership and duties of the information technology executive council; amending K.S.A. 2025 Supp. 40-110, 75-413, 75-623, 75-710, 75-711, 75-7202, 75-7203, 75-7206a, 75-7208a, 75-7237, 75-7238, 75-7239, 75-7240, 75-7245 and 75-7246 and repealing the existing sections; also repealing K.S.A. 75-7203, as amended by section 21 of chapter 95 of the 2024 Session Laws of Kansas, and 75-7205, as amended by section 23 of chapter 95 of the 2024 Session Laws of Kansas and K.S.A. 2023 Supp. 75-7201, as amended by section 17 of chapter 95 of the 2024 Session Laws of Kansas, 75-7202, as amended by section 19 of chapter 95 of the 2024 Session Laws of Kansas, 75-7206, as amended by section 25 of chapter 95 of the 2024 Session Laws of Kansas, 75-7208, as amended by section 27 of chapter 95 of the 2024 Session Laws of Kansas, 75-7209, as amended by section 29 of chapter 95 of the 2024 Session Laws of Kansas, 75-7237, as amended by section 31 of chapter 95 of the 2024 Session Laws of Kansas, 75-7238, as amended by section 33 of chapter 95 of the 2024 Session Laws of Kansas, 75-7239, as amended by section 35 of chapter 95 of the 2024 Session Laws of Kansas, and 75-7240, as amended by section 37 of chapter 95 of the 2024 Session Laws of Kansas.

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

New Section 1. There is hereby established the legislative branch information technology oversight council. The membership of the council shall be determined by the legislative coordinating council. The legislative branch information technology oversight council shall:

- (a) Set standards for legislative branch information technology;
- (b) establish information technology policies for the legislative branch;
- (c) approve strategic information technology plans;
- (d) oversee information technology projects to ensure alignment with legislative branch goals;
- (e) evaluate information technology and cybersecurity programs; and
- (f) support the legislative chief information technology officer and the legislative chief information security officer.

New Sec. 2. There is hereby established the judicial branch technology oversight council. The membership of the council shall be determined by the chief justice. The council shall:

- (a) Set standards for judicial branch information technology;
- (b) establish information technology policies for the judicial branch;
- (c) approve strategic information technology plans;

- (d) oversee information technology projects to ensure alignment with judicial branch goals;
- (e) evaluate information technology and cybersecurity programs; and
- (f) support the judicial chief information technology officer and the judicial chief information security officer.

Sec. 3. K.S.A. 2025 Supp. 40-110 is hereby amended to read as follows: 40-110. (a) The commissioner of insurance is hereby authorized to appoint an assistant commissioner of insurance, actuaries, two special attorneys who shall have been regularly admitted to practice, an executive secretary, policy examiners, two field representatives, and a secretary to the commissioner. Such appointees shall each receive an annual salary to be determined by the commissioner of insurance, within the limits of available appropriations. The commissioner is also authorized to appoint, within the provisions of the civil service law, and available appropriations, other employees as necessary to administer the provisions of this act. The field representatives authorized by this section may be empowered to conduct inquiries, investigations or to receive complaints. Such field representatives shall not be empowered to make, or direct to be made, an examination of the affairs and financial condition of any insurance company in the process of organization, or applying for admission or doing business in this state.

(b) The appointees authorized by this section shall take the proper official oath and shall be in no way interested, except as policyholders, in any insurance company. In the absence of the commissioner of insurance the assistant commissioner shall perform the duties of the commissioner of insurance, but shall in all cases execute papers in the name of the commissioner of insurance, as assistant. The commissioner of insurance shall be responsible for all acts of an official nature done and performed by the commissioner's assistant or any person employed in such office. All the appointees authorized by this section shall hold their office at the will and pleasure of the commissioner of insurance.

(c)-(1) The commissioner shall appoint a chief information security officer who shall be responsible for establishing security standards and policies to protect the department's information technology systems and infrastructure. The chief information security officer shall:

~~(A)(1)~~ Develop a cybersecurity program for the department ~~that complies with the national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024 based on a nationally recognized standard for governmental entities. Beginning in 2027 and every two years thereafter, the chief information security officer shall ensure that such programs achieve a CSF tier of 3.0 prior to July 1, 2028, and a CSF tier of 4.0 prior to July 1, 2030 report to the joint committee on information technology, the house of representatives standing committee~~

on appropriations and the senate standing committee on ways and means on the maturity level of the program;

~~(B)(2)~~ ensure that the commissioner and all employees complete cybersecurity awareness training annually and that if an employee does not complete the required training, such employee's access to any state-issued hardware or the state network is revoked; and

~~(C)(i)(a)(3)(A)~~ ~~coordinate with the United States cybersecurity and infrastructure security agency to perform annual audits of the department for compliance with periodic audits of the department's compliance with the cybersecurity program and applicable state and federal laws, rules and regulations and department policies and standards; and~~

~~(b)~~ ~~make an audit request to such agency annually, regardless of whether or not such agency has the capacity to perform the requested audit.~~

~~(ii)(B)~~ Results of audits conducted pursuant to this paragraph shall be confidential and shall not be subject to discovery or disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto. *The provisions of this subparagraph shall expire on July 1, 2030, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.*

~~(2)~~ ~~The provisions of this subsection shall expire on July 1, 2026.~~

Sec. 4. K.S.A. 2025 Supp. 75-413 is hereby amended to read as follows: 75-413. (a) The secretary of state may appoint such other assistants and clerks as may be authorized by law, but the secretary of state shall be responsible for the proper discharge of the duties of all assistants and clerks, and they shall hold their offices at the will and pleasure of the secretary and shall do and perform such general duties as the secretary may require.

~~(b)(1)~~ The secretary of state shall appoint a chief information security officer who shall be responsible for establishing security standards and policies to protect the office's information technology systems and infrastructure. The chief information security officer shall:

~~(A)(1)~~ ~~Develop a cybersecurity program for the office that complies with the national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024 based on a nationally recognized standard for governmental entities. Beginning in 2027 and every two years thereafter, the chief information security officer shall ensure that such programs achieve a CSF tier of 3.0 prior to July 1, 2028, and a CSF tier of 4.0 prior to July 1, 2030 report to the joint committee on information technology, the house of representatives standing committee on appropriations and the senate standing committee on ways and means on the maturity level of the program;~~

~~(B)(2)~~ ensure that the secretary of state and all employees complete cybersecurity awareness training annually and that if an employee does

not complete the required training, such employee's access to any state-issued hardware or the state network is revoked; and

~~(C)(i)(a)(3)(A) coordinate with the United States cybersecurity and infrastructure security agency to perform annual audits of the office for compliance with periodic audits of the office's compliance with the cybersecurity program and applicable state and federal laws, rules and regulations and office policies and standards; and~~

~~(b) make an audit request to such agency annually, regardless of whether or not such agency has the capacity to perform the requested audit.~~

~~(ii)(B) Results of audits conducted pursuant to this paragraph shall be confidential and shall not be subject to discovery or disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subparagraph shall expire on July 1, 2030, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.~~

~~(2) The provisions of this subsection shall expire on July 1, 2026.~~

Sec. 5. K.S.A. 2025 Supp. 75-623 is hereby amended to read as follows: 75-623. (a) The treasurer shall appoint such other assistants, clerks, bookkeepers, accountants and stenographers as may be authorized by law, each of which persons shall take the oath of office required of public officers. Such persons shall hold their offices at the will and pleasure of the state treasurer.

~~(b)(1)~~ The treasurer shall appoint a chief information security officer who shall be responsible for establishing security standards and policies to protect the office's information technology systems and infrastructure. The chief information security officer shall:

~~(A)(1) Develop a cybersecurity program for the office that complies with the national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024 and the Kansas public employees retirement system based on a nationally recognized standard for governmental entities. Beginning in 2027 and every two years thereafter, the chief information security officer shall ensure that such programs achieve a CSF tier of 3.0 prior to July 1, 2028, and a CSF tier of 4.0 prior to July 1, 2030 report to the joint committee on information technology, the house of representatives standing committee on appropriations and the senate standing committee on ways and means on the maturity level of the program;~~

~~(B)(2) ensure that the treasurer and all employees within the office of the treasurer and the Kansas public employees retirement system complete cybersecurity awareness training annually and that if an employee does not complete the required training, such employee's access to any state-issued hardware or the state network is revoked; and~~

~~(C)(i)(a)(3)(A) coordinate with the United States cybersecurity and infrastructure security agency to perform annual audits of the office for compliance with periodic audits of the office's compliance with the cybersecurity program and applicable state and federal laws, rules and regulations and office policies and standards; and~~

~~(b) make an audit request to such agency annually, regardless of whether or not such agency has the capacity to perform the requested audit.~~

~~(ii)(B) Results of audits conducted pursuant to this paragraph shall be confidential and shall not be subject to discovery or disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subparagraph shall expire on July 1, 2030, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.~~

~~(2) The provisions of this subsection shall expire on July 1, 2026.~~

Sec. 6. K.S.A. 2025 Supp. 75-710 is hereby amended to read as follows: 75-710. (a) The attorney general shall appoint such assistants, clerks, and stenographers as shall be authorized by law, and who shall hold their office at the will and pleasure of the attorney general. All fees and allowances earned by said assistants or any of them, or allowed to them by any statute or order of court in any civil or criminal case whatsoever, shall be turned into the general revenue fund of the state treasury, and the vouchers for their monthly salaries shall not be honored by the director of accounts and reports until a verified account of the fees collected by them, or either of them, during the preceding month, has been filed in the director of accounts and reports' office. Assistants appointed by the attorney general shall perform the duties and exercise the powers as prescribed by law and shall perform other duties as prescribed by the attorney general. Assistants shall act for and exercise the power of the attorney general to the extent the attorney general delegates them the authority to do so.

~~(b)(1)~~ The attorney general shall appoint a chief information security officer who shall be responsible for establishing security standards and policies to protect the office's information technology systems and infrastructure. The chief information security officer shall:

~~(A)(1) Develop a cybersecurity program for the office that complies with the national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024 based on a nationally recognized standard for governmental entities. Beginning in 2027 and every two years thereafter, the chief information security officer shall ensure that such programs achieve a CSF tier of 3.0 prior to July 1, 2028, and a CSF tier of 4.0 prior to July 1, 2030 report to the joint committee on information technology, the house of representatives standing committee on appropriations and the senate standing committee on ways and means on the maturity level of the program;~~

~~(B)(2)~~ ensure that the attorney general and all employees complete cybersecurity awareness training annually and that if an employee does not complete the required training, such employee's access to any state-issued hardware or the state network is revoked; and

~~(C)(i)(a)(3)(A)~~ ~~coordinate with the United States cybersecurity and infrastructure security agency to perform annual audits of the office for compliance with periodic audits of the office's compliance with the cybersecurity program and applicable state and federal laws, rules and regulations and office policies and standards; and~~

~~(b)~~ make an audit request to such agency annually, regardless of whether or not such agency has the capacity to perform the requested audit.

~~(ii)(B)~~ Results of audits conducted pursuant to this paragraph shall be confidential and shall not be subject to discovery or disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto. *The provisions of this subparagraph shall expire on July 1, 2030, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.*

~~(2)~~ The provisions of this subsection shall expire on July 1, 2026.

Sec. 7. K.S.A. 2025 Supp. 75-711 is hereby amended to read as follows: 75-711. (a) There is hereby established, under the jurisdiction of the attorney general, a division to be known as the Kansas bureau of investigation. The director of the bureau shall be appointed by the attorney general, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall have special training and qualifications for such position. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as director shall exercise any power, duty or function as director until confirmed by the senate. In accordance with appropriation acts, the director shall appoint agents who shall be trained in the detection and apprehension of criminals. The director shall appoint an associate director, and any such assistant directors from within the agency as are necessary for the efficient operation of the bureau, who shall have the qualifications and employee benefits, including longevity, of an agent. The director also may appoint a deputy director and, in accordance with appropriation acts, such administrative employees as are necessary for the efficient operation of the bureau. No person shall be appointed to a position within the Kansas bureau of investigation if the person has been convicted of a felony.

(b) The director, associate director, deputy director, assistant directors and any assistant attorneys general assigned to the bureau shall be within the unclassified service under the Kansas civil service act. All other agents and employees of the bureau shall be in the classified service under the Kansas civil service act and their compensation shall be determined as provided in the Kansas civil service act and shall receive actual and necessary expenses.

(c) Any person who was a member of the bureau at the time of appointment as director, associate director or assistant director, upon the expiration of their appointment, shall be returned to an unclassified or regular classified position under the Kansas civil service act with compensation comparable to and not lower than compensation being received at the time of appointment to the unclassified service. If all such possible positions are filled at that time, a temporary additional position shall be created for the person until a vacancy exists in the position. While serving in the temporary additional position, the person shall continue to be a contributing member of the retirement system for the agents of the Kansas bureau of investigation.

(d) Each agent of the bureau shall subscribe to an oath to faithfully discharge the duties of such agent's office, as is required of other public officials.

(e)-(1) The director shall appoint a chief information security officer who shall be responsible for establishing security standards and policies to protect the bureau's information technology systems and infrastructure. The chief information security officer shall:

~~(A)(1)~~ Develop a cybersecurity program for the bureau ~~that complies with the national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024 based on a nationally recognized standard for governmental entities. Beginning in 2027 and every two years thereafter, the chief information security officer shall ensure that such programs achieve a CSF tier of 3.0 prior to July 1, 2028, and a CSF tier of 4.0 prior to July 1, 2030 report to the joint committee on information technology, the house of representatives standing committee on appropriations and the senate standing committee on ways and means on the maturity level of the program;~~

~~(B)(2)~~ ensure that the director and all employees complete cybersecurity awareness training annually and that if an employee does not complete the required training, such employee's access to any state-issued hardware or the state network is revoked; and

~~(C)(i)-(a)(3)~~ (A) ~~coordinate with the United States cybersecurity and infrastructure security agency to perform annual audits of the department for compliance with for periodic audits of the bureau's compliance with the cybersecurity program and~~ applicable state and federal laws, rules and regulations and department policies and standards; ~~and~~

~~(b)~~ ~~make an audit request to such agency annually, regardless of whether or not such agency has the capacity to perform the requested audit.~~

~~(ii)(B)~~ Results of audits conducted pursuant to this paragraph shall be confidential and shall not be subject to discovery or disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto. *The provisions of this subparagraph shall expire on July 1, 2030, unless*

the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

~~(2) The provisions of this subsection shall expire on July 1, 2026.~~

Sec. 8. K.S.A. 2025 Supp. 75-7202 is hereby amended to read as follows: 75-7202. (a) There is hereby established the information technology executive council which shall be attached to the office of information technology services for purposes of administrative functions.

(b) (1) The council shall be composed of ~~13~~ 17 voting members as follows:

- (A) Two cabinet agency heads or such persons' designees;
- (B) two noncabinet agency heads or such persons' designees;
- (C) the executive chief information technology officer;
- (D) *the executive chief information security officer*;
- (E) the chief executive officer of the state board of regents or such person's designee;

~~(E)~~(F) one representative of cities;

~~(F)~~(G) one representative of counties; ~~the network manager of the information network of Kansas (INK);~~

~~(G)~~(H) one representative with background and knowledge in technology and cybersecurity from the private sector, except that such representative or such representative's employer shall not be an information technology or cybersecurity vendor that does business with the state of Kansas;

~~(H)~~(I) one representative appointed by the Kansas criminal justice information system committee; ~~and~~

~~(I)~~(J) *one member of the senate appointed by the president of the senate or such member's designee*;

(K) *one member of the senate appointed by the minority leader of the senate or such member's designee*;

(L) *one member of the house of representatives appointed by the speaker of the house of representatives or such member's designee*;

(M) *one member of the house of representatives appointed by the minority leader of the house of representatives or such member's designee*; and

(N) two information technology employees from state board of regents institutions appointed by the board of regents.

(2) The chief information technology architect, the legislative chief information technology officer, ~~and the judicial chief information technology officer, one member of the senate appointed by the president of the senate, one member of the senate appointed by the minority leader of the senate, one member of the house of representatives appointed by the speaker of the house of representatives and one member of the house of representatives appointed by the minority leader of the house of representatives~~ shall be nonvoting members of the council.

(3) The cabinet agency heads, the noncabinet agency heads, the representative of cities, the representative of counties and the representative from the private sector shall be appointed by the governor for a term not to exceed 18 months. Upon expiration of an appointed member's term, the member shall continue to hold office until the appointment of a successor. Legislative members shall remain members of the legislature in order to retain membership on the council and shall serve until replaced pursuant to this section. Vacancies of members during a term shall be filled in the same manner as the original appointment only for the unexpired part of the term. The appointing authority for a member may remove the member, reappoint the member or substitute another appointee for the member at any time. Nonappointed members shall serve ex officio.

(c) The chairperson of the council shall be the executive chief information technology officer.

(d) The council shall hold monthly meetings and hearings in the city of Topeka or at such other places as the council designates, on call of the executive chief information technology officer or on request of four or more members. A quorum of the council shall be seven members. All actions of the council shall be taken by a majority of all of the members of the council.

(e) Except for members specified as a designee in subsection (b), members of the council may not appoint an individual to represent them on the council and only members of the council may vote.

(f) Members of the council shall receive mileage, tolls and parking as provided in K.S.A. 75-3223, and amendments thereto, for attendance at any meeting of the council or any subcommittee meeting authorized by the council.

Sec. 9. K.S.A. 2025 Supp. 75-7203 is hereby amended to read as follows: 75-7203. (a) The information technology executive council is hereby authorized to adopt such policies and rules and regulations as necessary to implement, administer and enforce the provisions of this act.

(b) The council shall:

(1) Adopt:

(A) Information technology resource policies and procedures and project management methodologies for all executive branch agencies;

(B) an information technology architecture, including telecommunications systems, networks and equipment, that covers all state agencies;

(C) standards for data management for all executive branch agencies; and

(D) a strategic information technology management plan for the executive branch;

(2) provide direction and coordination for the application of the executive branch's information technology resources;

(3) designate the ownership of information resource processes and the lead executive branch agency for implementation of new technologies and networks shared by multiple agencies within the executive branch of state government; *and*

~~(4) develop a plan to integrate all information technology services for the executive branch into the office of information technology services and all cybersecurity services for state educational institutions as defined in K.S.A. 76-711, and amendments thereto, into the office of information technology services and the Kansas information security office; and~~

~~(5) perform such other functions and duties as necessary to carry out the provisions of this act.~~

~~(c) The information technology executive council shall report the plan developed under subsection (b)(4) to the senate standing committee on ways and means and the house standing committee on legislative modernization or its successor committee prior to January 15, 2026, in accordance with K.S.A. 2025 Supp. 75-7245, and amendments thereto.~~

Sec. 10. K.S.A. 2025 Supp. 75-7206a is hereby amended to read as follows: 75-7206a. (a) There is hereby established the position of judicial branch chief information security officer. The judicial chief information security officer shall be in the unclassified service under the Kansas civil service act, shall be appointed by the judicial administrator, subject to approval by the chief justice and shall receive compensation determined by the judicial administrator, subject to approval of the chief justice.

(b) The judicial chief information security officer, *in coordination with the judicial technology oversight council*, shall:

(1) Report to the judicial administrator;

(2) establish security standards and policies to protect the branch's information technology systems and infrastructure in accordance with subsection (c);

(3) ensure the confidentiality, availability and integrity of the information transacted, stored or processed in the branch's information technology systems and infrastructure;

(4) develop a centralized cybersecurity protocol for protecting and managing judicial branch information technology assets and infrastructure;

(5) detect and respond to security incidents consistent with information security standards and policies;

(6) be responsible for the cybersecurity of all judicial branch data and information resources;

(7) collaborate with the chief information security officers of the other branches of state government to respond to cybersecurity incidents;

(8) ensure that all justices, judges and judicial branch employees complete cybersecurity awareness training annually and if an employee

does not complete the required training, such employee's access to any state-issued hardware or the state network is revoked;

(9) ~~review~~ *ensure that* all contracts related to information technology entered into by a person or entity within the judicial branch ~~to make efforts contain provisions~~ to reduce the risk of security vulnerabilities within the supply chain or product and ~~ensure~~ each contract contains standard security language; and

(10) ~~coordinate with the United States cybersecurity and infrastructure security agency to perform annual periodic audits of judicial branch agencies for compliance with the branch's compliance with the cybersecurity program and~~ applicable state and federal laws, rules and regulations and judicial branch policies and standards. ~~The judicial chief information security officer shall make an audit request to such agency annually, regardless of whether or not such agency has the capacity to perform the requested audit.~~

(c) The judicial chief information security officer shall develop a cybersecurity program of each judicial agency ~~that complies with the national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024 based on a nationally recognized standard for governmental entities. Beginning in 2027 and every two years thereafter,~~ the judicial chief information security officer shall ~~ensure that such programs achieve a CSF tier of 3.0 prior to July 1, 2028, and a CSF tier of 4.0 prior to July 1, 2030 report to the joint committee on information technology, the house of representatives standing committee on appropriations and the senate standing committee on ways and means on the maturity level of the program.~~

(d)(1) ~~If an audit conducted pursuant to subsection (b)(10) results in a failure, the judicial chief information security officer shall report such failure to the speaker and minority leader of the house of representatives and the president and minority leader of the senate within 30 days of receiving notice of such failure. Such report shall contain a plan to mitigate any security risks identified in the audit. The judicial chief information security officer shall coordinate for an additional audit after the mitigation plan is implemented and report the results of such audit to the speaker and minority leader of the house of representatives and the president and minority leader of the senate.~~

(2) Results of audits conducted pursuant to subsection (b)(10) ~~and the reports described in subsection (d)(1) shall be confidential and shall not be subject to discovery or disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2030, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.~~

(e) ~~This section shall expire on July 1, 2026.~~

Sec. 11. K.S.A. 2025 Supp. 75-7208a is hereby amended to read as follows: 75-7208a. (a) ~~There is hereby established the position of legislative branch chief information security officer. The legislative chief information security officer shall be in the unclassified service under the Kansas civil service act, shall be appointed by the legislative coordinating council and shall receive compensation determined by the legislative coordinating council.~~

~~(b) The legislative chief information security officer shall:~~

~~(1) Report to the legislative chief information technology officer;~~

~~(2) establish security standards and policies to protect the branch's information technology systems and infrastructure in accordance with subsection (c);~~

~~(3) ensure the confidentiality, availability and integrity of the information transacted, stored or processed in the branch's information technology systems and infrastructure;~~

~~(4) develop a centralized cybersecurity protocol for protecting and managing legislative branch information technology assets and infrastructure;~~

~~(5) detect and respond to security incidents consistent with information security standards and policies;~~

~~(6) be responsible for the cybersecurity of all legislative branch data and information resources and obtain approval from the revisor of statutes prior to taking any action on any matter that involves a legal issue related to the security of information technology;~~

~~(7) collaborate with the chief information security officers of the other branches of state government to respond to cybersecurity incidents;~~

~~(8) ensure that all legislators and legislative branch employees complete cybersecurity awareness training annually and if an employee does not complete the required training, such employee's access to any state-issued hardware or the state network is revoked;~~

~~(9) review all contracts related to information technology entered into by a person or entity within the legislative branch to make efforts to reduce the risk of security vulnerabilities within the supply chain or product and ensure each contract contains standard security language; and~~

~~(10) coordinate with the United States cybersecurity and infrastructure security agency to perform annual audits of legislative branch agencies for compliance with applicable state and federal laws, rules and regulations and legislative branch policies and standards. The legislative chief information security officer shall make an audit request to such agency annually, regardless of whether or not such agency has the capacity to perform the requested audit.~~

~~(e) The legislative chief information technology officer shall appoint a legislative chief information security officer. The legislative chief information security officer shall develop a cybersecurity program of for~~

each legislative agency that complies with the national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024 based on a nationally recognized standard for governmental entities. Beginning in 2027 and every two years thereafter, the legislative chief information security officer shall ensure that such programs achieve a CSF tier of 3.0 prior to July 1, 2028, and a CSF tier of 4.0 prior to July 1, 2030. The agency head of each legislative agency shall coordinate with the legislative chief information security officer to achieve such standards report to the joint committee on information technology, the house of representatives standing committee on appropriations and the senate standing committee on ways and means on the maturity level of the program.

~~(d)(b) (1) If an audit conducted pursuant to subsection (b)(10) results in a failure, the legislative chief information security officer shall report such failure to the speaker and minority leader of the house of representatives and the president and minority leader of the senate within 30 days of receiving notice of such failure. Such report shall contain a plan to mitigate any security risks identified in the audit. The legislative chief information security officer shall coordinate for an additional audit after the mitigation plan is implemented and report the results of such audit to the speaker and minority leader of the house of representatives and the president and minority leader of the senate. The legislative chief information security officer shall:~~

(A) *Ensure that all employees of each legislative agency and all legislators complete cybersecurity awareness training annually and that if an employee or legislator does not complete the required training, such employee's access to any state-issued hardware or the state network is revoked; and*

(B) *coordinate periodic audits of the branch's compliance with the cybersecurity program and applicable state and federal laws, rules and regulations and branch policies and standards.*

(2) Results of audits conducted pursuant to *this subsection (b)(10) and the reports described in subsection (d)(1)* shall be confidential and shall not be subject to discovery or disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto. *The provisions of this paragraph shall expire on July 1, 2030, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.*

~~(e) This section shall expire on July 1, 2026.~~

Sec. 12. K.S.A. 2025 Supp. 75-7237 is hereby amended to read as follows: 75-7237. As used in K.S.A. 75-7236 through 75-7243, and amendments thereto:

(a) "Act" means the Kansas cybersecurity act.

(b) “Breach” or “breach of security” means unauthorized access of data in electronic form containing personal information. Good faith access of personal information by an employee or agent of an executive branch agency does not constitute a breach of security, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use.

(c) “CISO” means the executive branch chief information security officer.

(d) “Cybersecurity” means the body of information technologies, processes and practices designed to protect networks, computers, programs and data from attack, damage or unauthorized access.

(e) “Cybersecurity positions” do not include information technology positions within executive branch agencies.

(f) “Data in electronic form” means any data stored electronically or digitally on any computer system or other database and includes recordable tapes and other mass storage devices.

(g) “Executive branch agency” means any agency in the executive branch of the state of Kansas, including the judicial council but not the elected office agencies, the adjutant general’s department, *the Kansas public employees retirement system*, regents’ institutions, or the board of regents.

(h) “KISO” means the Kansas information security office.

(i) (1) “Personal information” means:

(A) An individual’s first name or first initial and last name, in combination with at least one of the following data elements for that individual:

(i) Social security number;

(ii) driver’s license or identification card number, passport number, military identification number or other similar number issued on a government document used to verify identity;

(iii) financial account number or credit or debit card number, in combination with any security code, access code or password that is necessary to permit access to an individual’s financial account;

(iv) any information regarding an individual’s medical history, mental or physical condition or medical treatment or diagnosis by a healthcare professional; or

(v) an individual’s health insurance policy number or subscriber identification number and any unique identifier used by a health insurer to identify the individual; or

(B) a user name or email address, in combination with a password or security question and answer that would permit access to an online account.

(2) “Personal information” does not include information:

(A) About an individual that has been made publicly available by a federal agency, state agency or municipality; or

(B) that is encrypted, secured or modified by any other method or technology that removes elements that personally identify an individual or that otherwise renders the information unusable.

(j) “State agency” means the same as defined in K.S.A. 75-7201, and amendments thereto.

Sec. 13. K.S.A. 2025 Supp. 75-7238 is hereby amended to read as follows: 75-7238. (a) There is hereby established the position of executive branch chief information security officer (CISO). The executive CISO shall be in the unclassified service under the Kansas civil service act, shall be appointed by the governor and shall receive compensation in an amount fixed by the governor.

(b) The executive CISO shall:

(1) Report to the executive branch chief information technology officer;

(2) establish security standards and policies to protect the branch’s information technology systems and infrastructure in accordance with subsection (c);

(3) ensure the confidentiality, availability and integrity of the information transacted, stored or processed in the branch’s information technology systems and infrastructure;

(4) develop a centralized cybersecurity protocol for protecting and managing executive branch information technology assets and infrastructure;

(5) detect and respond to security incidents consistent with information security standards and policies;

(6) be responsible for the cybersecurity of all executive branch data and information resources;

(7) collaborate with the chief information security officers of the other branches of state government to respond to cybersecurity incidents;

(8) ensure that the governor and all executive branch employees complete cybersecurity awareness training annually and that if an employee does not complete the required training such employee’s access to any state-issued hardware or the state network is revoked; ~~and~~

(9) ~~review~~ *ensure* that all contracts related to information technology entered into by a person or entity within the executive branch ~~to make efforts contain provisions~~ to reduce the risk of security vulnerabilities within the supply chain or product and ~~ensure~~ each contract contains standard security language; *and*

(10) *adopt statewide cybersecurity standards, controls, directives and maturity and tier expectations for the executive branch and continually evaluate standards and expectations to address evolving threats, federal requirements, technological changes and statewide risk conditions.*

(c) The executive CISO shall develop a cybersecurity program for each executive branch agency ~~that complies with the national institute of~~

standards and technology cybersecurity framework (CSF) 2.0, as in effect ~~on July 1, 2024 based on a nationally recognized standard for governmental entities. Beginning in 2027 and every two years thereafter, the executive CISO shall ensure that such programs achieve a CSF tier of 3.0 prior to July 1, 2028, and a CSF tier of 4.0 prior to July 1, 2030 report to the joint committee on information technology, the house of representatives standing committee on appropriations and the senate standing committee on ways and means on the maturity level of the program.~~ The agency head of each executive branch agency shall coordinate with the executive CISO to achieve such standards.

Sec. 14. K.S.A. 2025 Supp. 75-7239 is hereby amended to read as follows: 75-7239. (a) There is hereby established within and as a part of the office of information technology services the Kansas information security office. The Kansas information security office shall be administered by the executive CISO and be staffed appropriately to effect the provisions of the Kansas cybersecurity act.

(b) For the purpose of preparing the governor's budget report and related legislative measures submitted to the legislature, the Kansas information security office, established in this section, shall be considered a separate state agency and shall be titled for such purpose as the "Kansas information security office." The budget estimates and requests of such office shall be presented as from a state agency separate from the office of information technology services, and such separation shall be maintained in the budget documents and reports prepared by the director of the budget and the governor, or either of them, including all related legislative reports and measures submitted to the legislature.

(c) Under direction of the executive CISO, the KISO shall:

- (1) Administer the Kansas cybersecurity act;
- (2) develop, implement and monitor strategic and comprehensive information security risk-management programs;
- (3) facilitate a metrics, logging and reporting framework to measure the efficiency and effectiveness of state information security programs;
- (4) provide the executive branch strategic risk guidance for information technology projects, including the evaluation and recommendation of technical controls;
- (5) ~~coordinate with the United States cybersecurity and infrastructure security agency to perform annual periodic audits of executive branch agencies for compliance with the branch's compliance with the cybersecurity program and applicable state and federal laws, rules and regulations and executive branch policies and standards. The executive CISO shall make an audit request to such agency annually, regardless of whether or not such agency has the capacity to perform the requested audit;~~
- (6) perform audits of executive branch agencies for compliance with

applicable state and federal laws, rules and regulations, executive branch policies and standards and policies and standards adopted by the information technology executive council;

(7) coordinate the use of external resources involved in information security programs, including, but not limited to, interviewing and negotiating contracts and fees;

(8) liaise with external agencies, such as law enforcement and other advisory bodies as necessary, to ensure a strong security posture;

(9) assist in the development of plans and procedures to manage and recover business-critical services in the event of a cyberattack or other disaster;

(10) coordinate with executive branch agencies to provide cybersecurity staff to such agencies as necessary;

(11) *conduct periodic cybersecurity assessments of each executive branch agency that may include a review of controls, processes, technologies, governance, incident preparedness, operational security and compliance with statewide policies and standards;*

(12) ensure a cybersecurity awareness training program is made available to all branches of state government; and

~~(12)~~(13) perform such other functions and duties as provided by law and as directed by the CISO.

~~(d)(1) If an audit conducted pursuant to subsection (c)(5) results in a failure, the executive CISO shall report such failure to the speaker and minority leader of the house of representatives and the president and minority leader of the senate within 30 days of receiving notice of such failure. Such report shall contain a plan to mitigate any security risks identified in the audit. The executive CISO shall coordinate for an additional audit after the mitigation plan is implemented and report the results of such audit to the speaker and minority leader of the house of representatives and the president and minority leader of the senate.~~

~~(2) Results of audits conducted pursuant to subsection (c)(5) and the reports described in subsection (d)(1) and the assessments conducted pursuant to subsection (c)(11) shall be confidential and shall not be subject to discovery or disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2030, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.~~

(e) *When conducting the assessments required by subsection (c)(11), the executive CISO may utilize KISO personnel, qualified third-party assessors or a combination thereof. The CISO shall establish an assessment cycle that includes an initial baseline assessment for each agency and periodic assessments thereafter. After conducting such assessment, the executive CISO shall issue written findings, recommendations and a timeline*

for any corrective action that is needed based on the results of such assessments to be used in conjunction with 2025 Supp. K.S.A. 75-7246, and amendments thereto. After receiving such written findings, recommendations and timeline, an agency shall develop and maintain a written plan of action and milestones that details efforts to remediate the findings from such assessment.

(f) There is hereby created in the state treasury the information technology security fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive CISO or by a person designated by the executive CISO.

Sec. 15. K.S.A. 2025 Supp. 75-7240 is hereby amended to read as follows: 75-7240. (a) The executive branch agency heads shall:

(1) Be responsible for security of all data and information technology resources under such agency's purview, irrespective of the location of the data or resources;

(2) designate an information security officer to administer the agency's information security program that reports directly to executive leadership;

(3) participate in CISO-sponsored statewide cybersecurity program initiatives and services;

(4) *continuously work toward improving cybersecurity maturity consistent with statewide standards and expectations adopted by the executive CISO pursuant to K.S.A. 75-7238, and amendments thereto;*

(5) *prior to acquiring any cybersecurity-related product, service or platform that may materially affect state systems, data or cybersecurity risks, consult with the executive CISO and obtain a written certificate from the executive CISO that such acquisition does not create a cybersecurity risk; and*

(6) ensure that if an agency owns, licenses or maintains computerized data that includes personal information, confidential information or information, the disclosure of which is regulated by law, such agency shall, in the event of a breach or suspected breach of system security or an unauthorized exposure of that information:

(A) Comply with the notification requirements set out in K.S.A. 50-7a01 et seq., and amendments thereto, and applicable federal laws and rules and regulations, to the same extent as a person who conducts business in this state; and

(B) not later than 12 hours after the discovery of the breach, suspected breach or unauthorized exposure, notify:

(i) The CISO; and

(ii) if the breach, suspected breach or unauthorized exposure involves election data, the secretary of state.

- (b) The director or head of each state agency shall:
 - (1) Participate in annual agency leadership training to ensure understanding of:
 - (A) The potential impact of common types of cyberattacks and data breaches on the agency's operations and assets;
 - (B) how cyberattacks and data breaches on the agency's operations and assets may impact the operations and assets of other governmental entities on the state enterprise network;
 - (C) how cyberattacks and data breaches occur; and
 - (D) steps to be undertaken by the executive director or agency head and agency employees to protect their information and information systems; and
 - (2) coordinate with the executive CISO to implement the security standard described in K.S.A. 75-7238, and amendments thereto.

Sec. 16. K.S.A. 2025 Supp. 75-7245 is hereby amended to read as follows: 75-7245. (a) *(1) Except as provided in paragraph (2), on and after July 1, 2027, all cybersecurity services for each branch of state government shall be administered by the chief information technology officer and the chief information security officer of such branch. All cybersecurity employees within the legislative and executive branches of state government shall work at the direction of the chief information technology officer of the branch.*

(2) All cybersecurity services for the Kansas public employees retirement system shall be administered by the chief information security officer within the office of the state treasurer. All cybersecurity employees within the Kansas public employees retirement system shall work at the direction of the chief information security officer within the office of the state treasurer.

(b) ~~Prior to January 1, 2026:~~

~~(1) The information technology executive council shall develop a plan to integrate all executive branch information technology services into the office of information technology services. The council shall consult with each agency head when developing such plan.~~

~~(2) The judicial chief information technology officer shall develop an estimated project cost to provide information technology to judicial agencies and all employees of such agencies, including state and county-funded judicial branch district court employees. Such employees shall be required to use such state-issued information technology hardware. The project cost developed pursuant to this paragraph shall include, in consultation with the executive branch information technology officer, a plan to allow each piece of information technology hardware that is used by a judicial branch employee to access a judicial branch application to have access to the KANWIN network and an estimated project cost to develop a cybersecurity program for all judicial districts that complies with the~~

national institute of standards and technology cybersecurity framework (CSF) 2.0, as in effect on July 1, 2024.

~~(e) The information technology executive council shall report the plan developed pursuant to subsection (b) to the senate standing committee on ways and means and the house standing committee on legislative modernization or its successor committee prior to January 15, 2026.~~

~~(d) Prior to February 1, 2025, Every website that is maintained by a branch of government or state agency shall be moved to hosted on a “.gov” domain.~~

~~(e)(c)~~ On July 1, 2025, and each year thereafter, moneys appropriated from the state general fund to or any special revenue fund of any state agency for information technology and cybersecurity expenditures shall be appropriated as a separate line item and shall not be merged with other items of appropriation for such state agency to allow for detailed review by the senate committee on ways and means and the house of representatives committee on appropriations during each regular legislative session.

~~(f)(d)~~ The provisions of this section do not apply to state educational institutions as defined in K.S.A. 76-711, and amendments thereto.

~~(g) This section shall expire on July 1, 2026.~~

Sec. 17. K.S.A. 2025 Supp. 75-7246 is hereby amended to read as follows: 75-7246. (a) On ~~July~~ *October* 1, 2028, and each year thereafter, the director of the budget, in consultation with the legislative, executive and judicial chief information technology officers as appropriate, *executive CISO* shall determine if each state agency is in compliance with the provisions of this act for the previous fiscal year. If the director of the budget determines that a state agency is not in compliance with the provisions of this act for such fiscal year, The director shall certify an amount equal to 5% of the amount:

(1) ~~Appropriated and reappropriated from the state general fund for such state agency for such fiscal year; and~~

(2) ~~credited to and available in each special revenue fund for such state agency in such fiscal year. If during any fiscal year, a special revenue fund has no expenditure limitation, then an expenditure limitation shall be established for such fiscal year on such special revenue fund by the director of the budget in an amount that is 5% less than the amount of moneys credited to and available in such special revenue fund for such fiscal year report to the legislative budget committee and the joint committee on information technology any executive branch agency that is not making progress on a written plan of action and milestones based on the assessment of such agency conducted pursuant to K.S.A. 75-7240, and amendments thereto. Each such agency shall present to the legislative budget committee such agency's plan to make progress on the written plan of action and milestones.~~

(b) ~~The director of the budget executive CISO shall submit a detailed written report to the legislature joint committee on information technology, the senate committee on ways and means and the house of representatives committee on appropriations on or before the first day of the regular session of the legislature concerning such compliance determinations, including factors considered by the director when making such determination, and the amounts certified for each state agency for such fiscal year each agency that continues to fail to make progress on a written plan of action and milestones after the presentation made to the legislative budget committee pursuant to subsection (a).~~(e) During the regular session of the legislature, the senate committee on ways and means and the house of representatives committee on appropriations shall consider such compliance determinations and whether to lapse amounts appropriated and reappropriated and decrease the expenditure limitations of special revenue funds for information technology and cybersecurity expenditures for such state agencies by 10% during the budget committee hearings for such noncomplying agency.

~~(d) This section shall expire on July 1, 2026.~~

Sec. 18. K.S.A. 75-7203, as amended by section 21 of chapter 95 of the 2024 Session Laws of Kansas, and 75-7205, as amended by section 23 of chapter 95 of the 2024 Session Laws of Kansas and K.S.A. 2023 Supp. 75-7201, as amended by section 17 of chapter 95 of the 2024 Session Laws of Kansas, 75-7202, as amended by section 19 of chapter 95 of the 2024 Session Laws of Kansas, 75-7206, as amended by section 25 of chapter 95 of the 2024 Session Laws of Kansas, 75-7208, as amended by section 27 of chapter 95 of the 2024 Session Laws of Kansas, 75-7209, as amended by section 29 of chapter 95 of the 2024 Session Laws of Kansas, 75-7237, as amended by section 31 of chapter 95 of the 2024 Session Laws of Kansas, 75-7238, as amended by section 33 of chapter 95 of the 2024 Session Laws of Kansas, 75-7239, as amended by section 35 of chapter 95 of the 2024 Session Laws of Kansas, and 75-7240, as amended by section 37 of chapter 95 of the 2024 Session Laws of Kansas, and K.S.A. 2025 Supp. 40-110, 75-413, 75-623, 75-710, 75-711, 75-7202, 75-7203, 75-7206a, 75-7208a, 75-7237, 75-7238, 75-7239, 75-7240, 75-7245 and 75-7246 are hereby repealed.

Sec. 19. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 6, 2026.

CHAPTER 54

HOUSE BILL No. 2618
(Amended by Chapter 155)

AN ACT concerning education; relating to required reports of the state board of education and the state department of education; requiring the state board of education to report to the legislature on the federal financial assistance that is accepted, received or distributed by the state board; ending certain educational reporting requirements and applying expirations dates to other educational reporting requirements; amending K.S.A. 48-3406, 72-2291, 72-4355 and 72-5538 and K.S.A. 2025 Supp. 72-3123, 72-3262, 72-3422a, 72-3574, 72-5170, 72-5178, 72-5179, 72-5462, 72-9944 and 74-50,234 and repealing the existing sections; also repealing K.S.A. 48-3406a and 72-6320.

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

Section 1. K.S.A. 72-5538 is hereby amended to read as follows: 72-5538. (a) In the event the designation of a “state education agency” is required by federal laws now or hereafter enacted ~~which~~ *that* make available federal ~~funds~~ *financial assistance* for educational purposes, the state board of education is designated as the “state education agency” through which applications, reports, agreements and federal funds ~~are to such federal financial assistance shall be channeled; and said “state education agency”.~~

The state board of education is hereby authorized and empowered to do all things necessary to comply with and carry out any such federal law or the rules and regulations promulgated thereunder by the federal government or any agency thereof.

(b) Nothing contained in this section shall be construed as preventing any board of education *of a school district* or any educational agency of this state from making direct applications for or receiving directly federal ~~funds~~ *financial assistance* made available for educational purposes in those cases where the federal law permits direct applications for and receipt of federal ~~funds~~ *financial assistance* by any such board of education or its school district or educational agency of this state.

(c) *On or before July 1 and January 1 each year, the state board of education shall prepare and submit a report to the legislature that provides information on the federal financial assistance that was accepted, distributed or expended in the preceding and current fiscal year and the federal financial assistance that the board anticipates will be accepted, distributed or expended for the remainder of the current fiscal year. Such report shall include the following information:*

- (1) *The purpose of each such federal financial assistance program;*
- (2) *how the federal financial assistance was or will be used;*
- (3) *the individual, office or division of the state board of education that accepts, distributes or expends such federal financial assistance;*

(4) *the federal agency, office or division that administers such federal financial assistance on behalf of the federal government;*

(5) *with respect to each federal financial assistance program, the total amount of federal financial assistance that the state board of education accepted, distributed or expended in the preceding fiscal year and current fiscal year and the total amount of federal financial assistance that the board anticipates will be accepted, distributed or expended for the remainder of the current fiscal year;*

(6) *the anticipated time that the federal financial assistance program will be made available; and*

(7) *a description that outlines whether and how the educational initiatives of the federal financial assistance program will be sustained using state or local resources after the federal financial assistance program ends.*

(d) *The provisions of subsection (c) shall expire on July 1, 2034.*

Sec. 2. K.S.A. 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 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 occupation, 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 licensure, 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) 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) Subject to appropriations therefor, 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. 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 creden-

tial 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 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 practice 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 this act.

(u) Notwithstanding any other provision of law to the contrary, applicants who are military spouses of ~~active military service members~~ *service members* 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 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 department of health and environment, with respect to K.S.A. 82a-1201 et seq., and amendments thereto;
 - (14) the department of health and environment, with respect to child care facility licensure pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, on or before June 30, 2026;
 - (15) the Kansas office of early childhood, on and after July 1, 2026;
 - (16) the commissioner of insurance, with respect to K.S.A. 40-241 and 40-4901 et seq., and amendments thereto;
 - (17) the state board of mortuary arts;
 - (18) the board of nursing;
 - (19) the state board of pharmacy;
 - (20) the Kansas real estate commission;
 - (21) the real estate appraisal board;
 - (22) the state board of technical professions, as provided by subsection (t); and
 - (23) the state board of veterinary examiners.
- (w) All proceedings pursuant to this section shall be conducted in accordance with the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.
- (x) (1) *Except as provided in paragraph (3)*, each licensing body listed in subsection (v)(1) through ~~(22)~~ (23) 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 house of representatives committee on commerce, labor and economic development or any successor committee thereof, the senate committee on commerce or any successor committee thereof, the

house of representatives committee on appropriations or any successor committee thereof and the senate committee on ways and means or any successor committee thereof 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:

- (A) The number of applications received under this section;
- (B) the number of applications granted under this section;
- (C) the number of applications denied under this section;
- (D) the average time between receipt of the application and completion of the application;
- (E) the average time between receipt of a complete application and issuance of a license, certification or registration; and
- (F) 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.

(2) 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.

(3) *On and after July 1, 2031, the state board of education shall not be required to report or provide the information requested by the director of legislative research pursuant to this subsection.*

Sec. 3. K.S.A. 72-2291 is hereby amended to read as follows: 72-2291. ~~(a)~~ The board of education of any school district may establish an early retirement incentive program for the benefit of the employees of the district for retirement prior to the retirement age as provided pursuant to 42 U.S.C. § 416(l)(1) of the social security act as in effect on the effective date of this act. As used in this act, an "early retirement incentive program" ~~is~~ means a program that provides cash payments, either in the form of a lump-sum payment at the beginning of the fiscal year, or in regular payments during the fiscal year. No payment pursuant to an early retirement incentive program as provided in this section shall be made prior to the retirement under the provisions of the Kansas public employees retirement system for any employee of the district.

~~(b) Commencing in the fiscal year that commenced in calendar year 2002 and every three years thereafter, each board that has established an early retirement incentive program shall prepare and submit a report to the state board of education related to such early retirement incentive program. Such report shall contain: (1) Three years of budget data of such program, including actual costs, and current year and future years' budget data for three to five years; (2) current costs and benefits of such program~~

and projected costs and benefits of such program for three to five years; (3) current and projected number of participants in such program; and (4) such other information as required by the state board of education. The state board of education shall design and distribute forms to carry out the provisions of this act to the board of education of each school district that has established an early retirement incentive program. The state board of education shall compile and prepare a summary report which shall be submitted to the joint committee on pensions, investments and benefits no later than January 1 of the year that follows the end of the fiscal year in which the reporting is required as provided in this subsection.

Sec. 4. K.S.A. 2025 Supp. 72-3123 is hereby amended to read as follows: 72-3123. (a) Beginning in school year 2024-2025, the board of education of any school district shall permit nonresident students to enroll in and attend the schools of the district if such school district has open seats as determined pursuant to this section.

(b) Each school district shall determine capacity in each school of the school district for the following school year as follows:

(1) For kindergarten and grades one through eight, the classroom student-teacher ratio in each grade level; and

(2) for grades nine through 12, the student-teacher ratio for each school building or program in each school building, including, but not limited to, advanced placement or international baccalaureate programs.

(c) (1) On or before May 1 of each year, each school board shall determine for each grade level in each school building of the school district for the next succeeding school year the:

(A) Capacity as determined pursuant to subsection (b);

(B) number of students expected to attend school in the school district; and

(C) number of open seats available to nonresident students.

(2) On or before June 1 of each year, each school district shall publish on such school district's website the number of open seats available to nonresident students in each grade level for each school building of the school district for the next succeeding school year.

(3) From January 1 through June 15, each school district shall accept applications from nonresident students who are seeking to enroll in and attend the school district in the next succeeding school year. Applications shall be on a form and in a manner determined by the school district.

(4) If the number of applications for a grade level in a school building is less than the number of available seats for such grade level in such school building, the nonresident students shall be accepted for enrollment and attendance at such school district. If the number of applications for a grade level in a school building is greater than the number of available seats for such grade level in such school building, the school district shall

randomly select nonresident students using a confidential lottery process. Such process shall be completed on or before July 15 of each year.

(5) The school district shall provide to the parent or person acting as parent of a nonresident student who was not accepted for or denied enrollment at such school district the reason for the nonacceptance or denial and an explanation of the nonresident student selection process on or before July 30 of each year.

(6) If a school district denies an application of a nonresident student due to the school district deeming the nonresident student as not in good standing, the parent or person acting as parent of such student may appeal such denial to the school district board of education.

(d) (1) Subject to capacity, school districts shall give priority to any sibling of a nonresident student who is enrolled in and attending such school district or who is accepted to enroll in and attend such school district. Priority shall be given when the nonresident student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such sibling shall not be subject to the open seat lottery.

(2) Subject to capacity, school districts shall give priority to any nonresident student who is a military student as defined in K.S.A. 72-5139, and amendments thereto. Priority shall be given when the military student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such military student shall not be subject to the open seat lottery.

(3) Any child who is in the custody of the department for children and families and who is living in the home of a nonresident student who transfers may attend school in the receiving school district.

(4) Any nonresident student who has a parent or person acting as parent employed by a school district shall be permitted to enroll in and attend such school district as if the student is a resident of the school district. Any such student shall not be subject to the open-seat lottery established pursuant to subsection (c) when enrolling in and attending the school district where the parent or person acting as parent is employed.

(5) Any child who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence.

(e) A school district shall not:

(1) Charge tuition or fees to any nonresident student who transfers to such school district pursuant to this section except fees that are otherwise charged to every student enrolled in and attending school in the district; or

(2) accept or deny a nonresident student transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability.

(f) (1) A nonresident student accepted for enrollment and attendance at a receiving school district on or after June 1, 2024, shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is deemed as no longer in good standing pursuant to subsection (g).

(2) A nonresident student who was enrolled in and attended a school district of nonresidence during school year 2023-2024 shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is deemed as no longer in good standing pursuant to subsection (g).

(3) A nonresident student who was enrolled in and attended a school district of residence during school year 2023-2024 shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is deemed as no longer in good standing pursuant to subsection (g).

(g) A receiving school district may deem any nonresident student as not in good standing in accordance with such school district's nonresident transfer policy, including any nonresident student who has not previously attended or been enrolled in the receiving school district. If a school district deems a nonresident student as not in good standing, such school district may deny such student's enrollment or continued enrollment in the school district. Prior to making any determination to deem a nonresident student as not in good standing, a district shall consider a student's status as a homeless child and the resulting factors of homelessness on such student's standing.

(h) A student may always enroll at any time in the school district where such student resides.

(i) Except for a child in the custody of the department for children and families or a child who is experiencing homelessness, a nonresident student shall not transfer more than once per school year to one or more receiving school districts pursuant to the provisions of this section.

(j) Neither a resident school district nor a receiving school district shall be required to provide transportation to nonresident students unless otherwise required by applicable law. If space is available on school district transportation vehicles, a school district may provide nonresident students an in-district bus stop where transportation may be provided by such school district to and from such bus stop and the school for such nonresident students. A school district shall ensure that transportation for nonresident homeless students is provided comparably to that of housed students.

(k) (1) Each school district board of education shall submit annually to the state department of education the school district's policy adopted pursuant to K.S.A. 2025 Supp. 72-3126, and amendments thereto, the

number of nonresident student transfers approved and denied by such board in each grade level and whether the denials were based on capacity or in accordance with the policy adopted pursuant to K.S.A. 2025 Supp. 72-3126, and amendments thereto. The state department of education shall collect and report such data on such department's website and make such data available to the legislative division of post audit.

(2) *The provisions of this subsection shall expire on July 1, 2033.*

(1) Each year, the state department of education, as part of the department's enrollment audit, shall audit the nonresident student capacity and enrollment.

(2) In calendar year 2027, subject to a request made by the house standing committee on K-12 education budget or the senate standing committee on education, or any successor committees, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit of nonresident student transfers pursuant to this section. If requested, such audit shall be reported to the legislative post audit committee on or before January 15, 2028, and subsequently presented to the house standing committee on K-12 education budget and the senate standing committee on education, or any successor committees.

(m) Nothing in this section shall be construed to exempt any nonresident student who transfers to a receiving school district pursuant to this section from the policies and requirements of the activities association referred to in K.S.A. 72-7114, and amendments thereto.

(n) The provisions of this section shall not apply to any:

(1) School located on a military installation as defined in K.S.A. 72-8268, and amendments thereto; or

(2) virtual school as defined in K.S.A. 72-3712, and amendments thereto.

Sec. 5. K.S.A. 2025 Supp. 72-3262 is hereby amended to read as follows: 72-3262. (a) This section shall be known and may be cited as the every child can read act.

(b) The legislature hereby affirms that third grade marks a pivotal grade level in which students must attain proficiency in reading or risk continued learning losses throughout their academic career. To ensure that all students move toward grade-level proficiency in literacy, especially by the third grade level, the board of education of each school district shall provide opportunities for students to participate in targeted educational interventions to promote proficiency in literacy. Reading literacy shall be attained through the science of reading and evidence-based reading instruction and shall include such competencies as may be necessary to attain reading proficiency. The necessary competencies, best practices and screening tools used by school districts shall follow the framework of the dyslexia handbook developed by the state department of education.

To ensure that such competencies are achieved, the board of education of each school district shall include as part of instruction in literacy:

- (1) Phonics, phonological and phonemic awareness;
 - (2) vocabulary development;
 - (3) silent and oral reading fluency; and
 - (4) reading comprehension.
- (c) To promote the goals of the every child can read act, the board of education of each school district shall:

(1) Measure student achievement by participation in the state assessment program and through other universal screening and assessment tools that are approved by a board of education of a school district or by the state department of education;

(2) provide targeted and tiered interventions that are designed to match a student's individual deficiencies through additional contact hours with such student, including, but not limited to, one-on-one instruction, small group instruction, tutoring and summer school programs for all students and especially for those students who are at and below the third grade level who are identified as having a literacy deficit; and

(3) ensure that the teacher of each third grade student communicates with the parent or guardian of each such student to provide information on the student's literacy proficiency or deficiencies and any recommended interventions for such student to achieve proficiency. Such communication shall occur at least once during the fall semester and once during the spring semester. When a teacher provides the communications required pursuant to this paragraph, each such communication shall provide the parent or guardian with:

(A) A summary of the every child can read act and the literacy goals of the act;

(B) any assessment data relating to literacy that pertains to the student;

(C) any recommended interventions for the student; and

(D) how the school district tracks the outcomes of any such interventions.

(d) (1) On or before June 30 of each school year, each school district shall report to the state department of education on the school district's implementation of the every child can read act, the interventions that the school district is using to attain the goals of such act and the resulting outcomes of such interventions. Such report shall include:

(A) The number of third grade students in such school district;

(B) the screening and assessment data from at least the preceding two school years that the school district is using as a baseline to evaluate student progress in literacy; and

(C) the percentage of students that are proficient, moving toward proficiency or deficient, with percentages provided for all students and student subgroups.

(2) The state department of education shall compile such reports and shall submit a summary report to the governor and the legislature on or before January 15 of each year.

~~(c) This section shall take effect and be in force from and after July 1, 2023.~~

(3) *The provisions of this subsection shall expire on July 1, 2032.*

Sec. 6. K.S.A. 2025 Supp. 72-3422a is hereby amended to read as follows: 72-3422a. (a) Each year, prior to making any special education state aid distributions to school districts pursuant to K.S.A. 72-3422, and amendments thereto, the state board of education shall determine each school district's excess cost as follows:

(1) Determine the school district's weighted full-time equivalent student enrollment excluding the special education weighted full-time equivalent as provided on the legal maximum general fund calculation data computed by the state department of education excluding the special education and related services weighting, bilingual weighting, transportation weighting, career technical education weighting and at-risk student weighting;

(2) multiply the amount determined in paragraph (1) by the base aid for student excellence established pursuant to K.S.A. 72-5132, and amendments thereto;

(3) divide the amount obtained in paragraph (2) by the total number of unweighted full-time equivalent students enrolled in the school district on September 20;

(4) determine the total full-time equivalent enrollment of exceptional children receiving special education and related services provided by all school districts;

(5) multiply the amount of the quotient obtained in paragraph (3) by the full-time equivalent enrollment determined in paragraph (4);

(6) multiply the amount of the product obtained in paragraph (5) by the school district's local option budget authorized percent;

(7) add the amount determined in paragraph (5) to the amount determined in paragraph (6);

(8) determine the amount of federal funds received by the school district for the provision of special education and related services;

(9) determine the amount of revenue received by the school district for medicaid reimbursements and rendered under contracts with the state institutions for the provision of special education and related services by the state institution;

(10) add the amounts determined under paragraphs (7) through (9);

(11) determine the total amount of expenditures of the school district for the provision of special education and related services; and

(12) subtract the amount of the sum obtained under paragraph (10)

from the amount determined under paragraph (11). The amount determined under this paragraph shall be the school district's excess cost.

(b) To determine excess costs pursuant to subsection (a) for any school district that has paid for the provision of special education and related services under an interlocal agreement or as a member of a cooperative, the state board of education shall assign the costs for the provision of special education and related services to each participating school district in an amount that bears the same relation as the amount paid by the school district in the current school year for the provision of special education and related services bears to the aggregate of all amounts paid by all school districts that are subject to such interlocal agreement or that are participating in such cooperative membership agreement.

(c) Each year, the state department of education shall:

~~(1) Report to each school district the school district's excess cost determined pursuant to subsection (a);~~

~~(2) publish the excess cost determinations made for each school district pursuant to subsection (a) on the state department of education's website; and~~

~~(3) on or before January 31 of each year, prepare and submit a report to the house standing committee on K-12 education budget and the senate standing committee on education, or any successor committees, that provides a computation of school district excess costs as determined pursuant to subsection (a) and the special education services aid equalization distribution schedule established by the state board of education for distributions of special education state aid pursuant to K.S.A. 72-3422(e), and amendments thereto.~~

~~(d) This section shall take effect and be in force from and after July 1, 2024.~~

Sec. 7. K.S.A. 2025 Supp. 72-3574 is hereby amended to read as follows: 72-3574. (a) Each participating school district board of education shall submit annually to the state board of education an at-risk student accountability plan to attain at-risk student proficiency in accordance with this section and to ensure the provision of programs and services that are above and beyond regular education services to students who are eligible for at-risk programs and services. Such plan shall be submitted to the state board of education on a form and in the manner required by the state board. The purpose of each school district's at-risk student accountability plan is to:

(1) Demonstrate that the school district is using evidenced-based instruction, as defined in K.S.A. 72-5153, and amendments thereto, for the education of students who are identified as eligible to receive at-risk programs and services;

(2) measure longitudinal academic improvement in a quantitative manner;

(3) establish quantitative student academic improvement goals for certain identified student cohort groups and strive to meet such goals through the provision of evidence-based instruction that is provided to such cohort groups above and beyond regular educational services;

(4) ensure that at-risk education fund moneys are expended in accordance with the law by providing services above and beyond regular education services; and

(5) continue the process of identifying certain student cohort groups and providing evidence-based instruction above and beyond that of a regular education to such identified student cohort groups until the school district achieves the state board of education's goal to have 75% of all students achieve proficiency by scoring at performance level 3 or 4 on the state assessments for English language arts and mathematics.

(b) Each at-risk student accountability plan shall identify not fewer than one cohort group of students who are enrolled and attending grade three each school year that such cohort group is required to be identified and not fewer than one cohort group of students enrolled in and attending kindergarten or any of the grades one through eight each school year that such cohort group is required to be identified. Except as provided in this subsection, one of the student cohort groups identified by the school district for either such grade level shall be the students who are eligible for free meals pursuant to the national school lunch program. For the other grade level, the school district shall identify any other student cohort group that corresponds to one of the subgroups identified for state assessment purposes or shall identify a cohort group of students who are identified as eligible to receive at-risk educational programs and services pursuant to the same at-risk identification criteria established pursuant to K.S.A. 72-5153a, and amendments thereto. A school district shall not identify a cohort group of students pursuant to this subsection if such cohort group is comprised of 10 or fewer students. If both cohort groups of students who are eligible for free meals are comprised of 10 or fewer students, the school district shall identify another cohort group pursuant to this subsection.

(c) (1) Each participating school district board of education shall establish a four-year quantitative academic improvement goal for each identified student cohort group in accordance with this subsection and shall repeat such process every four years as provided in this section. The academic improvement goal established for a cohort group pursuant to this section shall be related to the achievement of academic proficiency in the areas of English language arts and mathematics. Once a school district establishes a four-year quantitative academic improvement goal for a cohort group on the school district's at-risk accountability plan, the school district shall not revise or revoke such goal for such cohort group in order to meet or exceed such goal.

(2) To attain the four-year quantitative academic improvement goal for each identified student cohort group, the school district board of education shall identify and implement two through four targeted supports or interventions for each identified student cohort group. Such supports or interventions shall be selected from the state board of education's list of approved at-risk educational programs established pursuant to K.S.A. 72-5153, and amendments thereto. The purpose of the targeted supports or interventions is to provide evidence-based instruction above and beyond regular education services to the identified student cohort group and evaluate whether such targeted supports or interventions have a positive impact on academic improvement. A school district board of education may select different targeted supports or interventions for each identified student cohort group and may change such targeted supports or interventions if the chosen targeted supports or interventions are not having a positive impact on academic improvement.

(d) (1) Each participating school district board of education shall conduct a four-year or five-year longitudinal academic evaluation of each student cohort group identified on the school district's at-risk student accountability plan to evaluate whether such students improved upon attainment of academic proficiency and met or exceeded the quantitative academic improvement goal established by the school district board of education.

(2) To evaluate whether the student cohort group that is first identified in grade three pursuant to this section is achieving at a level that is sufficient to meet or exceed the quantitative academic improvement goal established for such cohort group, the school district shall select and specify in the school district's at-risk accountability plan not more than two quantitative measures to evaluate the cohort group's achievement. One of such quantitative measures used by the school district shall be the English language arts and mathematics state assessments. The school district may choose one additional quantitative measure to evaluate such cohort group's progress from the list of approved quantitative measures in paragraph (4).

(3) To evaluate whether the other student cohort group that is first identified in kindergarten or any of the grades one through eight pursuant to this section is achieving at a level that is sufficient to meet or exceed the quantitative academic improvement goal established for such cohort group, the school district shall select and specify on the school district's at-risk accountability plan not more than two quantitative measures to evaluate such cohort group's achievement. If such identified student cohort group will take the English language arts and mathematics state assessments in a school year that such cohort group is evaluated pursuant to this section, the school district shall use such state assessments to evaluate

the cohort group's achievement and may choose one additional quantitative measure to evaluate such cohort group's progress from the list of approved quantitative measures in paragraph (4). If such identified student cohort group will not take the English language arts and mathematics state assessments in a school year that such cohort group is evaluated, the school district shall use one or two quantitative measures to evaluate such cohort group's progress from the list of approved quantitative measures in paragraph (4).

(4) Subject to the requirements of paragraphs (2) and (3), the quantitative measures that a school district may use to evaluate whether an identified student cohort group is achieving at a level that is sufficient to meet or exceed the quantitative academic improvement goal established for such cohort group shall only include the following:

- (A) The English language arts and mathematics state assessments;
- (B) a formative assessment approved by the state board of education;
- (C) a summative assessment approved by the state board of education; or
- (D) ACT or ACT workkeys assessments.

(e) If the identified student cohort group meets or exceeds the quantitative academic improvement goal established for such cohort group at the end of the four-year period, the school district board of education shall repeat the process established pursuant to this section by identifying another student cohort group, establishing a four-year quantitative academic improvement goal for such cohort group and conducting a four-year or five-year longitudinal academic evaluation of such cohort group in accordance with this section.

(f) If the identified student cohort group does not meet or exceed the quantitative academic improvement goal established for such cohort group at the end of the four-year period:

(1) The state board of education shall deem such school district as not meeting at-risk improvement requirements on the school district's at-risk student achievement report published on the state board's website pursuant to subsection (j) until such school district meets the quantitative academic improvement goal established by the school district board of education for the subsequent cohort group identified pursuant to subsection (b) that replaces the cohort group that did not meet or exceed the four-year longitudinal academic improvement goal;

(2) the school district board of education shall continue to evaluate the longitudinal academic performance of such student cohort group for one additional school year in accordance with this section; and

(3) the school district board of education shall repeat the process established pursuant to this section by identifying another student cohort group pursuant to subsection (b), establishing a four-year quantitative

academic improvement goal for such cohort group and conducting a four-year or five-year longitudinal academic evaluation of such cohort group in accordance with this section.

(g) (1) Commencing in school year 2030-2031, if an identified student cohort group does not meet or exceed the quantitative academic improvement goal established for such cohort group at the end of the one additional school year that the school district is authorized to evaluate such cohort group pursuant to subsection (f)(2), notwithstanding the provisions of K.S.A. 72-5131 et seq., and amendments thereto, the school district's at-risk student weighting and high-density at-risk student weighting entitlements in the school year following such one additional school year shall be determined and adjusted by the state board as follows:

(A) If only one student cohort group identified on the school district's at-risk accountability plan fails to meet or exceed the quantitative academic improvement goal established by the school district board of education at the end of the one additional school year that the school district is authorized to evaluate such cohort group pursuant to subsection (f)(2), the state board of education shall:

(i) Determine the BASE aid amount that was in effect in the final year of the five-year evaluation period of such cohort group;

(ii) determine the difference between the BASE aid amount in the current school year pursuant to K.S.A. 72-5132, and amendments thereto, and the BASE aid amount determined pursuant to subsection (g)(1)(A)(i);

(iii) multiply the amount determined pursuant to subsection (g)(1)(A)(ii) by 0.50;

(iv) add the amount determined pursuant to subsection (g)(1)(A)(i) to the amount determined pursuant to subsection (g)(1)(A)(iii); and

(v) multiply the sum determined pursuant to subsection (g)(1)(A)(iv) by the school district's at-risk student weighting and high-density at-risk student weighting determined pursuant to K.S.A. 72-5151, and amendments thereto. The computed amount is the amount of state aid attributable to the at-risk student weighting and high-density at-risk weighting that the school district shall be entitled to receive in the current school year; or

(B) if both student cohort groups identified on the school district's at-risk accountability plan fail to meet or exceed the quantitative academic improvement goals established by the school district board of education at the end of the one additional school year that the school district is authorized to evaluate such cohort groups pursuant to subsection (f)(2), the state board of education shall:

(i) Determine the BASE aid amount that was in effect in the final year of the five-year evaluation period of such cohort groups; and

(ii) multiply the amount determined pursuant to subsection (g)(1)(B)(i) by the school district's at-risk student weighting and high-density

at-risk student weighting determined pursuant to K.S.A. 72-5151, and amendments thereto. The computed amount is the amount of state aid attributable to the at-risk student weighting and high-density at-risk student weighting that the school district shall be entitled to receive in the current school year; and

(2) commencing in school year 2030-2031, the state board of education shall determine a school district's at-risk student weighting and high-density at-risk student weighting entitlements pursuant to this subsection for the school year following the one additional school year that the school district is authorized to evaluate a cohort group pursuant to subsection (f)(2) and in which the cohort group identified on the school district's at-risk accountability plan fails to meet or exceed the quantitative academic improvement goal established by the school district board of education at the end of the five-year evaluation period of such cohort group.

(h) Each participating school district board of education shall continue to follow the school district's at-risk student accountability plan and update the plan annually or as may be necessary to repeat the process established pursuant to this section every four years by identifying another student cohort group, establishing a four-year quantitative academic improvement goal for such cohort group and conducting a four-year or five-year longitudinal academic evaluation of such cohort group in accordance with this section. Such process shall continue until the school district achieves the state board of education's goal to have 75% of all students who took the statewide assessments during the preceding school year achieve academic proficiency by scoring at performance level 3 or 4 on the statewide assessments in both English language arts and mathematics.

(i) (1) For school years 2024-2025 and 2025-2026, the provisions of subsections (a) through (h) shall be implemented as a pilot program by 10 school districts selected by the state board of education for participation in such pilot program. When selecting the 10 school districts that will participate in such pilot program, the state board of education shall select a diverse array of school districts with consideration given to a school district's size, location, student demographics and level of staff participation and prior training in the science of reading.

(2) Commencing in school year 2026-2027, the provisions of subsections (a) through (h) shall be implemented by all school districts, including the school districts that participated in the pilot program. A school district that participated in the pilot program may identify new student cohort groups in such school year.

(j) (1) Each school district board of education shall submit annually to the state board of education an at-risk student achievement report on a form and in the manner established by the state board that includes:

(A) Subject to the provisions of subsection (i), the school district's at-risk student accountability plan to attain student proficiency established in accordance with this section that includes the cohort groups identified by the board of education of the school district and the quantitative academic improvement goals established for such cohort groups;

(B) subject to the provisions of subsection (i), the current progress of the school district's plan to attain at-risk student proficiency and an estimation of whether the school district expects to meet or exceed the longitudinal academic improvement goals established by the school district board of education pursuant to this section;

(C) the expenditures made from the school district's at-risk education fund, which shall be submitted:

(i) In school years 2024-2025 and 2025-2026 by the school districts that are participating in the pilot program established pursuant to subsection (i); and

(ii) in school year 2026-2027 and each school year thereafter, by all school districts;

(D) the at-risk educational programs, services and resources and the provisional at-risk educational programs that the school district is using to support student achievement for students identified as eligible to receive at-risk program services and the targeted supports and interventions from the state board of education's list of approved at-risk educational programs that the school district is using to provide evidence-based instruction above and beyond regular education services to achieve the longitudinal academic improvement goals established for each cohort group;

(E) the number of students identified as eligible to receive at-risk or provisional at-risk educational programs and services who were served or provided assistance under the school district's approved at-risk program; and

(F) the data and research that the school district utilized to determine what programs and services are needed to implement the district's approved at-risk program.

(2) Each school district may provide a supplemental narrative to accompany the school district's at-risk student achievement report to provide information regarding annual progress reports or reasons why the school district was able to meet or not meet the longitudinal academic improvement goals established for each cohort group identified on the school district's at-risk student accountability plan pursuant to this section.

(3) To achieve uniform reporting of the number of students who are provided at-risk programs and services above and beyond that of a regular education, school districts shall report the information required pursuant to this subsection in a uniform manner required by the state board.

(k) Commencing in school year 2026-2027, the state board of education shall publish the plans and reports submitted by all school districts on

the state board of education's website through the link on the state department of education's website homepage titled "accountability reports" with such reports published under a link titled "school district at-risk student accountability plans and reports." Commencing in school year 2026-2027, each school district board of education shall publish the school district's report on the school district's website and provide a link to the state department of education's website where all such reports are displayed.

(l) (1) On or before January 31 each year, the state department of education shall prepare and present a summary of the reports submitted pursuant to subsection (j) to the house of representatives standing committee on K-12 education budget and the senate standing committee on education or any successor committees.

(2) *The provisions of this subsection shall expire on July 1, 2033.*

(m) As used in this section, "longitudinal" means the repeated examination and progress monitoring of the same individuals of a particular cohort group of students over a period of time.

(n) The provisions of this section shall take effect and be in force from and after July 1, 2024.

Sec. 8. K.S.A. 72-4355 is hereby amended to read as follows: 72-4355.

(a) On or before the first day of the legislative session in 2015, and each year thereafter, the state board shall prepare and submit a report to the legislature on the program. Annual reports shall include information reported to the state board under subsection (f) of K.S.A. 72-4354, and amendments thereto, and a summary of such information.

(b) *This section shall expire on July 1, 2031.*

Sec. 9. K.S.A. 2025 Supp. 72-5170 is hereby amended to read as follows: 72-5170. (a) (1) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 72-3218(c), and amendments thereto, and is measurable. The state board shall hold all school districts accountable through the Kansas education systems accreditation rules and regulations, or any successor accreditation system and accountability plan adopted by the state board. The state board also shall ensure that all school districts and the public schools operated by such districts have programs and initiatives in place for providing those educational capacities set forth in K.S.A. 72-3218(c), and amendments thereto. On or before January 15 of each year, 2027, and on or before each January 15 thereafter until January 15, 2031, the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature.

(2) The accountability measures established pursuant to paragraph (1) shall be applied both at the district level and at the school level. Such

accountability measures shall be reported by the state board for each school district and each school. All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2025 Supp. 72-1181, and amendments thereto.

(3) If a school district is not fully accredited and a corrective action plan is required by the state board, such corrective action plan, and any subsequent reports prepared by the state board regarding the progress of such school district in implementing and executing such corrective action plan, shall be published on the state department of education's internet website and such school district's internet website in accordance with K.S.A. 2025 Supp. 72-1181, and amendments thereto.

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

(b) The state board shall establish curriculum standards that reflect high academic standards for the core academic areas of mathematics, science, reading, writing and social studies. The curriculum standards may be reviewed at least every seven years. The state board shall not substantially revise or update the English language arts or mathematics curriculum standards that are in effect on July 1, 2024, in a manner that would necessitate the development of new statewide assessments in English language arts or mathematics until the state board's long-term goal for all students submitted to the United States department of education in the consolidated state plan is achieved such that 75% of all students score in performance levels 3 and 4 combined on the statewide assessments in English language arts and mathematics by 2030. Nothing in this subsection shall be construed in any manner so as to impinge upon any school district's authority to determine its own curriculum.

(c) (1) The state board shall provide for statewide assessments in the core academic areas of mathematics, science, reading, writing and social studies. The board shall ensure compatibility between the statewide assessments and the curriculum standards established pursuant to subsection (b). Such assessments shall be administered at three grade levels, as determined by the state board. The state board shall determine performance levels on the statewide assessments, the achievement of which represents high academic standards in the academic area at the grade level to which the assessment applies. The state board should specify high academic standards both for individual performance and school performance on the assessments.

(2) (A) On or before January 15 of each year, the state board shall prepare and submit to the legislature a report on students who take the statewide assessments. Such report shall include:

(i) The number of students and such number expressed as a percentage of the total number of students who took the statewide assessments during the immediately preceding school year disaggregated by core academic area and by grade level; and

(ii) the percentage of students who took the statewide assessments in grade 10 who, two years after graduating from high school, obtained some postsecondary education disaggregated by statewide assessment achievement level.

(B) When such information becomes available, or as soon thereafter as practicable, the state board shall publish the information required for the report under subparagraph (A) on the website of the state department of education and incorporate such information in the performance accountability reports and longitudinal achievement reports required under K.S.A. 2025 Supp. 72-5178, and amendments thereto.

(C) The provisions of this paragraph shall expire on July 1, 2029.

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

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

(f) Each school in every school district shall establish a school site council composed of the principal and representatives of teachers and other school personnel, parents of students attending the school, the business community and other community groups. School site councils shall be responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including, but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and

management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.

Sec. 10. K.S.A. 2025 Supp. 72-5178 is hereby amended to read as follows: 72-5178. (a) On or before January 15 of each year, the state department of education shall prepare and digitally update on the website of the state department of education the performance accountability reports and longitudinal achievement reports upon all students enrolled in any public school or accredited nonpublic school in the state, each school district, each school operated by a school district and each accredited nonpublic school.

(b) Each performance accountability report shall be prepared in a single-page format containing the information that is required to be reported under the federal elementary and secondary education act, as amended by the federal every student succeeds act, public law 114-95, or any successor federal acts, and the college and career readiness metrics developed and implemented by the state board. The report shall use the categories for achievement identified under the federal every student succeeds act, public law 114-95, or any successor achievement categories. All categories and metrics included in the report shall be clearly defined.

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

(d) On or before January 15 of each year, the state department of education shall prepare written academic achievement reports to provide a summary of student achievement in this state and shall submit such reports to the governor and the legislature. Such written academic achievement reports shall:

(1) Provide a statewide summary of the performance accountability reports and longitudinal achievement reports prepared pursuant to this section. Such summary report shall provide:

(A) Achievement data from the English language arts assessments and math assessments over the preceding five years for all students and student subgroups to show whether there are statewide trends in academic improvement or learning loss among all students and student subgroups;

(B) a comparison to any other evaluation metric used by the state board of education to evaluate student achievement such as college and career readiness measurements or graduation rates;

(C) a comparison to other educational assessments that measure academic performance such as the national assessment of educational progress;

(D) an analysis of the trends in student achievement outcomes and a review of conditions that are impacting recent student achievement outcomes;

(E) a review of the academic interventions that school districts are using to improve student performance, whether the state board of education has any specific recommendations regarding academic interventions to improve academic achievement and an estimation of the academic achievement gains that can be expected from such interventions; and

(F) a summary of the performance levels and the scale and cut scores for the statewide assessments and how such information should be used to draw conclusions about student achievement; and

(2) provide a student-focused longitudinal achievement report that provides information on the academic achievement of certain student cohort groups to show the achievement gains or learning losses that are occurring for such students. Such report shall begin with the students who are entering grade three and grade eight in school year 2022-2023. The report shall summarize the longitudinal achievement of such students over a three-year period and shall be repeated every three years for the students entering such grade levels. The longitudinal report shall provide:

(A) A summary of the improvement or learning loss that is occurring within such student cohort groups over such three-year period for all such students and the student subgroups;

(B) an analysis of the evaluations and metrics that are used to measure the year-over-year achievement of such student cohort groups;

(C) a review of the academic interventions that school districts are using to improve student performance within such student cohort groups, whether the state board of education has any specific recommendations regarding academic interventions to improve academic achievement and an estimate of the academic achievement gains that can be expected from such interventions; and

(D) the achievement results from the English language arts assessments and math assessments for such student cohort groups and any other assessment data pertaining to such student cohort groups, including, but not limited to, the national assessment for educational progress, the ACT college entrance exam and the pre-ACT assessment.

(3) *The provisions of this subsection shall expire on July 1, 2032.*

~~(d)~~(e) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2025 Supp. 72-1181, and amendments thereto.

Sec. 11. K.S.A. 2025 Supp. 72-5179 is hereby amended to read as follows: 72-5179. (a) The state board of education shall provide the ACT

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

(b) The Kansas department of education and each school district shall annually publish on their websites the times, dates and locations of the pre-ACT college entrance exam, the ACT college entrance exam and the ACT workkeys assessments that are offered in Kansas and information for students on how to register for such exams or assessments.

(c) Participation in the pre-ACT college entrance exam, the ACT college entrance exam or the ACT workkeys assessment shall be optional. Nothing in this section shall be construed to require any student to participate in such exams or assessments.

(d) (1) On or before the first day of each regular legislative session, the state board of education shall prepare and submit a report to the senate standing committee on education and the house standing committee or any successor committees on education that includes the aggregate exam and assessment data for all students who were provided the exams and assessments pursuant to this section.

(2) *The provisions of this subsection shall expire on July 1, 2032.*

(e) As used in this section, “student” means any person who is regularly enrolled in any public school or accredited nonpublic school located in Kansas.

Sec. 12. K.S.A. 2025 Supp. 72-5462 is hereby amended to read as follows: 72-5462. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

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

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

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

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

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

(D) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

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

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

(2) For general obligation bonds approved for issuance at an election held on or after July 1, 2015, but prior to July 1, 2022, the state board of education shall:

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

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

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation

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

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2015, but prior to July 1, 2022; and

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

(3) For general obligation bonds approved for issuance at an election held on or after July 1, 2022, the state board of education shall:

(A) Except as provided in subsection (b)(9), determine the amount of the AVPP of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(3);

(B) except as provided in subsection (b)(9), prepare a schedule of dollar amounts using the amount of the AVPP of the school district with the lowest AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts;

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 51%;

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2022; and

(E) multiply the amount determined under subsection (b)(3)(D) by the applicable state aid percentage factor.

(4) For general obligation bonds approved for issuance at an election held on or before June 30, 2016, the sum of the amount determined under subsection (b)(1)(F) and the amount determined under subsection

(b)(2)(E) is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(5) (A) For general obligation bonds approved for issuance at an election held on or after July 1, 2016, the amount determined under subsection (b)(2)(E) or (b)(3)(E) is the amount of payment the school district shall receive from the school district capital improvements fund in the school year, except the total amount of payments school districts receive from the school district capital improvements fund in the school year for such bonds shall not exceed the six-year average amount of capital improvement state aid as determined by the state board of education.

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

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

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

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

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

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

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

(D) On and after July 1, 2016, the state board of education shall approve the amount of state aid payments a school district shall receive from the school district capital improvements fund pursuant to subsection (b)(6) prior to an election to approve the issuance of general obligation bonds.

(6) Except as provided in subsections (b)(7) through (b)(9), the sum of the amounts determined under subsection (b)(4) and the amount determined or allocated to the district by the state board of education pur-

suant to subsection (b)(5), is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

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

(8) For general obligation bonds approved for issuance at an election held on or after July 1, 2017, in determining the amount under subsection (b)(2)(D) and (b)(3)(D), the state board shall exclude payments for any capital improvement project, or portion thereof, that proposes to construct, reconstruct or remodel a facility that would be used primarily for extracurricular activities, unless the construction, reconstruction or remodeling of such facility is necessary due to concerns relating to the safety of the current facility or disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation.

(9) For general obligation bonds approved for issuance at an election held on or after July 1, 2022, the state board of education shall:

(A) In preparing the schedule of dollar amounts pursuant to subsection (b)(3)(B), exclude unified school district No. 207, Fort Leavenworth, from such schedule and determine the point of beginning based on the amount of the AVPP of the school district with the lowest AVPP of the remaining school districts; and

(B) in determining the amount of the AVPP of a school district, exclude the number of students enrolled in a virtual school, as defined in K.S.A. 72-3712, and amendments thereto, that is offered by such school district from the determination of the AVPP of such school district.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, 2023, shall be considered to be revenue transfers from the state general fund.

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

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

~~(f) Each year, the state board of education shall prepare and submit a report to the legislature that includes information on school district elections held on or after July 1, 2016, to approve the issuance of general obligation bonds and the amount of payments school districts were approved to receive from the school district capital improvements fund pursuant to subsection (b)(5)(D).~~

Sec. 13. K.S.A. 2025 Supp. 72-9944 is hereby amended to read as follows: 72-9944. (a) The state department of education and the department for children and families shall collaborate to prepare a Kansas foster care children annual academic report card. The annual report card shall include the following data for the preceding school year:

- (1) The graduation rate of students in foster care;
- (2) the number and percentage of students in foster care who were promoted to the next grade level;
- (3) the number and percentage of students in foster care who were suspended during the school year and the average length of time of such suspensions;
- (4) the number and percentage of students in foster care who were expelled during the school year;
- (5) state standardized assessment scores for students in foster care, including the number and percentage of students meeting academic standards as determined by the state board of education;
- (6) the number and percentage of students in foster care enrolled in any preschool-aged at-risk program, Kansas preschool pilot program or early childhood special education program under section 619 of part B of the individuals with disabilities act;
- (7) the number and percentage of students in foster care who participated in the mental health intervention team pilot program or a similar mental health program;

(8) the total number of students in foster care enrolled in a school district or nonpublic school and the disaggregated number and percentage of students in foster care enrolled in school districts and accredited nonpublic schools;

(9) de-identified disaggregated race and ethnicity data for each data set required in paragraphs (1) through (8); and

(10) any additional data elements that both the state department of education and the department for children and families deem appropriate for inclusion.

(b) On or before January 15 of each year, the state department of education and the department for children and families shall prepare and submit the Kansas foster care children annual academic report card to the senate standing committee on education and the house of representatives standing committee on education.

(c) As used in this section:

(1) “School” means any school of a school district or any nonpublic school accredited by the state board of education.

(2) “Student in foster care” means any individual who was in the custody of the Kansas department for children and families at any time when such student attended a school during the school year for which the report required pursuant to this section is to be completed.

(d) This section shall ~~take effect and be in force from and after July 1, 2021~~ *expire on July 1, 2032*.

Sec. 14. K.S.A. 2025 Supp. 74-50,234 is hereby amended to read as follows: 74-50,234. (a) There is hereby established the Kansas educator registered apprenticeship grant program. The commissioner of education, state board of education and the secretary shall coordinate to develop the program and obtain such necessary approval and registration of education apprenticeship programs as provided by federal and state law. The secretary shall administer the grant program.

(b) The Kansas educator registered apprenticeship program shall be established to award grants to education apprentices for tuition, fees, books and materials to obtain their postsecondary degrees for the purpose of increasing the number of qualified, credentialed teachers in the state of Kansas. The program shall seek to identify a diverse group of candidates to participate as education apprentices in a registered education apprenticeship program or programs and obtain a bachelor’s degree in education, secure licensure and engage in the profession of teaching in Kansas. Grants shall be awarded by the secretary upon approval of the registered education apprenticeship program of an applicant school by the secretary as compliant with all applicable federal and state law.

(c) On or before March 1, 2024, the state board of education and the secretary shall coordinate to adopt rules and regulations to implement

and administer the Kansas educator registered apprenticeship grant program. Such rules and regulations shall establish:

(1) Application procedures, forms and terms and conditions and requirements for an award of a Kansas educator registered apprenticeship program grant to an education apprentice by the secretary;

(2) the terms, conditions and requirements for acceptance by the secretary of an applicant school into the Kansas educator registered apprenticeship program. The applicant school's registered education apprenticeship program design shall include the following requirements:

(A) Applicant schools shall partner with at least one eligible related training instruction provider and identify such provider in their application; and

(B) applicant schools shall identify projected candidates in the manner designated by the secretary of commerce and the state board with appropriate protections for candidate privacy;

(3) grant funds shall be used for payment of education apprentice tuition, fees and the cost of books and materials up to a maximum of \$2,750 per year for four years, or completion of their academic program, whichever comes first;

(4) prioritization for applications from applicant schools partnering with eligible related training instruction providers that permit the apprentice to continue their current employment by utilizing flexible learning models such as online delivery, competency-based education or courses offered on nights or weekends; and

(5) a method to award grants equitably across the state geographically.

(d) (1) The commissioner of education, the state board of education and the secretary shall, beginning in 2025, annually evaluate the Kansas educator registered apprenticeship program grant and prepare and submit a report before January 31, 2026, and before January 31 of each year thereafter, to the senate standing committee on education and the standing committee on commerce and to the house of representatives standing committee on education and the standing committee on commerce, labor and economic development.

(2) *The provisions of this subsection shall expire on July 1, 2034.*

(e) Subject to appropriation acts, on July 1, 2023, and each July 1 thereafter, the director of accounts and reports shall transfer \$3,000,000 from the state general fund to the Kansas educator registered apprenticeship grant program fund. Any unencumbered balance in such fund at the end of a fiscal year shall remain credited to the fund for use in the succeeding fiscal year, except that the amount of such unencumbered balance at the end of the fiscal year to remain credited to the fund for use in the succeeding fiscal year shall not exceed \$3,000,000. On June 30, 2024, and each June 30 thereafter, the director of accounts and reports

shall transfer the amount, if any, of unencumbered moneys in the fund in excess of \$3,000,000 to the state general fund.

(f) There is hereby created in the state treasury the Kansas educator registered apprenticeship grant program fund, which shall be administered by the secretary. All expenditures from the Kansas educator registered apprenticeship grant program fund shall be for grants awarded pursuant to the Kansas educator registered apprenticeship grant program. All expenditures from the Kansas educator registered apprenticeship grant program fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary, or the secretary's designee. All moneys received by the secretary for the Kansas educator registered apprenticeship grant program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas educator registered apprenticeship grant program fund.

Sec. 15. K.S.A. 48-3406, 48-3406a, 72-2291, 72-4355, 72-5538 and 72-6320 and K.S.A. 2025 Supp. 72-3123, 72-3262, 72-3422a, 72-3574, 72-5170, 72-5178, 72-5179, 72-5462, 72-9944 and 74-50,234 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 6, 2026.

CHAPTER 55

HOUSE BILL No. 2644

AN ACT concerning property taxation; relating to valuations; requiring a county appraiser to adjust the value of personal property mobile homes, residential and commercial property upon a final determination of valuation appeal or obtain an independent fee simple appraisal if the appraised value exceeds a 5% increase each year for five years; amending K.S.A. 2025 Supp. 79-1460 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 79-1460 is hereby amended to read as follows: 79-1460. (a) The county appraiser shall notify each taxpayer in the county annually on or before March 1 for real property and May 1 for personal property, by mail directed to the taxpayer's last known address, of the classification and appraised valuation of the taxpayer's property, except that, the valuation for all real property shall not be increased unless the record of the latest physical inspection was reviewed by the county or district appraiser, and documentation exists to support such increase in valuation in compliance with the directives and specifications of the director of property valuation, and such record and documentation is available to the affected taxpayer. Alternatively, the county appraiser may transmit the classification and appraised valuation to the taxpayer by electronic means if such taxpayer consented to service by electronic means.

(b) The valuation for all real property also shall not be increased solely as the result of normal repair, replacement or maintenance of existing structures, equipment or improvements on the property. For the next two taxable years following the taxable year that the valuation for commercial real property has been reduced due to a final determination made *prior to January 1, 2026*, pursuant to the valuation appeals process *and for the next five taxable years following the taxable year that the valuation for personal property mobile homes used for residential purposes, residential real property and commercial real property has been reduced due to a final determination made on and after January 1, 2026*, pursuant to the valuation appeals process, the county appraiser shall review the computer-assisted mass-appraisal of the property and if, the valuation in ~~either any of those two~~ years exceeds the value of the previous year by more than 5%, excluding new construction, change in use or change in classification, the county appraiser shall either:

(1) Adjust the valuation of the property based on the information provided in the previous appeal; or

(2) order an independent fee simple appraisal of the property to be performed by a Kansas certified real property appraiser.

(c) When the valuation for real property has been reduced due to a final determination made pursuant to the valuation appeals process for

the prior year, and the county appraiser has already certified the appraisal rolls for the current year to the county clerk pursuant to K.S.A. 79-1466, and amendments thereto, the county appraiser may amend the appraisal rolls and certify the changes to the county clerk to implement the provisions of this subsection and reduce the valuation of the real property to the prior year's final determination, except that such changes shall not be made after October 31 of the current year.

(d) (1) The notice provided under subsection (a) shall specify:

(A) Separately for the previous tax year and the current tax year, the appraised and assessed values for each property class identified on the parcel;

(B) the uniform parcel identification number prescribed by the director of property valuation; and

(C) a statement of the taxpayer's right to appeal, the procedure to be followed in making such appeal and the availability without charge of the guide devised pursuant to subsection (g).

(2) Such notice may, and if the board of county commissioners so require, shall provide the parcel identification number, address and the sale date and amount of any or all sales utilized in the determination of appraised value of residential real property.

(e) In any year in which no change in appraised valuation of any real property from its appraised valuation in the next preceding year is determined, an alternative form of notification which has been approved by the director of property valuation may be utilized by a county.

(f) Failure to timely mail or receive such notice shall in no way invalidate the classification or appraised valuation as changed. The secretary of revenue shall adopt rules and regulations necessary to implement the provisions of this section.

(g) There shall be provided to each taxpayer, upon request, a guide to the property tax appeals process. The director of the division of property valuation shall devise and publish such guide and shall provide sufficient copies thereof to all county appraisers. Such guide shall include, but not be limited to:

(1) A restatement of the law ~~which~~ *that* pertains to the process and practice of property appraisal methodology, including the contents of K.S.A. 79-503a and 79-1460, and amendments thereto;

(2) the procedures of the appeals process, including the order and burden of proof of each party and time frames required by law; and

(3) such other information deemed necessary to educate and enable a taxpayer to properly and competently pursue an appraisal appeal.

(h) As used in this section:

(1) "New construction" means the construction of any new structure or improvements or the remodeling or renovation of any existing structures or improvements on real property.

(2) “Normal repair, replacement or maintenance” does not include new construction.

(3) “Taxpayer” means the person in ownership of the property as indicated on the records of the office of register of deeds or county clerk and includes the lessee of such property if the lease agreement has been recorded or filed in the office of the register of deeds and the real property or improvement thereon is subject of a lease agreement.

Sec. 2. K.S.A. 2025 Supp. 79-1460 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 6, 2026.

CHAPTER 56

HOUSE BILL No. 2378*

AN ACT establishing removal of squatters act; requiring an owner or agent of a dwelling unit to provide a notarized affidavit regarding a person identified as a squatter; providing criminal penalties for an owner or agent knowingly providing a false affidavit; establishing the duties of law enforcement agencies; establishing a civil cause of action against an owner or agent for wrongful removal.

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

Section 1. The legislature finds that the fundamental rights of owning property include the right of the owner to exclude others from entering or remaining unlawfully on the property. The legislature further finds that squatting, or the unauthorized entry into or remaining in a dwelling, is a violation of the rights of property owners and is against the public interest. The intent of this act is to protect the rights of property owners and to provide a timely and effective mechanism for removing squatters while protecting the rights of legitimate occupants.

Sec. 2. (a) The owner of a dwelling unit or the agent of the owner of a dwelling unit may request the removal of an unauthorized person from the dwelling unit by submitting a notarized affidavit to a law enforcement agency in the county where the dwelling unit is located containing the following elements:

- (1) The affiant is the owner of the dwelling unit or the agent of the owner of the dwelling unit;
- (2) a person has entered and is remaining unlawfully in the dwelling unit;
- (3) the person was not authorized to enter the dwelling unit;
- (4) the person is not a tenant or a holdover tenant;
- (5) the affiant has requested the unauthorized person to vacate the dwelling unit and the person has not done so; and
- (6) the unauthorized person is not an immediate family member of the property owner.

(b) An affiant who knowingly provides a false affidavit to a law enforcement agency under this section may be charged with a class A non-person misdemeanor.

Sec. 3. (a) Upon receipt of the affidavit, the applicable law enforcement agency shall verify that the affiant is the record owner of the dwelling unit or the authorized agent of the owner of the dwelling unit and appears otherwise entitled to relief. Upon verification and after at least 24 hours from receipt of the affidavit, a law enforcement officer shall serve a notice on the unauthorized person to vacate immediately the dwelling unit.

(b) Service may be accomplished by hand delivery of the notice to any unauthorized person occupying the dwelling or by posting notice on the front door or entrance of the dwelling unit. The law enforcement agency shall also attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service.

(c) The law enforcement officer may charge a fee of not more than \$50 to process an affidavit filed pursuant to this act.

Sec. 4. The affiant owner of the dwelling unit or the agent of the owner of the dwelling unit shall provide notice at the dwelling unit notifying the unauthorized person that such person has no right to occupy the dwelling unit and must vacate immediately. The notice shall include the street address of the law enforcement agency where the affidavit will be delivered. A copy of the notice with the date and time of delivery shall be attached to the affidavit.

Sec. 5. No law enforcement agency or such agency's deputies or employees or political subdivision of the state may be held liable for any action or omission made in good faith pursuant to this act. A law enforcement officer is not liable to an unauthorized person individual or any other party for loss, destruction or damage of property.

Sec. 6. A person may bring a civil cause of action for wrongful removal under this act against the affiant owner of the dwelling unit or agent of the owner of the dwelling unit. An person harmed by a wrongful removal under this act may have the possession of the dwelling unit restored and may recover actual costs and damages, as well as punitive damages of triple the fair market rent of the dwelling, plus court costs and reasonable attorney fees.

Sec. 7. (a) Sections 1 through 7, and amendments thereto, shall be known as the removal of squatters act.

(b) As used in this act:

(1) "Dwelling unit" means the same as defined in K.S.A. 58-2543, and amendments thereto, except that "dwelling unit" includes commercial property and mobile homes.

(2) "Immediate family member" means spouse, child, grandchild of any degree, parent, mother-in-law, father-in-law, grandparent of any degree, brother, brother-in-law, sister, sister-in-law, half-brother, half-sister, uncle, aunt, nephew or niece, whether biological, step or adoptive.

(3) "Law enforcement agency" and "law enforcement officer" mean the same as defined in K.S.A. 22-4606, and amendments thereto.

(4) "Squatter" means a person occupying a dwelling who is not entitled to occupy the dwelling under a lease or rental agreement nor authorized by a tenant to occupy the dwelling. "Squatter" does not include a tenant who holds over in periodic tenancy.

(5) “Tenant” means the same as defined in K.S.A. 58-2543, and amendments thereto.

(c) Occupancy by a squatter is excluded from the residential landlord tenant act and the removal of a squatter shall not require the use of an eviction action under such act.

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

Approved April 6, 2026.

CHAPTER 57

HOUSE BILL No. 2769*

AN ACT concerning property taxation; relating to budgets and expenditures for public services established by governing bodies of subordinate service taxing areas; requiring members appointed to governing bodies be residents of such taxing area.

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

Section 1. (a) Notwithstanding any other provision of law to the contrary, any municipality that creates a subordinate service taxing area such as, but not limited to, a county service taxing district pursuant to K.S.A. 19-121, and amendments thereto, and appoints a governing body for such area shall require all voting members of such governing body to be residents of such area if such municipality:

(1) Imposes a property tax on such area residents or authorizes the imposition of a property tax on such area residents by such governing body; or

(2) authorizes such governing body to establish a budget and expenditures for public services for such area residents.

(b) Any member of such governing body who is not a resident of such area shall serve as a nonvoting member.

(c) Nothing in this section shall be construed to apply to any elected member of a governing body.

(d) For purposes of this section, “municipality” means a city, county or unified city and county government.

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

Approved April 6, 2026.

CHAPTER 58

HOUSE BILL No. 2781*

AN ACT concerning the state historical society; authorizing the state historical society to acquire the junior officers' quarters at Fort Dodge and provide for the use, preservation, improvement, control and maintenance thereof.

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

Section 1. (a) The junior officers' quarters at Fort Dodge located in Ford County, Kansas, is hereby declared to possess a historical interest to the state.

(b) The state historical society is authorized to acquire by purchase or by gift, grant or donation the following described property:

A portion of the Northwest Quarter of Section 3, Township 27 South, Range 24 West of the 6th P.M., Ford County, Kansas, more particularly described as: Commencing at the Northeast Corner of said NW1/4, thence S29°05'43"W 1304.76 feet to the Point of Beginning, THENCE S21°08'59"E 62.71 feet, THENCE S75°52'34"E 37.69 feet to the apparent right of way of Sheridan Drive, THENCE along Sheridan Drive S13°35'03"W 86.87 feet to the apparent right of way of Custer Street, THENCE along Custer Street N75°56'13"W 74.00 feet, THENCE N13°35'03"E 104.79 feet, THENCE N79°28'42"W 16.52 feet, THENCE N40°05'56"E 38.25 feet to the Point of Beginning, containing 7640 square feet, more or less.

(c) Conveyance of the property described in this section shall not be accepted by the executive director of the state historical society until the attorney general approves the deed and determines that such conveyance would convey such land in fee simple to the state of Kansas. Such property shall be acquired in the name of the state of Kansas.

(d) Upon acquisition of the property described in this section as authorized by this act, such property shall be placed under the control and management of the state historical society and the state historical society shall establish and maintain such building and land as a historical landmark. The state historical society may adopt rules and regulations relating to the use, preservation, improvement, control and maintenance of such property.

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

Approved April 6, 2026.

CHAPTER 59

HOUSE BILL No. 2737

AN ACT concerning economic development; relating to tax increment financing; providing for alternative financing of projects through taxpayer agreements; enacting the taxpayer agreement act; amending K.S.A. 12-1774 and repealing the existing section.

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

New Section 1. (a) Sections 1 through 3, and amendments thereto, shall be known and may be cited as the taxpayer agreement act.

(b) For purposes of the taxpayer agreement act:

(1) “Act” means the taxpayer agreement act.

(2) “Project” means an economic development project of a city eligible for tax increment financing pursuant to K.S.A. 12-1770 et seq., and amendments thereto.

(3) “Taxpayer agreement” means an agreement between a city and a project developer that meets the requirements of and is subject to the provisions of this act.

New Sec. 2. (a) A city authorized to undertake a tax increment financing project pursuant to this act and K.S.A. 12-1770 et seq., and amendments thereto, may enter into a taxpayer agreement with the owner or developer of real property located within a tax increment or redevelopment district after obtaining a written statement of consent executed by each holder of an existing, previously recorded mortgage or deed of trust on such real property securing indebtedness whereby each such holder of an existing mortgage or deed of trust on such real property consents to the taxpayer agreement and indicates that the agreement does not constitute an event of default under the existing mortgage or deed of trust. In the absence of such written statement of consent, any lien created by the taxpayer agreement shall be subordinate to such mortgage or deed of trust recorded before the effective date of the taxpayer agreement. A taxpayer agreement may be used to:

(1) Limit such owner’s or developer’s rights to challenge the owner’s or developer’s assessment or property taxes or enforcement of a tax lien established pursuant to this act;

(2) guarantee, enhance or otherwise secure the repayment of bonds, notes or other obligations issued to finance project costs by such city;

(3) provide for payments in lieu of or in addition to tax increment revenues; or

(4) provide for any payment obligation designed to support the financing or refinancing of project costs.

(b) A taxpayer agreement entered into pursuant to this section constitutes a voluntary and binding payment obligation of the property owner or

developer and shall not constitute a pledge of the credit or taxing power of the state or any city.

(c) If a taxpayer agreement provides that payments due under the agreement are secured by a lien on real property, such lien:

(1) Shall arise and be in full force and effect automatically upon the execution and recordation of the agreement;

(2) shall constitute and be treated in the same manner as a municipal claim and real estate tax lien pursuant to law, except for limitations on the property owner's or developer's rights to challenge the lien, assessment or property taxes pursuant to subsection (a);

(3) shall have parity with real estate tax liens, taking priority over any existing or subsequent mortgage, judgment, lien or encumbrance, except for previously filed real estate tax liens; and

(4) may be enforced, collected and foreclosed in the same manner as real estate taxes, except for limitations on the property owner's or developer's rights to challenge the lien, assessment or property taxes pursuant to subsection (a), including tax claim bureau sale, sheriff's sale or judicial foreclosure.

(d) A taxpayer agreement containing a lien under subsection (c) shall be recorded with the register of deeds in the county where the property is located. Such recordation shall provide constructive notice and perfect such lien without further action.

(e) (1) Payments due under a taxpayer agreement shall be deemed delinquent if unpaid on the required date as provided by the taxpayer agreement. A delinquency may be certified and enforced in any manner pursuant to the taxpayer agreement and as delinquent real estate taxes pursuant to law.

(2) All interest, penalties, fees and collection costs applicable to delinquent real estate taxes shall apply to delinquent taxpayer agreement payments.

(f) A taxpayer agreement and any lien securing the taxpayer agreement may be assigned to a trustee or purchaser of bonds issued to finance project costs secured by such taxpayer agreement. The assignee shall possess all enforcement rights held by the city.

(g) Upon full payment of all obligations secured by the taxpayer agreement, the city shall execute and record a release of lien, which shall extinguish the lien effective upon recording.

New Sec. 3. (a) In addition to any powers under this act or other law, a city may issue bonds as a conduit issuer to finance project costs within a tax increment or redevelopment district.

(b) (1) Bonds issued under this section may be secured by:

(A) A pledge or assignment of payments due under a taxpayer agreement;

(B) a pledge or assignment of any lien created by a taxpayer agreement;

(C) a pledge of incremental tax revenues; or

(D) a pledge or assignment of reserves, guaranties or private security.
(2) The city may pledge, assign or grant a security interest in such payments, liens, revenues or other security to a trustee or purchaser of the bonds.

(c) Bonds issued pursuant to this section:
(1) Are payable solely from the revenues and security pledged;
(2) do not constitute a general obligation of the city or the state;
(3) do not constitute municipal debt for purposes of any statutory or constitutional debt limitation; and
(4) impose no financial obligation on a city beyond receipt and remittance of pledged payments.

(d) A city issuing bonds pursuant to this section acts solely as a conduit issuer, and repayment shall be limited to:

(1) Taxpayer agreement payments;
(2) pledged incremental tax revenues; or
(3) any additional private security.
(e) (1) A city may assign to a trustee or bondholders:
(A) The city's right to receive payments under a taxpayer agreement;
(B) any lien securing such payments; and
(C) any enforcement rights pursuant to section 2, and amendments thereto.

(2) An assignee shall have all enforcement powers held by the city.
(f) A city may enter into agreements with any trustee, servicer or bondholder for the purpose of implementing any taxpayer agreement or any of the provisions of this act.

(g) Nothing in this act shall be construed to limit the powers of a city under the tax increment financing law, K.S.A. 12-1770 et seq., and amendments thereto.

(h) Nothing in this act shall be construed to:
(1) Require any city to enter into a taxpayer agreement;
(2) impose any financial obligation on a city; or
(3) constitute a guarantee by a city or the state of any bond issued pursuant to this act.

Sec. 4. K.S.A. 12-1774 is hereby amended to read as follows: 12-1774.
(a) (1) Any city shall have the power to issue special obligation bonds in one or more series ~~and/or~~ or execute and deliver a loan from the Kansas transportation revolving fund pursuant to K.S.A. 75-5063 et seq., and amendments thereto, to finance the undertaking of any redevelopment project or bioscience development project in accordance with the provisions of this act. Such special obligation bonds or loans shall be made payable, both as to principal and interest:

(A) From tax increments allocated to, and paid into a special fund of the city under the provisions of K.S.A. 12-1775, and amendments thereto;

(B) from revenues of the city derived from or held in connection with the undertaking and carrying out of any redevelopment project or projects or bioscience development project or projects under this act including environmental increments;

(C) from any private sources, contributions or other financial assistance from the state or federal government;

(D) from a pledge of a portion or all of the revenue received by the city from any transient guest and local sales and use taxes which are collected from taxpayers doing business within that portion of the city's redevelopment district or bioscience development district established pursuant to K.S.A. 12-1771, and amendments thereto, occupied by a redevelopment project or bioscience development project. A city proposing to finance a major motorsports complex pursuant to this paragraph shall prepare a project plan which shall include:

(i) A summary of the feasibility study done, as defined in K.S.A. 12-1770a, and amendments thereto, which will be an open record;

(ii) a reference to the district plan established under K.S.A. 12-1771, and amendments thereto, that identifies the project area that is set forth in the project plan that is being considered;

(iii) a description and map of the location of the facility that is the subject of the special bond project or major motorsports complex;

(iv) the relocation assistance plan required by K.S.A. 12-1777, and amendments thereto;

(v) a detailed description of the buildings and facilities proposed to be constructed or improved; and

(vi) any other information the governing body deems necessary to advise the public of the intent of the special bond project or major motorsports complex plan.

The project plan shall be prepared in consultation with the planning commission of the city. Such project plan shall also be prepared in consultation with the planning commission of the county, if any, if a major motorsports complex is located wholly outside the boundaries of the city;

(E) from a pledge of a portion or all increased revenue received by the city from: (i) Franchise fees collected from utilities and other businesses using public right-of-way within the redevelopment district; (ii) from a pledge of all or a portion of the revenue received by the city from sales taxes; or (iii) both of the above;

(F) with the approval of the county, from a pledge of all of the revenues received by the county from any transient guest, local sales and use taxes which are collected from taxpayers doing business within that portion of the redevelopment district established pursuant to K.S.A. 12-1771, and amendments thereto;

(G) if a project is financed in whole or in part with the proceeds of a loan to the municipality from the Kansas transportation revolving fund, such loan shall also be payable from amounts available pursuant to K.S.A. 75-5063 et seq., and amendments thereto; *and*

(H) by any combination of these methods.

The city may pledge such revenue to the repayment of such special obligation bonds prior to, simultaneously with, or subsequent to the issuance of such special obligation bonds.

(2) Bonds issued under paragraph (1) of subsection (a) shall not be general obligations of the city, nor in any event shall they give rise to a charge against its general credit or taxing powers, or be payable out of any funds or properties other than any of those set forth in paragraph (1) of this subsection and such bonds shall so state on their face. This paragraph shall not apply to loans from the Kansas transportation revolving fund pursuant to K.S.A. 75-5063 et seq., and amendments thereto.

(3) Bonds issued under the provisions of paragraph (1) of this subsection shall be special obligations of the city and are declared to be negotiable instruments. They shall be executed by the mayor and clerk of the city and sealed with the corporate seal of the city. All details pertaining to the issuance of such special obligation bonds and terms and conditions thereof shall be determined by ordinance of the city. All special obligation bonds issued pursuant to this act and all income or interest therefrom shall be exempt from all state taxes. Such special obligation bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. Such special obligation bonds shall, however, contain the following recitals, viz., the authority under which such special obligation bonds are issued, they are in conformity with the provisions, restrictions and limitations thereof, and that such special obligation bonds and the interest thereon are to be paid from the money and revenue received as provided in paragraph (1) of this subsection.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, any city shall have the power to issue full faith and credit tax increment bonds to finance the undertaking of any redevelopment project in accordance with the provisions of K.S.A. 12-1770 et seq., and amendments thereto, other than a project that will create a major tourism area. Such full faith and credit tax increment bonds shall be made payable, both as to principal and interest: (A) From the revenue sources identified in paragraph (1) of subsection (a) or by any combination of these sources; and (B) subject to the provisions of paragraph (2) of this subsection, from a pledge of the city's full faith and credit to use its ad valorem taxing authority for repayment thereof in the event all other authorized sources of revenue are not sufficient.

(2) Except as provided in paragraph (3) of this subsection, before the governing body of any city proposes to issue full faith and credit tax incre-

ment bonds as authorized by this subsection, the feasibility study required by K.S.A. 12-1772, and amendments thereto, shall demonstrate that the benefits derived from the project will exceed the cost and that the income therefrom will be sufficient to pay the costs of the project. No full faith and credit tax increment bonds shall be issued unless the governing body states in the resolution required by K.S.A. 12-1772, and amendments thereto, that it may issue such bonds to finance the proposed redevelopment project.

The governing body may issue the bonds unless within 60 days following the date of the public hearing on the proposed project plan a protest petition signed by 3% of the qualified voters of the city is filed with the city clerk in accordance with the provisions of K.S.A. 25-3601 et seq., and amendments thereto. If a sufficient petition is filed, no full faith and credit tax increment bonds shall be issued until the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law.

The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds in accordance with this section.

No such election shall be held in the event the board of county commissioners or the board of education determines, as provided in K.S.A. 12-1771, and amendments thereto, that the proposed redevelopment district will have an adverse effect on the county or school district.

(3) As an alternative to paragraph (2) of this subsection, any city which adopts a redevelopment project plan but does not state its intent to issue full faith and credit tax increment bonds in the resolution required by K.S.A. 12-1772, and amendments thereto, and has not acquired property in the redevelopment project area may issue full faith and credit tax increment bonds if the governing body of the city adopts a resolution stating its intent to issue the bonds and the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law.

The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds pursuant to paragraph (1) of subsection (a). Any project plan adopted by a city prior to the effective date of this act in accordance with K.S.A. 12-1772, and amendments thereto, shall not be invalidated by any requirements of this act.

(4) During the progress of any redevelopment project in which the redevelopment project costs will be financed, in whole or in part, with the proceeds of full faith and credit tax increment bonds, the city may issue temporary notes in the manner provided in K.S.A. 10-123, and amend-

ments thereto, to pay the redevelopment project costs for the project. Such temporary notes shall not be issued and the city shall not acquire property in the redevelopment project area until the requirements of paragraph (2) or (3) of this subsection, whichever is applicable, have been met.

(5) Full faith and credit tax increment bonds issued under this subsection shall be general obligations of the city and are declared to be negotiable instruments. They shall be issued in accordance with the general bond law. All such bonds and all income or interest therefrom shall be exempt from all state taxes. The amount of the full faith and credit tax increment bonds issued and outstanding which exceeds 3% of the assessed valuation of the city shall be within the bonded debt limit applicable to such city.

(6) Any city issuing special obligation bonds or full faith and credit tax increment bonds under the provisions of this act may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(c) Any increment in ad valorem property taxes resulting from a redevelopment project in the established redevelopment district undertaken in accordance with the provisions of this act, shall be apportioned to a special fund for the payment of the redevelopment project costs, including the payment of principal and interest on any special obligation bonds or full faith and credit tax increment bonds issued to finance such project pursuant to this act and may be pledged to the payment of principal and interest on such bonds.

(d) A city may use the proceeds of special obligation bonds or full faith and credit tax increment bonds, or proceeds of a loan from the Kansas transportation revolving fund pursuant to K.S.A. 75-5063 et seq., and amendments thereto, or any uncommitted funds derived from sources set forth in this section to pay the redevelopment project costs as defined in K.S.A. 12-1770a, and amendments thereto, to implement the redevelopment project plan.

(e) *As an alternative to financing the undertaking of a redevelopment project as provided by subsections (a) and (b), a city may issue bonds pursuant to a taxpayer agreement entered into in accordance with the provisions of sections 1 through 3, and amendments thereto.*

Sec. 5. K.S.A. 12-1774 is hereby repealed.

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

Approved April 6, 2026.

CHAPTER 60

HOUSE BILL No. 2237

AN ACT concerning state agencies; relating to the employee award and recognition program; authorizing hiring, recruitment and retention bonuses; increasing the limitation on such award or bonus to \$10,000; eliminating the secretary of administration's authority to adopt rules and regulations; requiring such secretary to submit an annual report to certain legislative committees concerning such awards and bonuses; amending K.S.A. 75-37,105 and repealing the existing section.

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

Section 1. K.S.A. 75-37,105 is hereby amended to read as follows: 75-37,105. (a) As used in this section:

(1) "Award" and "monetary award" include a bonus given to an employee pursuant to this section; and

(2) "state agency" ~~has the meaning ascribed thereto by means the same as defined in K.S.A. 75-3701, and amendments thereto,~~ and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch and any appointed state council or state commission.

(b)(1) There is established an employee award and recognition program for state employees. Under this program, monetary or ~~non-monetary~~ nonmonetary awards may be made to state employees. An appointing authority may implement a program of award and recognition for classified and unclassified employees or teams of employees. *Such program may include a hiring, recruitment and retention bonus, as well as awards for distinguished accomplishment, meritorious service, innovations, Kansas quality management, volunteerism or length of service.* Under this program, monetary or ~~non-monetary~~ nonmonetary awards may be made to state employees. ~~Non-monetary~~ Nonmonetary awards may include, but ~~are not be~~ limited to, a medal, an annual award luncheon held by the employee's respective state agency or public recognition by the Kansas house of representatives or the Kansas senate.

(2) ~~All awards and recognition provided under this section shall meet the conditions for a discretionary bonus set out in 29 C.F.R. § 778.211.~~

(c) (1) The total gross value of awards to any employee of the state during a single fiscal year shall not exceed ~~\$3,500 except as provided in subsection (g)~~ \$10,000.

(2) *Any monetary award or series of such awards in excess of \$3,500 that is proposed for an employee in the classified service or an employee in the unclassified service whose salary is subject to approval in accordance with K.S.A. 75-2935b, and amendments thereto, shall be subject*

to approval by the governor and shall not be paid until approved by the governor, except as provided in subsection (g).

(d) No award paid pursuant to this section during the fiscal year shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each taxable award paid under this section ~~shall be a discretionary bonus, as defined by 29 C.F.R. § 778, and shall be~~ in addition to the regular earnings to which that employee may be entitled or for which the employee may become eligible. Monetary awards are subject to taxes in accordance with federal internal revenue code regulations. The value of ~~non-monetary~~ *nonmonetary* awards shall be reported by state agencies in accordance with sections 74 and 132 of the federal internal revenue code and procedures prescribed by the director of accounts and reports.

~~(d)~~(e) The award and recognition program shall be paid from moneys appropriated and available for operating expenditures of the state agency or from other funding sources as appropriated. In the case of employee suggestions, the award or recognition for each employee shall be paid or provided by the state agency that benefited from and implemented the suggestion.

~~(e) The regulations of the employee award board adopted pursuant to K.S.A. 75-37,108, and amendments thereto, are hereby revoked.~~

(f) The secretary of administration shall ~~adopt rules and regulations that provide oversight and administrative review of state agency award and recognition programs for executive branch agencies and appointed state councils and commissions. The secretary of administration shall adopt rules and regulations to~~ *Such oversight shall* provide safeguards to preclude opportunities for abuse within the employee award and recognition ~~program in each state agency and to programs and provide for consistency of such programs among such agencies, councils and commissions as well as~~ ensure objective decision-making procedures in award and recognition determinations for all participating employees.

(g) (1) (A) The secretary of administration shall establish a state employee suggestion program through which state employees may submit suggestions for cost reductions to their respective state agency through increased efficiencies or other economies or savings in the operations of the state agency.

(B) Each employee making a suggestion for cost reduction shall be awarded a monetary or ~~non-monetary~~ *nonmonetary* employee award or awards for innovation pursuant to subsection (b) ~~of this section~~ upon adoption of the suggestion by the state agency. Monetary awards for innovation shall be nondiscretionary and shall be in the amount of 10% of the

cost reduction, accrued during the first 12 months after implementation of the suggestion, as documented to the division of the budget, up to a maximum of \$5,000. Should multiple employees make similar suggestions for cost reduction, as determined by the state agency, each employee shall submit to the head of the state agency a list of each employee's percentage contribution to the suggestion for cost reduction. Upon adoption of the suggestion by the state agency, the head of the state agency shall make the final determination as to each employee's percentage contribution. Such multiple employees shall then share the documented cost reduction in such percentage shares as determined by the head of the state agency, up to a maximum of \$5,000 per employee.

(C) The state agency shall retain 10% of the documented cost reduction. Savings achieved through this cost reduction shall be placed in a separate special revenue fund or funds for such purpose to be administered by that state agency. The remaining balance of the savings achieved through this cost reduction shall revert to the state general fund.

(2) Each state agency shall submit each suggestion ~~that such agency~~ receives, together with the state agency's estimated cost reduction, if any, and dispensation of the suggestion to the division of the budget. The director of the budget shall file copies with the director of the legislative research department, who shall report annually on the information to members of the legislative budget committee.

(3) Each state agency that has awarded an employee under the state agency's employee suggestion program pursuant to this subsection shall report all information related to the award to the secretary of administration.

(4) At the beginning of each regular session of the legislature, the secretary of administration shall provide all information received by state agencies pursuant to subsection (g)(3) to the appropriate committees of the legislature.

(5) The secretary of administration shall provide all information regarding the state employee suggestion program to all state agencies by a pamphlet, brochure or by publication on the official website of the department of administration.

(h) Awards and incentives and other recognition pursuant to this section shall not be deemed in violation of K.S.A. 46-237a, and amendments thereto.

(i) Any person elected ~~or appointed~~ to a state agency position shall not be a recipient of a monetary award under this section.

(j) *Annually, on August 1, each state agency that has awarded an employee with a monetary award pursuant to this section shall submit to the secretary of administration a report on the number of monetary awards paid in each category of awards or bonuses and the total dollar amount of each such award or bonus for the previous fiscal year. At the beginning*

of each regular session of the legislature, the secretary shall compile and report such information to the house of representatives committee on appropriations and the senate committee on ways and means.

Sec. 2. K.S.A. 75-37,105 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 6, 2026.

CHAPTER 61

HOUSE BILL No. 2323
(Amended by Chapter 157)

AN ACT concerning fraudulent insurance acts; establishing procedures for a civil action instituted by the commissioner of insurance and authorizing civil penalties, restitution and other relief; providing that expunged criminal records will be disclosed in any application for licensure as an insurance producer or public adjuster if the arrest, conviction or diversion is for a fraudulent insurance act; including automobile assigned claims plans in provisions related to fraudulent insurance acts; amending K.S.A. 21-6614, 40-2,118 and 40-2,119 and repealing the existing sections.

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

New Section 1. (a) If the commissioner believes that a person has committed a fraudulent insurance act, the commissioner may bring a civil action in the district court of any county in which the defendant resides or in the district court of any county in which an alleged fraudulent insurance act occurred. The commissioner shall plead with particularity the circumstances constituting fraud.

(b) In an action brought pursuant to this section, the burden of proof shall be on the commissioner to prove by clear and convincing evidence that the person committed a fraudulent insurance act.

(c) In an action pursuant to this section, if the court finds that the person committed a fraudulent insurance act, the court may:

(1) Impose a civil penalty of up to \$10,000 for each fraudulent insurance act, which shall be paid into the state general fund;

(2) order the person who engaged in the fraudulent insurance act to pay restitution to the insurer or automobile assigned claims plan to the extent of such insurer's or plan's actual pecuniary harm;

(3) order payment of reasonable expenses and investigation fees incurred by the department of insurance as a result of the fraudulent insurance act or acts, which shall be paid into the insurance department service regulation fund; and

(4) order such other relief as the court considers appropriate.

(d) An aggrieved insurer or automobile assigned claims plan shall not be joined as a party pursuant to K.S.A 60-219 or 60-220, and amendments thereto, in any action brought pursuant to this section.

(e) The defendant and the commissioner shall be permitted to present the testimony of witnesses through a two-way electronic audio-video communication device in actions brought pursuant to this section.

(f) In an action pursuant to this section, a person shall not be excused from testifying, producing a record or other evidence or obeying a subpoena on the ground that the required testimony, record or other evidence, directly or indirectly, may tend to incriminate the individual

or subject the person to a criminal fine, penalty or forfeiture. If the person refuses to testify, produce a record or other evidence or obey a subpoena based on the person's privilege against self-incrimination, the court may compel the testimony, the production of the record or other evidence or compliance with the subpoena. The testimony, record or other evidence compelled under such an order shall not be used, directly or indirectly, against the person in a criminal case, except in a prosecution for perjury or contempt or otherwise failing to comply with the court's order.

(g) As used in this section:

(1) "Commissioner" means the commissioner of insurance; and

(2) "fraudulent insurance act" means the same as defined in K.S.A. 40-2,118, and amendments thereto.

Sec. 2. K.S.A. 21-6614 is hereby amended to read as follows: 21-6614.

(a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, any nongrid felony or felony ranked in severity levels 6 through 10 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(3) Notwithstanding the provisions of subsection (a)(1), and except as provided in subsections (b), (c), (d), (e) and (f), any person who has completed the requirements of a specialty court program established pursuant to K.S.A. 20-173, and amendments thereto, may petition the district court for the expungement of the conviction and related arrest records. The court may waive all or part of the docket fee imposed for filing a petition pursuant to this subsection.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convict-

ing court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, post-release supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, “coercion” means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any felony ranked in severity levels 1 through 5 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 21-5406, and amendments thereto, or as prohibited by any law of another state that is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state that is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state that is in substantial conformity with that statute;

(4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state that is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1603, prior to its repeal, or K.S.A. 8-1602 or 8-1604, and amendments thereto, or required by a law of another state that is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a first violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of K.S.A. 8-1567, and amendments thereto.

(3) Except as provided further, the provisions of this subsection shall apply to all violations committed on or after July 1, 2006. The provisions of subsection (d)(2) shall not apply to violations committed on or after July 1, 2014, but prior to July 1, 2015.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 21-5504(a)(3) or (a)(4), and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto;

(7) internet trading in child pornography or aggravated internet trading in child pornography, as defined in K.S.A. 21-5514, and amendments thereto;

(8) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604, and amendments thereto;

(9) endangering a child or aggravated endangering a child, as defined

in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 21-5601, and amendments thereto;

(10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 21-5602, and amendments thereto;

(11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 21-5401, and amendments thereto;

(12) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and amendments thereto;

(13) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 21-5403, and amendments thereto;

(14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 21-5404, and amendments thereto;

(15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 21-5405, and amendments thereto;

(16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505, and amendments thereto;

(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Except as provided in K.S.A. 22-4908, and amendments thereto, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(C) defendant's sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. On and af-

ter July 1, 2019, through June 30, 2025, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) (A) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner if the petition is filed under subsection (a)(1) or (a)(2); or

(B) no proceeding involving a felony is presently pending or being instituted against the petitioner if the petition is filed under subsection (a)(3);

(2) the circumstances and behavior of the petitioner warrant the expungement;

(3) the expungement is consistent with the public welfare; and

(4) with respect to petitions seeking expungement of a felony conviction, possession of a firearm by the petitioner is not likely to pose a threat to the safety of the public.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation that shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency that may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;~~or~~

(K) to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 2024 Supp. 50-6,141, and amendments thereto; *or*

(L) *in any application for licensure as an insurance producer or public adjuster, as defined in K.S.A. 40-4901 and 40-5501, and amendments thereto, and the arrest, conviction or diversion is for one or more instances of a fraudulent insurance act, as defined in K.S.A. 40-2,118, and amendments thereto;*

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense that requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

(2) A person whose arrest record, conviction or diversion of a crime that resulted in such person being prohibited by state or federal law from possessing a firearm has been expunged under this statute shall be deemed to have had such person's right to keep and bear arms fully restored. This restoration of rights shall include, but not be limited to, the right to use, transport, receive, purchase, transfer and possess firearms. The provisions of this paragraph shall apply to all orders of expungement, including any orders issued prior to July 1, 2021.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made

in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an

employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) (A) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09, and amendments thereto, and K.S.A. 2024 Supp. 50-6,141, and amendments thereto; or

(B) the attorney general for any other purpose authorized by law, except that an expungement record shall not be the basis for denial of a license to carry a concealed handgun under the personal and family protection act; ~~or~~

(17) the Kansas bureau of investigation, for the purpose of completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; *or*

(18) *the Kansas insurance commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for licensure as an insurance producer or public adjuster, as defined in K.S.A. 40-4901 and 40-5501, and amendments thereto, and the arrest, conviction or diversion is for one or more instances of a fraudulent insurance act, as defined in K.S.A. 40-2,118, and amendments thereto.*

(m) (1) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

(2) Upon the issuance of an order of expungement that resulted in the restoration of a person's right to keep and bear arms, the Kansas bureau of investigation shall report to the federal bureau of investigation that such expunged record be withdrawn from the national instant criminal background check system. The Kansas bureau of investigation shall include such order

of expungement in the person's criminal history record for purposes of documenting the restoration of such person's right to keep and bear arms.

Sec. 3. K.S.A. 40-2,118 is hereby amended to read as follows: 40-2,118. (a) For purposes of this act, a "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, *or the Kansas automobile assigned claims plan*, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance *or automobile assigned claims plan* that such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer *or automobile assigned claims plan* that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person who has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer *and automobile assigned claims plan* shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include fraud investigators, who may be insurer employees or independent contractors and an antifraud plan submitted to the commissioner not later than July 1, 2007. Each insurer *and automobile assigned claims plan* that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer *or automobile assigned claims plan* shall submit to the commissioner in writing the amended antifraud plan.

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(e) Except as otherwise specifically provided in K.S.A. 44-5,125, and amendments thereto, and K.S.A. 21-5812(a), and amendments thereto, a fraudulent insurance act shall constitute a severity level 6, nonperson felony if the amount involved is \$25,000 or more; a severity level 7, nonperson felony if the amount involved is at least \$5,000 but less than \$25,000; a severity level 8, nonperson felony if the amount involved is at least \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the amount involved is less than \$1,000. Any combination of fraudulent acts as defined in subsection (a) that occur in a period of six consecutive months and that involve \$25,000 or more shall have a presumptive sentence of imprisonment regardless of its location on the sentencing grid block.

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) For the purposes of this section:

(1) “Amount involved” means the greater of: (A) The actual pecuniary harm resulting from the fraudulent insurance act; (B) the pecuniary harm that was intended to result from the fraudulent insurance act; or (C) the intended pecuniary harm that would have been impossible or unlikely to occur, such as in a government sting operation or a fraud in which the claim for payment or other benefit pursuant to an insurance policy exceeded the allowed value. The aggregate dollar amount of the fraudulent claims submitted to the insurance company shall constitute prima facie evidence of the amount of intended loss and is sufficient to establish the aggregate amount involved in the fraudulent insurance act, if not rebutted; and

(2) “pecuniary harm” means harm that is monetary or that otherwise is readily measurable in money, and does not include emotional distress, harm to reputation or other non-economic harm.

(h) This act shall apply to all insurance applications, ratings, claims and other benefits made pursuant to any insurance policy or *automobile assigned claims plan*.

Sec. 4. K.S.A. 40-2,119 is hereby amended to read as follows: 40-2,119. In the absence of fraud, bad faith or malice, no person or insurer or *automobile assigned claims plan* shall be subject to civil liability for libel, slander or any other relevant cause of action:

(a) For filing reports or furnishing other information required by chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or required by the commissioner under the authority granted in chapter 40 of the Kansas Statutes Annotated, and amendments thereto;

(b) for any information relating to suspected fraudulent insurance acts furnished to or received from law enforcement officials, their agents and employees;

(c) for any information relating to suspected fraudulent insurance acts furnished to or received from other persons subject to the provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto;

(d) for any such information furnished in reports to the insurance department, regulatory agencies of any other state, the national association of insurance commissioners or any organization established to detect and prevent fraudulent insurance acts, their agents, employees or designees; or

(e) for the publication of any report or bulletin related to the official activities of the insurance department by the commissioner or any employee of the insurance department. Nothing herein is intended to abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person.

Sec. 5. K.S.A. 21-6614, 40-2,118 and 40-2,119 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 6, 2026.

CHAPTER 62

HOUSE BILL No. 2444
(Amended by Chapter 155)

AN ACT concerning crimes, punishment and criminal procedure; providing that jail credit when consecutive sentences are imposed shall not apply to more than one case; creating a special sentencing rule of presumptive imprisonment when a new felony is committed by certain offenders while in custody for a prior nondrug felony or on probation, parole or postrelease supervision for a prior nondrug felony; prohibiting certain dispositional and durational departures when a new felony is committed by offenders while in custody for a prior felony or on probation, parole or postrelease supervision for a prior felony; relating to release prior to trial; providing limitations and restrictions on releasing a person charged with a felony upon the person's own recognizance; requiring secured minimum appearance bond amounts for certain defendants who commit a new felony while on probation, parole, postrelease supervision or bond for a prior felony unless the court makes certain findings; creating a presumption that certain noncitizens are a flight risk; amending K.S.A. 21-6818 and K.S.A. 2025 Supp. 21-6615, 21-6804 and 22-2802 and repealing the existing sections.

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

Section 1. K.S.A. 2025 Supp. 21-6615 is hereby amended to read as follows: 21-6615. (a) (1) In any criminal action in which the defendant is convicted, the judge, if the judge sentences the defendant to confinement, shall direct that for the purpose of computing the defendant's sentence and parole eligibility and conditional release dates thereunder, that such sentence is to be computed from a date, to be specifically designated by the court in the sentencing order of the journal entry of judgment. Such date shall be established to reflect and shall be computed as an allowance for the time that the defendant has spent incarcerated pending the disposition of the defendant's case. The defendant shall be entitled to have credit applied for each day spent incarcerated. In recording the commencing date of such sentence the date as specifically set forth by the court shall be used as the date of sentence and all good time allowances as are authorized by the secretary of corrections are to be allowed on such sentence from such date as though the defendant were actually incarcerated in any of the institutions of the state correctional system.

(2) When computing the defendant's sentence, the following shall not be considered time spent incarcerated pending disposition of the defendant's case:

(A) Any time awarded as credit in another case when consecutive sentences are imposed on a defendant, *consistent with subsection (d)*; or

(B) any time spent incarcerated in another jurisdiction if no hold has been issued in such jurisdiction for the case being sentenced.

(b) In any criminal action in which probation or assignment to community corrections is revoked and the defendant is sentenced to confinement, for the purpose of computing the defendant's sentence and parole

eligibility and conditional release date, the defendant's sentence is to be computed from a date, hereafter to be specifically designated in the sentencing order of the journal entry of judgment. Such date shall be established to reflect and shall be computed as an allowance for the time that the defendant has spent in a residential facility while on probation or assignment to community correctional residential services program. The commencing date of such sentence shall be used as the date of sentence and all good time allowances as are authorized by law are to be allowed on such sentence from such date as though the defendant were actually incarcerated in a correctional institution.

(c) Such credit is not to be considered to reduce the minimum or maximum terms of confinement authorized by law for the offense of which the defendant has been convicted.

(d) (1) When consecutive sentences are imposed on a defendant, days spent in custody that are attributable to more than one case shall be credited only once against the aggregated consecutive term. The sentencing court may allocate such days to one case or apportion such days among cases, but the same days shall not be applied more than once to reduce multiple portions of consecutive terms.

(2) The provisions of this subsection shall apply to:

(A) All sentences, whether pronounced before, on or after July 1, 2026, and to all computations of jail credit by the department of corrections and the courts; and

(B) any case posture, including, but not limited to, direct appeals, probation revocation proceedings, motions to correct illegal sentence, habeas corpus actions and actions under K.S.A. 60-1507, and amendments thereto, pending on or filed after July 1, 2026.

(3) Any judicial interpretations regarding application of jail time credit to consecutive sentences in conflict with or inconsistent with this section and the amendments to this section by this act are superseded to the extent of such conflict or inconsistency.

Sec. 2. K.S.A. 2025 Supp. 21-6804 is hereby amended to read as follows: 21-6804. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 248	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 23	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Gold Star
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for non-drug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and

(B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of K.S.A. 21-5412(d), and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i) (1) The sentence for the violation of the felony provision of K.S.A. 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-6807, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-5823, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under clause (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto; and

(ii) at the time of the conviction under clause (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional non-prison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of K.S.A. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 21-5807(a)(1) or (a)(2) or 21-5807(b), and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 21-5913(a)(2), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in K.S.A. 21-5803, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 21-

5803, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) (1) The sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved aftercare plan, if the court makes the following findings on the record:

(A) Substance abuse was an underlying factor in the commission of the crime;

(B) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(C) participation in an intensive substance abuse treatment program will serve community safety interests.

(2) A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of K.S.A. 21-6824(f)(1), and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) (1) The sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and

amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

(A) Substance abuse was an underlying factor in the commission of the crime;

(B) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(C) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

(2) The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) (1) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

(A) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(B) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(C) the nonprison sanction will serve community safety interests by promoting offender reformation.

(2) Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of K.S.A. 21-5413(c)(2), and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of K.S.A. 21-5512, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding beyond a reasonable doubt that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.

(2) The sentence imposed pursuant to paragraph (1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means any:

(A) Commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and

(B) homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of K.S.A. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 21-6107, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(w) The sentence for aggravated criminal damage to property as defined in K.S.A. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(x) The sentence for a violation of K.S.A. 21-5807(a)(1), and amendments thereto, shall be presumptive imprisonment if the offense under

such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such sentence shall not be considered a departure and shall not be subject to appeal.

(y) (1) Except as provided in paragraph (3), if the trier of fact makes a finding beyond a reasonable doubt that an offender committed a nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit a nondrug felony offense, against a law enforcement officer, as defined in K.S.A. 21-5111(p) (1) and (3), and amendments thereto, while such officer was engaged in the performance of such officer's duty, or in whole or in any part because of such officer's status as a law enforcement officer, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B) (i) if such offense is classified in severity level 1, except as otherwise provided in clause (ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of clause (i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender's criminal history classification, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to an offense described in paragraph (1) if the factual aspect concerning a law enforcement officer is a statutory element of such offense.

(z) (1) Notwithstanding K.S.A. 21-5109(b)(2), and amendments thereto, or any other provision of law to the contrary, the sentence for a violation of criminal possession of a weapon by a convicted felon as defined in K.S.A. 21-6304, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed if the trier of fact makes a finding beyond a reasonable doubt that:

(A) The weapon the offender possessed during such violation was a firearm; and

(B) such firearm was used by the offender during the commission of any violent felony.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not be subject to appeal. No other sentence shall be permitted.

(3) The provisions of this subsection shall not apply to an offender who is prohibited from possessing a weapon pursuant to K.S.A. 21-6304, and amendments thereto, as a result of a juvenile adjudication.

(4) As used in this subsection, “violent felony” means any of the following:

(A) Capital murder, as defined in K.S.A. 21-5401, and amendments thereto;

(B) murder in the first degree, as defined in K.S.A. 21-5402, and amendments thereto;

(C) murder in the second degree, as defined in K.S.A. 21-5403, and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. 21-5404, and amendments thereto;

(E) kidnapping, as defined in K.S.A. 21-5408(a)(1), and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-5408(b), and amendments thereto;

(F) aggravated assault, as defined in K.S.A. 21-5412(b)(1), and amendments thereto, and aggravated assault of a law enforcement officer, as defined in K.S.A. 21-5412(d)(1), and amendments thereto;

(G) aggravated battery, as defined in K.S.A. 21-5413(b)(1)(A) or (b)(1)(B), and amendments thereto, and aggravated battery against a law enforcement officer, as defined in K.S.A. 21-5413(d)(1) or (d)(2), and amendments thereto;

(H) mistreatment of a dependent adult or mistreatment of an elder person, as defined in K.S.A. 21-5417(a)(1), and amendments thereto;

(I) rape, as defined in K.S.A. 21-5503, and amendments thereto;

(J) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b), and amendments thereto;

(K) abuse of a child, as defined in K.S.A. 21-5602(a)(1) or (a)(3), and amendments thereto;

(L) any felony offense described in K.S.A. 21-5703 or 21-5705, and amendments thereto;

(M) treason, as defined in K.S.A. 21-5901, and amendments thereto;

(N) criminal discharge of a firearm, as defined in K.S.A. 21-6308(a)(1), and amendments thereto;

(O) fleeing or attempting to elude a police officer, as defined in K.S.A. 8-1568(b), and amendments thereto;

(P) any felony that includes the domestic violence designation pursuant to K.S.A. 22-4616, and amendments thereto; or

(Q) any attempt, conspiracy or criminal solicitation, as defined in

K.S.A. 21-5301, 21-5302 and 21-5303, and amendments thereto, of any felony offense defined in this subsection.

(aa) (1) The sentence for a violation of K.S.A. 21-6308(a)(1)(A) or (a)(1)(B), and amendments thereto, if the trier of fact makes a finding beyond a reasonable doubt that the offender discharged a firearm and that the offender knew or reasonably should have known that:

(A) A person was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 60 months of imprisonment; and

(B) a person less than 14 years of age was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 120 months of imprisonment.

(2) The sentence imposed pursuant to paragraph (1) shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(bb) (1) If the trier of fact makes a finding beyond a reasonable doubt that an offender committed any act described in K.S.A. 21-5408, 21-5409, 21-5411, 21-5412, 21-5413, 21-5414, 21-5415, 21-5426, 21-5427, 21-5428, 21-5429, 21-5503, 21-5504, 21-5505, 21-5506, 21-5507, 21-5508, 21-5509, 21-5510, 21-5515, 21-5601, 21-5602, 21-5604 or 21-5605, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit any such act with knowledge that a woman is pregnant and with the intent that such act will compel such woman to obtain an abortion when such woman has expressed her desire to not obtain an abortion, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B) (i) if such offense is classified in severity level 1, except as otherwise provided in clause (ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of clause (i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender's criminal history classifi-

cation, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not be subject to appeal.

(cc) The sentence for a felony offense committed while an offender was in custody for a prior nondrug felony or on probation, assignment to a community correctional services program, under suspended sentence or on parole or postrelease supervision for a prior nondrug felony and when such offender's criminal history score is A, B, C, D or E shall be presumptive imprisonment regardless of the grid block for such current felony. A sentence imposed pursuant to this subsection shall be served consecutively to any other term or terms of imprisonment imposed in the prior nondrug felony case in which the offender was on probation, assignment to a community correctional services program, under suspended sentence or on parole or postrelease supervision. Such sentence shall not be considered a departure and shall not be subject to appeal.

Sec. 3. K.S.A. 21-6818 is hereby amended to read as follows: 21-6818.

(a) (1) *Except as provided in this subsection and K.S.A. 21-6804 and 21-6805, and amendments thereto*, when a departure sentence is appropriate, the sentencing judge may depart from the sentencing guidelines as provided in this section.

(2) The sentencing judge shall not impose a downward dispositional departure sentence for any crime of extreme sexual violence, as defined in K.S.A. 21-6815, and amendments thereto. The sentencing judge shall not impose a downward durational departure sentence for any crime of extreme sexual violence, as defined in K.S.A. 21-6815, and amendments thereto, to less than 50% of the center of the range of the sentence for such crime.

(3) The sentencing judge shall not impose a downward dispositional departure sentence or a downward durational departure sentence if the judge makes a finding that the offender committed the current felony crime of conviction while the offender was in custody for a prior felony or on probation, assignment to a community correctional services program, under suspended sentence or on parole or postrelease supervision for a prior felony unless such departure is an agreed recommendation of both parties. The finding under this paragraph may be made by the judge at the time of sentencing.

(b) When a sentencing judge departs in setting the duration of a presumptive term of imprisonment:

(1) The judge shall consider and apply the sentencing guidelines, to impose a sentence that is proportionate to the severity of the crime of conviction and the offender's criminal history; and

(2) the presumptive term of imprisonment set in such departure shall not total more than double the maximum duration of the presumptive imprisonment term.

(c) When a sentencing judge imposes a prison term as a dispositional departure:

(1) The judge shall consider and apply the sentencing guidelines to impose a sentence that is proportionate to the severity of the crime of conviction; and

(2) the term of imprisonment shall not exceed the maximum duration of the presumptive imprisonment term listed within the sentencing grid. Any sentence inconsistent with the provisions of this section shall constitute an additional departure and shall require substantial and compelling reasons independent of the reasons given for the dispositional departure.

(d) If the sentencing judge imposes a nonprison sentence as a dispositional departure from the guidelines, the recommended duration shall be as provided in subsection (c) of K.S.A. 21-6608, and amendments thereto.

Sec. 4. K.S.A. 2025 Supp. 22-2802 is hereby amended to read as follows: 22-2802. (a) Any person charged with a crime shall, at the person's first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person's appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection (n) at the time required by the court to answer the charge against such person and at any time thereafter that the court requires. Unless the magistrate makes a specific finding otherwise, if the person is being bonded out for a person felony or a person misdemeanor, the bond shall be conditioned on the person being prohibited from having any contact with the alleged victim of such offense for a period of at least 72 hours. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise such person;

(2) place restrictions on the travel, association or place of abode of the person during the period of release;

(3) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours;

(4) place the person under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; or

(5) place the person under the supervision of a court services officer responsible for monitoring the person's compliance with any conditions of release ordered by the magistrate. The magistrate may order the person to pay for any costs associated with the supervision provided by the court services department in an amount not to exceed \$15 per week of such supervision. The magistrate may also order the person to pay for all other costs associated with the supervision and conditions for compliance in addition to the \$15 per week.

(b) In addition to any conditions of release provided in subsection (a), for any person charged with a felony, the magistrate may order such person to submit to a drug and alcohol abuse examination and evaluation in a public or private treatment facility or state institution and, if determined by the head of such facility or institution that such person is a drug or alcohol abuser or is incapacitated by drugs or alcohol, to submit to treatment for such drug or alcohol abuse, as a condition of release.

~~(c) The appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas, unless the magistrate determines, in the exercise of such magistrate's discretion, that requiring sureties is not necessary to assure the appearance of the person at the time ordered.~~ (1) *If a person is charged with a misdemeanor, the appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas unless the magistrate determines, in the exercise of such magistrate's discretion, that requiring sureties is not necessary to assure the appearance of the person at the time ordered or to assure public safety. If such person is not a citizen of the United States, such person's immigration status shall be verified with the federal government pursuant to 8 U.S.C. § 1373(e). There shall be a rebuttable presumption that a person who has been determined to be an alien unlawfully present in the United States is a flight risk.*

(2) (A) *If a person is charged with a felony, the appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas unless the magistrate determines by clear and convincing evidence, after a hearing at which the person charged is present, that requiring sureties is not necessary to assure the appearance of the person at the time ordered or to assure public safety.*

(B) *Prior to releasing a person charged with a felony without a surety, the magistrate shall determine, after a hearing at which the person is present, whether the person meets the following qualifications:*

(i) *Is a citizen of the United States or is an alien who is lawfully present in the United States and whose status has been verified with the federal government pursuant to 8 U.S.C. § 1373(e);*

(ii) *is a resident of the state of Kansas;*

(iii) *has no prior felony conviction;*

(iv) *has no prior history of failure to appear for any court appearances;*
(v) *has no detainer or hold from any other jurisdiction;*
(vi) *has not been extradited from and is not awaiting extradition to another state;*

(vii) *has not been detained for an alleged violation of probation;*
(viii) *has not been charged with a felony violation of K.S.A. 8-1567, and amendments thereto; and*

(ix) *has not been charged with an off-grid felony, a person felony or a drug severity level 1, 2 or 3 felony.*

(C) *If the magistrate determines that the person does not meet one or more of the qualifications listed in subparagraph (B), there is a presumption that such person is either a flight risk or that such person's release would endanger the public. Such presumption may only be overcome by clear and convincing evidence. Prior to ordering a release of such person without a surety, the magistrate shall make a written finding on the record that such person is not a public safety risk and not a flight risk and specify which of the qualifications listed in subparagraph (B) that such person meets.*

(d) A deposit of cash in the amount of the bond may be made in lieu of the execution of the bond pursuant to subsection (c). Except as provided in subsection (e), such deposit shall be in the full amount of the bond and in no event shall a deposit of cash in less than the full amount of bond be permitted. Any person charged with a crime who is released on a cash bond shall be entitled to a refund of all moneys paid for the cash bond, after deduction of any outstanding restitution, costs, fines and fees, after the final disposition of the criminal case if the person complies with all requirements to appear in court. The court may not exclude the option of posting bond pursuant to subsection (c).

(e) Except as provided further, the amount of the appearance bond shall be the same whether executed as described in subsection (c) or posted with a deposit of cash as described in subsection (d). When the appearance bond has been set at \$2,500 or less and the most serious charge against the person is a misdemeanor, a severity level 8, 9 or 10 nonperson felony, a drug severity level 4 felony committed prior to July 1, 2012, a drug severity level 5 felony committed on or after July 1, 2012, or a violation of K.S.A. 8-1567, and amendments thereto, the magistrate may allow the person to deposit cash with the clerk in the amount of 10% of the bond, provided the person meets at least the following qualifications:

(1) *Is a resident of the state of Kansas citizen of the United States or is an alien who is lawfully present in the United States and whose status has been verified with the federal government pursuant to 8 U.S.C. § 1373(e);*

(2) *is a resident of the state of Kansas;*

(3) *has a criminal history score category of G, H or I;*

(3)(4) has no prior history of failure to appear for any court appearances;

(4)(5) has no detainer or hold from any other jurisdiction;

(5)(6) has not been extradited from, and is not awaiting extradition to, another state; and

(6)(7) has not been detained for an alleged violation of probation.

(f) *Except as provided in subsections (c) and (q)*, in the discretion of the court, a person charged with a crime may be released upon the person's own recognizance by guaranteeing payment of the amount of the bond for the person's failure to comply with all requirements to appear in court. The release of a person charged with a crime upon the person's own recognizance shall not require the deposit of any cash by the person.

(g) The court shall not impose any administrative fee.

(h) In determining which conditions of release will reasonably assure appearance and the public safety, the magistrate shall, on the basis of available information, take into account:

(1) The nature and circumstances of the crime charged;

(2) the weight of the evidence against the defendant;

(3) whether the defendant is lawfully present in the United States;

(4) the defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, record of convictions, record of appearance or failure to appear at court proceedings or of flight to avoid prosecution;

(5) the likelihood or propensity of the defendant to commit crimes while on release, including whether the defendant will be likely to threaten, harass or cause injury to the victim of the crime or any witnesses thereto; and

(6) whether the defendant is on probation ~~or~~, parole *or postrelease supervision* from a ~~previous~~ *prior* offense at the time of the alleged commission of the subsequent offense.

(i) The appearance bond shall set forth all of the conditions of release.

(j) A person for whom conditions of release are imposed and who continues to be detained as a result of the person's inability to meet the conditions of release shall be entitled, upon application, to have the conditions reviewed without unnecessary delay by the magistrate who imposed them. If the magistrate who imposed conditions of release is not available, any other magistrate in the county may review such conditions.

(k) A magistrate ordering the release of a person on any conditions specified in this section may at any time amend the order to impose additional or different conditions of release. If the imposition of additional or different conditions results in the detention of the person, the provisions of subsection (j) shall apply.

(l) Statements or information offered in determining the conditions of release need not conform to the rules of evidence. No statement or admission of the defendant made at such a proceeding shall be received as evidence in any subsequent proceeding against the defendant.

(m) The appearance bond and any security required as a condition of the defendant's release shall be deposited in the office of the magistrate or the clerk of the court where the release is ordered. If the defendant is bound to appear before a magistrate or court other than the one ordering the release, the order of release, together with the bond and security shall be transmitted to the magistrate or clerk of the court before whom the defendant is bound to appear.

(n) Proceedings before a magistrate as provided in this section to determine the release conditions of a person charged with a crime including release upon execution of an appearance bond may be conducted by two-way electronic audio-video communication between the defendant and the judge in lieu of personal presence of the defendant or defendant's counsel in the courtroom in the discretion of the court. The defendant may be accompanied by the defendant's counsel. The defendant shall be informed of the defendant's right to be personally present in the courtroom during such proceeding if the defendant so requests. Exercising the right to be present shall in no way prejudice the defendant.

(o) The magistrate may order the person to pay for any costs associated with the supervision of the conditions of release of the appearance bond in an amount not to exceed \$15 per week of such supervision. As a condition of sentencing under K.S.A. 21-6604, and amendments thereto, the court may impose the full amount of any such costs in addition to the \$15 per week, including, but not limited to, costs for treatment and evaluation under subsection (b).

(p) (1) If a defendant is charged with rape, as described in K.S.A. 21-5503, and amendments thereto, criminal sodomy or aggravated criminal sodomy, as described in K.S.A. 21-5504, and amendments thereto, aggravated sexual battery, as described in K.S.A. 21-5505, and amendments thereto, or indecent liberties with a child or aggravated indecent liberties with a child, as described in K.S.A. 21-5506, and amendments thereto, the magistrate shall determine prior convictions of such offenses or comparable out-of-state convictions upon available evidence.

(2) If the magistrate determines that such defendant has a prior conviction of any crime that constitutes a sexually violent crime as defined in K.S.A. 22-4902, and amendments thereto, bond shall be at least \$750,000 cash or surety and have at least minimum conditions of no contact with any victims or witnesses and the magistrate shall place the person under a house arrest program pursuant to subsection (a)(4). Such bond shall not be reduced or modified downward unless the magistrate determines

by a preponderance of the evidence at an evidentiary hearing and makes a written finding on the record that the defendant is not a public safety risk and not a flight risk. At such evidentiary hearing, there shall be a presumption that the defendant is both a public safety risk and a flight risk.

(q) (1) *If the affidavit establishes probable cause that the person was on probation, parole, postrelease supervision or bond for a prior felony offense at the time of the alleged commission of a charged felony offense and the person's criminal history score under the Kansas sentencing guidelines act was previously established as A, B, C, D or E, except as provided in subsection (q)(2), the court shall set a secured appearance bond in an amount not less than:*

(A) *\$50,000 if the most serious charge against the person is a severity level 7, 8, 9 or 10 felony or a drug severity level 4 or 5 felony;*

(B) *\$100,000 if the most serious charge against the person is a severity level 4, 5 or 6 felony or a drug severity level 3 felony; and*

(C) *\$250,000 if the most serious charge against the person is a severity level 1, 2 or 3 felony or a drug severity level 1 or 2 felony.*

(2) (A) *Except as provided in subparagraph (B), such bond shall not be reduced or modified downward unless the magistrate determines by a preponderance of the evidence at an evidentiary hearing and makes a written finding on the record that the defendant is not a public safety risk and not a flight risk. At such evidentiary hearing, there shall be a presumption that the defendant is both a public safety risk and a flight risk.*

(B) *The court may modify the bond or otherwise reduce the amount of bond without an evidentiary hearing and written finding required by subparagraph (A) if both parties have agreed to the proposed bond, except that such bond shall not be modified to allow release of the defendant on the defendant's own recognizance.*

Sec. 5. K.S.A. 21-6818 and K.S.A. 2025 Supp. 21-6615, 21-6804 and 22-2802 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 6, 2026.

CHAPTER 63

HOUSE BILL No. 2602
(Amended by Chapter 154)

AN ACT concerning labor and employment; relating to employment benefits; establishing requirements for a portable benefit plan for an independent contractor; determining type and amount of contributions to a portable benefit plan; providing for a subtraction modification for contributions to a portable benefit plan for Kansas income tax purposes; amending K.S.A. 2025 Supp. 79-32,117 and repealing the existing section.

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

New Section 1. (a) As used in this section:

(1) “Bank” means a bank incorporated under the laws of this state or organized under the laws of the United States, another state or a territory of the United States that are insured by the federal deposit insurance corporation.

(2) “Credit union” means a credit union incorporated under the laws of this state or organized under the laws of the United States, another state or a territory of the United States that is insured by the national credit union administration.

(3) “Hiring party” means any person or entity, whether public or private, including an internet or application-based company that hires or enters into a contract with an independent contractor.

(4) “Independent contractor” means an individual that performs services for remuneration for a specific result under the control of the hiring party as to the result of the individual’s work only and not as to the means by which such result is accomplished or an individual who performs services for remuneration and is not an employee under the common law rules that may be applicable to determining an employer-employee relationship, as applied for federal employment tax purposes.

(5) “Portable benefit plan” means a benefit plan that is administered by a third party chosen by the independent contractor and assigned to a beneficiary. “Portable benefit plan” does not include a benefit plan administered by a hiring party.

(6) “Portable benefit plan provider” means the administrator of a portable benefit account, who may be:

- (A) A bank;
- (B) an investment management firm;
- (C) a technology provider or program manager that offers services through a bank or investment management firm; or
- (D) a credit union.

(b) A portable benefit plan provider shall provide an account that funds one or more of the following services provided by a third party in a portable benefit plan:

- (1) Health insurance;
- (2) income replacement insurance;
- (3) disability insurance;
- (4) life insurance; or
- (5) retirement benefits.
- (c) Any hiring party may contribute funds to a portable benefit account. The contributions may be made using:
 - (1) Funds of the independent contractor;
 - (2) funds of the hiring party; or
 - (3) a percentage of funds withheld from compensation owed to an independent contractor if the:
 - (A) Withholding of compensation is expressly agreed to in writing;
 - (B) written agreement is clear, unambiguous and prominently displayed in a contract or invoice of services provided;
 - (C) withholding is voluntarily elected by the independent contractor and requires the contractor to opt into the plan; and
 - (D) independent contractor may opt out of the withholding at any time.
- (d) Contributions to a portable benefit account shall not be used as criterion for determining a worker's employment classification.

Sec. 2. K.S.A. 2025 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

- (b) There shall be added to federal adjusted gross income:
 - (i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.
 - (ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xv) or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual

income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional

rider for coverage of abortion in accordance with K.S.A. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-4357, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(xxvii) For all taxable years commencing after December 31, 2020, the amount of any interest expense paid or accrued in a previous taxable year but allowed as a deduction pursuant to section 163 of the federal internal revenue code in the current taxable year by reason of the carry-forward of disallowed business interest pursuant to section 163(j) of the federal internal revenue code. For purposes of this paragraph, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable pursuant to section 163 of the federal internal revenue code if the limitation pursuant to section 163(j) of the federal internal revenue code did not exist.

(xxviii) For all taxable years beginning after December 31, 2021, the amount of any contributions to, or earnings from, a first-time home buyer savings account if distributions from the account were not used to pay for expenses or transactions authorized pursuant to K.S.A. 58-4904, and amendments thereto, or were not held for the minimum length of time required pursuant to K.S.A. 58-4904, and amendments thereto. Contributions to, or earnings from, such account shall also include any amount resulting from the account holder not designating a surviving payable on death beneficiary pursuant to K.S.A. 58-4904(e), and amendments thereto.

(xxix) For all taxable years beginning after December 31, 2024, the amount of any contributions to, or earnings from, an adoption savings account if distributions from the account were not used to pay for expenses or transactions authorized pursuant to K.S.A. 2025 Supp. 38-2504, and

amendments thereto, or were not held for the minimum length of time required pursuant to K.S.A. 2025 Supp. 38-2504, and amendments thereto. Contributions to, or earnings from, such account shall also include any amount resulting from the account holder not designating a surviving payable on death beneficiary pursuant to K.S.A. 2025 Supp. 38-2504(e), and amendments thereto.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b(a) and 228c(a) (1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) (1) For taxable years beginning after December 31, 2021, the amount of any federal credit disallowance under the provisions of 26 U.S.C. § 280C(a).

(2) For taxable years beginning after December 31, 2019, and ending before January 1, 2022, 50% of the amount of the federal employee retention credit disallowance under rules similar to the rules of 26 U.S.C. § 280C(a). The taxpayer shall be required to prove that such taxpayer previously filed Kansas income tax returns and paid Kansas income tax on the disallowed amount. Notwithstanding any other provision of law to the contrary, any claim for refund or amended return relating to this subparagraph shall be allowed to be filed on or before April 15, 2025, and no claim for refund or amended return shall be allowed or filed after April 15, 2025.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on

schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) The cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof. For all taxable years beginning after December 31, 2022, contributions made to a qualified tuition program account or a qualified ABLE program account pursuant to this paragraph on and after January 1 but prior to the date required for filing a return pursuant to K.S.A. 79-3221, and amendments thereto, of the successive taxable year may be elected by the taxpayer to apply to the prior taxable year if such election is made at the time of filing the return. No contribution shall be used as a modification pursuant to this paragraph in more than one taxable year.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) (A) For all taxable years beginning after December 31, 2007, and ending before January 1, 2024, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(B) For all taxable years beginning after December 31, 2023, amounts received as benefits under the federal social security act that are included in federal adjusted gross income of a taxpayer.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take

effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term “livestock” shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city’s home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(xxv) For all taxable years commencing after December 31, 2020, 100% of global intangible low-taxed income under section 951A of the federal internal revenue code of 1986, before any deductions allowed under section 250(a)(1)(B) of such code.

(xxvi) (1) For all taxable years commencing after December 31, 2020, the amount of any interest expense paid or accrued in the current taxable year and disallowed as a deduction pursuant to section 163(j) of the federal internal revenue code.

(2) For purposes of this paragraph, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable pursuant to section 163 of the federal internal revenue code if the limitation pursuant to section 163(j) of the federal internal revenue code did not exist.

(3) For tax year 2021, an amount equal to the sum of any interest expenses paid or accrued in tax years 2018, 2019 and 2020 less the sum of amounts allowed as a deduction pursuant to section 163 of the federal internal revenue code in tax years 2018, 2019 and 2020.

(xxvii) For taxable years commencing after December 31, 2020, the amount disallowed as a deduction pursuant to section 274 of the federal

internal revenue code of 1986 for meal expenditures shall be allowed to the extent such expense was deductible for determining federal income tax and was allowed and in effect on December 31, 2017.

(xxviii) For all taxable years beginning after December 31, 2021: (1) The amount contributed to a first-time home buyer savings account pursuant to K.S.A. 58-4903, and amendments thereto, in an amount not to exceed \$3,000 for an individual or \$6,000 for a married couple filing a joint return; or (2) amounts received as income earned from assets in a first-time home buyer savings account. For all taxable years beginning after December 31, 2022, contributions made to a first-time home buyer savings account pursuant to subparagraph (1) on and after January 1 but prior to the date required for filing a return pursuant to K.S.A. 79-3221, and amendments thereto, of the successive taxable year may be elected by the taxpayer to apply to the prior taxable year if such election is made at the time of filing the return. No contribution shall be used as a modification pursuant to subparagraph (1) in more than one taxable year.

(xxix) For taxable years beginning after December 31, 2017, for an individual taxpayer who carried back federal net operating losses arising in a taxable year beginning after December 31, 2017, and before January 1, 2021, pursuant to section 172(b)(1) of the federal internal revenue code as amended by the coronavirus aid, relief, and economic security act (CARES act), the amount of such federal net operating loss carryback for each applicable year. If the amount of such federal net operating loss carryback exceeds the taxpayer's Kansas adjusted gross income for such taxable year, the amount thereof that exceeds such Kansas adjusted gross income may be carried forward as a subtraction modification in the following taxable year or years until the total amount of such federal net operating loss carryback has been deducted, except that no such unused amount shall be carried forward for deduction as a subtraction modification after the 20th taxable year following the taxable year of the net operating loss. Notwithstanding any other provision of law to the contrary, an extension of time shall be allowed for a claim for refund or amended return for tax years 2018, 2019 or 2020 limited to the application of the provisions of this paragraph and such claim for refund or amended return must be filed on or before April 15, 2025.

(xxx) For all taxable years beginning after December 31, 2024: (1) The amount contributed to an adoption savings account pursuant to K.S.A. 2025 Supp. 38-2503, and amendments thereto, in an amount not to exceed \$6,000 for an individual or \$12,000 for a married couple filing a joint return; or (2) amounts received as income earned from assets in an adoption savings account.

(xxxi) *For all taxable years beginning after December 31, 2026, the amount contributed to a portable benefit plan by a hiring party taxpay-*

er through the portable benefit plan account pursuant to section 1, and amendments thereto, to the extent that such contributions are not already deducted on the taxpayer's federal income tax return for such taxable year when determining the taxpayer's federal adjusted gross income or are not otherwise subtracted or deducted from the taxpayer's federal adjusted gross income.

(xxvii) For all taxable years beginning after December 31, 2026, the amount contributed to a portable benefit plan pursuant to section 1(c)(1) or (2), and amendments thereto, to the extent that such amount is included in the independent contractor taxpayer's federal adjusted gross income.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 3. K.S.A. 2025 Supp. 79-32,117 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 6, 2026.

CHAPTER 64

Senate Substitute for HOUSE BILL No. 2571

AN ACT concerning counties; relating to public bids for construction contracts; increasing the cost threshold for when the public bidding process shall be used to award such contracts; amending K.S.A. 19-214 and repealing the existing section.

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

Section 1. K.S.A. 19-214 is hereby amended to read as follows: 19-214. (a) Except as provided in subsection (b), *and* in K.S.A. 19-216a, and amendments thereto, all contracts for the expenditure of county moneys for the construction of any courthouse, jail or other county building, or the construction of any bridge, highway, road, dam, turnpike or related structures or stand-alone parking lots in excess of ~~\$25,000~~ \$100,000, shall be awarded, on a public letting, to the lowest and best bid. *For all awarded contracts in excess of \$25,000*, the person, firm or corporation to whom the contract may be awarded shall give and file with the board of county commissioners a good and sufficient surety bond by a surety company authorized to do business in the state of Kansas, to be approved by the county attorney or county counselor, in the amount of the contract, and conditioned for the faithful performance of the contract.

(b) The provisions of subsection (a) shall not apply: (1) To the expenditure of county funds for professional services; (2) to the provisions of K.S.A. 68-521, and amendments thereto; (3) to the purchase of contracts of insurance; or (4) to the repair of any courthouse, jail or other county building or the repair or replacement of any such building's equipment when an emergency based upon public health or safety is declared by the board of county commissioners. Such emergency shall be defined as an occurrence of severe damage to a building or its equipment resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, explosion, riot, terrorism or hostile military or paramilitary action, or events of similar nature or character. Such damage must be so severe it prevents the building or equipment from being used for its intended function. Construction of a replacement building remains subject to the provisions of subsection (a).

Sec. 2. K.S.A. 19-214 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 6, 2026.

CHAPTER 65

HOUSE BILL No. 2416*

AN ACT concerning civil actions; relating to motorsports venues; creating the Kansas motorsports venue protection act; providing immunity to motorsports venues from civil actions for nuisance, taking or other similar legal theories under certain conditions.

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 motorsports venue protection act.

(b) A racing facility or racetrack shall be immune from liability in any civil action that is based on nuisance, taking or similar legal theories if the racing facility or racetrack was located and established in Kansas before a surrounding property owner either:

(1) Purchased or otherwise acquired such surrounding property owner's real property; or

(2) constructed buildings used for residential or commercial purposes on such surrounding property owner's real property.

(c) This section does not apply to a civil action:

(1) Alleging a material violation of applicable state or local laws or a condition expressly prohibited by a valid permit governing the racing facility or racetrack; or

(2) brought by a surrounding property owner against a racing facility or racetrack that has not conducted a competitive vehicle or motorsport race during the four years immediately preceding the date when such surrounding property owner purchased or otherwise acquired such surrounding property owner's real property.

(d) Nothing in this section shall be construed to:

(1) Affect any civil action unrelated to nuisance, taking or similar legal theories; or

(2) limit the enforcement authority of the state or any political subdivision of the state for violations of state or local law unrelated to claims for nuisance, taking or similar legal theories.

(e) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

(f) As used in this section:

(1) "Racing facility" or "racetrack" means a designated area or facility where competitive vehicle and motorsport races are conducted. "Racing facility" or "racetrack" includes the track, spectator areas, garages and any associated grounds or buildings used to operate motorsport races.

(2) “Surrounding property owner” means a natural person or entity owning real property located within a five-mile radius of a racing facility or racetrack.

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

Approved April 6, 2026.

CHAPTER 66

SENATE BILL No. 364

AN ACT concerning wildlife; relating to hunting and fishing licenses; requiring the department of wildlife and parks to offer a discounted resident senior combination hunting and fishing license to residents of Kansas who are 65 years of age or older; increasing the maximum age to qualify for the Kansas kids lifetime combination hunting and fishing license; decreasing the maximum fee and removing the expiration of such license; amending K.S.A. 2025 Supp. 32-9,101 and repealing the existing section.

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

New Section 1. On and after the effective date of this act, the Kansas department of wildlife and parks shall offer a resident senior combination hunting and fishing license to residents of Kansas who are 65 years of age or older. The fee for such license shall be in an amount not to exceed $\frac{1}{5}$ of the fee for a general combination lifetime hunting and fishing license.

Sec. 2. K.S.A. 2025 Supp. 32-9,101 is hereby amended to read as follows: 32-9,101. (a) (1) The secretary of wildlife and parks shall issue and make available a Kansas kids lifetime combination hunting and fishing license to any child who is a resident, as defined in K.S.A. 32-701, and amendments thereto, and:

(A) Five years of age or younger, upon payment of a license fee that shall not exceed \$300; or

(B) ~~six or seven~~ *through 15* years of age, upon payment of a license fee that shall not exceed ~~\$500~~ *\$400*.

(2) Such license fee may be paid on behalf of such child.

(b) The secretary of wildlife and parks shall report annually to the house of representatives agriculture and natural resources budget committee and the senate committee on agriculture and natural resources, or the successor of such committees, on the number of such Kansas kids lifetime combination hunting and fishing licenses issued by the Kansas department of wildlife and parks.

~~(c) The provisions of this section shall expire on July 1, 2032.~~

Sec. 3. K.S.A. 2025 Supp. 32-9,101 is hereby repealed.

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

Approved April 6, 2026.

Published in the *Kansas Register* April 16, 2026.

CHAPTER 67

HOUSE BILL No. 2539

AN ACT concerning libraries; providing a process for changing from an appointed governing board to an elected governing board; relating to the Eudora community library district; requiring the adoption of a joint resolution to provide for the election of members of the board of directors of such district; amending K.S.A. 12-1295, 12-1296 and 12-1298 and repealing the existing sections.

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

New Section 1. (a) The board of any library or library district may by resolution and shall, whenever presented with a petition signed by not less than 25% of the qualified electors of the territory in which such library provides services, cause to be submitted to the voters of such territory at the next general election the question of whether the members of such board shall be elected. Any such resolution or petition shall include provisions for:

- (1) The number of members of the board;
- (2) whether the members are to be elected at-large or by member districts; and
- (3) whether the members are to be elected at an annual meeting of the board or at a general election.

(b) If a majority of the votes cast approve the election of members of the board, then, prior to the first election of the board, the board shall establish member districts, if necessary, and the initial terms of elected members so that not more than a simple majority of the board is elected at any one election. All subsequent terms of members of the board shall be four years. The term of each member shall commence on January 1 following the election of such member. All elections of board members shall be on a nonpartisan basis.

(c) (1) For a library established by a municipality, the territory in which such library provides services shall be the territory under the jurisdiction of such municipality.

(2) For a library district established pursuant to K.S.A. 12-1236, and amendments thereto, the territory in which such library provides services shall be the territory of such district.

(d) Any library board whose members are elected pursuant to this section may by resolution and shall, whenever presented with a petition signed by not less than 25% of the qualified electors of the territory in which such library provides services, cause to be submitted to the voters of such territory at the next general election the question of whether:

- (1) Such members shall be appointed; or
- (2) such members shall be elected at an annual meeting of the library board or at a general election.

(e) This section shall not apply to any library or library district established under K.S.A. 12-1261, 12-1276, 12-1282 or 12-1296, and amendments thereto, K.S.A. 2025 Supp. 12-12,105 or 12-12,113, and amendments thereto, or the Johnson county library established under K.S.A. 12-1219 et seq., and amendments thereto.

Sec. 2. K.S.A. 12-1295 is hereby amended to read as follows: 12-1295. ~~When~~As used in the Eudora community library district act:

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

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

Sec. 3. K.S.A. 12-1296 is hereby amended to read as follows: 12-1296.

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

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

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

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

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

(c)(1) Notwithstanding the provisions of subsection (a), the governing body of the city of Eudora and the Eudora township board shall adopt a joint resolution providing for the election of the members of the board of directors of the Eudora community library district established pursuant to subsection (a) by the qualified electors of the district. Such joint resolution shall:

(A) Require the election of members of the board of directors in odd-numbered years;

(B) set the date for commencement of terms of such members;

(C) establish the terms of such members, provided that such terms not exceed four years, and may provide for initial elected terms of various duration so as to create staggered terms of office; and

(D) provide for the appointment of members whenever there is a vacancy in a position on the board of directors. Such appointee shall only serve for the remainder of the unexpired portion of the term of the vacated position.

(2) A copy of the joint resolution shall be filed with the county clerk.

Sec. 4. K.S.A. 12-1298 is hereby amended to read as follows: 12-1298.

(a) A library district created pursuant to this act shall be governed by a

library district board. The board shall consist of five directors who shall be qualified electors of the library district and shall have terms of office as established by the joint resolution *adopted pursuant to K.S.A. 12-1296(c), and amendments thereto*. Board members appointed by the Eudora township library board shall continue to serve in their offices as directors of the Eudora community library district board until their respective terms expire and ~~until their successors are appointed by the city of Eudora and the Eudora township~~ *elected* as provided in the joint resolution *adopted pursuant to K.S.A. 12-1296(c), and amendments thereto*.

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

5. K.S.A. 12-1295, 12-1296 and 12-1298 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 6, 2026.

CHAPTER 68

Substitute for HOUSE BILL No. 2595*

AN ACT concerning attorneys at law; relating to the practice of law in rural Kansas; enacting the attorney training program for rural Kansas act; providing stipends to law students who meet certain requirements and agree to practice law in rural areas; providing loan forgiveness to lawyers who meet certain requirements and practice law in rural areas; establishing the attorney training program for rural Kansas fund.

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

Section 1. (a) Section 1 et seq., and amendments thereto, shall be known and may be cited as the attorney training program for rural Kansas act.

(b) The purpose of the act is to provide encouragement, opportunities and incentives for licensed attorneys or individuals who are pursuing a law degree at Washburn university or the university of Kansas to practice law in rural Kansas communities.

(c) As used in this act:

(1) “Department” means the department of commerce.

(2) “Law school” means the Washburn university school of law and the university of Kansas school of law.

(3) “Law student” means an individual enrolled in and attending law school at Washburn university or the university of Kansas.

(4) “Practice of law” includes:

(A) Representing a client in the practice of law;

(B) serving as corporate counsel or an attorney with a local, state or federal government body;

(C) teaching at a law school approved by the American bar association; and

(D) serving as a judge or judicial law clerk in a federal, state or local court if the position requires a license to practice law.

(5) “Program agreement” means an agreement to meet all the obligations provided in section 3, and amendments thereto.

(6) “Rural” or “rural community” means any county of this state other than Douglas, Johnson, Sedgwick, Shawnee and Wyandotte counties.

(d) The provisions of this section shall expire on July 1, 2031.

Sec. 2. (a) There is hereby established the law student training and stipend program for rural Kansas. The program shall be administered by the department in coordination with:

(1) Washburn university for Washburn university law students; and

(2) the university of Kansas for university of Kansas law students.

(b) Subject to appropriations by the legislature, each law school may enter into program agreements with law students who meet the requirements of this section and any other requirements established by the

department and the applicable law school. Preference shall be given to students who are Kansas residents.

(c) Each student entering into a program agreement under this section shall receive a stipend in an amount of not to exceed \$3,000 per school year for not more than three years for tuition, books, supplies and other school expenses incurred by a law student in pursuing a law degree. Upon satisfaction of all obligations under this section and the program agreement, the stipends provided pursuant to this section shall be deemed satisfied and forgiven.

(d) The program agreement shall require each law student who participates in the program to:

(1) Complete the law degree program at the law school;

(2) engage in the full-time practice of law in rural Kansas within 90 days after admittance to the Kansas bar for a period of at least 12 continuous months for each separate school year that a student receives a stipend under the program, unless such obligation is otherwise satisfied as provided in this section; and

(3) upon failure to satisfy the obligation to engage in the full-time practice of law in rural Kansas in accordance with the provisions of this section, repay to such university, within 90 days of such failure, the amount equal to the total amount of the stipend received by such law student less a prorated amount based on any such periods of practice of law in rural Kansas meeting the requirements of this section, plus interest at the prime rate of interest plus 2% from the date that such stipend accrued. Such interest shall be compounded annually.

(e) Each law school, in coordination with the department, may adopt additional provisions, requirements or conditions for participation in this program as deemed practicable and appropriate or necessary for the implementation or administration of the program. Any additional provisions, requirements or conditions shall not be inconsistent with this act or appropriation acts of the legislature.

(f) Nothing in this section shall be construed to obligate or require a law school to enter into a program agreement with a law student.

(g) (1) An obligation to engage in the practice of law in accordance with this section shall be postponed during any:

(A) Period of temporary medical disability during which the individual obligated is unable to practice law due to such disability;

(B) period of inability to engage in the practice of law for a reason covered in the family and medical leave act; or

(C) other period of postponement agreed to or determined in the program agreement.

(2) The obligation to engage in the practice of law required by this section or the program agreement shall be satisfied if:

(A) The individual obligated is unable to practice law because of permanent disability; or

(B) the individual obligated dies.

(h) The dean of university of Kansas school of law and the dean of Washburn university school of law shall annually submit a report about the program to the senate committees on ways and means and judiciary and the house of representatives committees on appropriations, judiciary and higher education budget.

(i) The provisions of this section shall expire on July 1, 2031.

Sec. 3. (a) There is hereby established the attorney training and loan repayment program for rural Kansas. The program shall be administered by the department.

(b) Subject to appropriations by the legislature, the department, in coordination with Washburn university and the University of Kansas, shall develop and maintain a Kansas rural attorney loan repayment program in which the state agrees to pay all or part of the principal, interest and related expenses of the educational loans of each eligible rural attorney selected for participation in the program. The department shall establish the total amount of annual financial assistance available under the loan repayment program. The amount of loan repayment provided to each eligible attorney under this program shall be determined by the department and shall not exceed \$20,000 for each year that each such attorney establishes eligibility for assistance. The total amount of repayment assistance made to any eligible rural attorney shall not exceed \$100,000. No eligible rural attorney may receive loan repayment assistance under this program for more than five years.

(c) A rural attorney is eligible for loan repayment assistance under the program if the rural attorney:

(1) Applies to the department on a form and in a manner determined by the department;

(2) holds a law degree from an accredited postsecondary educational institution;

(3) is licensed to practice law in Kansas and is in good standing at the time of application;

(4) has outstanding student loan debt;

(5) resides in a rural community; and

(6) is engaged in the practice of law in a rural community.

(d) The department, in coordination with Washburn university and the University of Kansas may approve applications and provide repayment assistance for the repayment of any student loan for education at a postsecondary educational institution, including, but not limited to, loans for undergraduate education received by the rural attorney through a lender.

(e) (1) Loan repayment shall be available to eligible rural attorneys on an annual basis. To receive loan repayment assistance, an eligible rural attorney shall enter into an agreement to practice law in a rural community for a period of at least 12 continuous months for each separate year that such attorney receives loan repayment assistance under the program, unless the loan repayment obligation is otherwise satisfied as provided in this section.

(2) Each agreement entered into under this section shall include reasonable penalties for breach of contract. The department shall be responsible for enforcing the contract and collecting any damages or penalties owed.

(f) An obligation to engage in the practice of law in accordance with this section shall be postponed during any:

(1) Period of temporary medical disability during which the individual obligated is unable to practice law due to such disability;

(2) period of inability to engage in the practice of law for a reason covered in the family and medical leave act; or

(3) other period of postponement agreed to or determined in the program agreement.

(g) An obligation to engage in the practice of law in accordance with this section shall be satisfied if:

(1) The obligation to engage in the practice of law required by this section or the program agreement has been completed;

(2) the individual obligated is unable to practice law because of permanent disability; or

(3) the individual obligated dies.

(h) The department shall annually submit a report about the program to the senate committees on ways and means and judiciary and the house of representatives committees on appropriations, judiciary and higher education budget. Such report shall include:

(1) The amount of moneys allocated to the attorney training program for rural Kansas fund;

(2) the number of eligible rural attorneys who applied for the program;

(3) the number of eligible rural attorneys who received loan repayment assistance;

(4) the portion of moneys appropriated from the attorney training program for rural Kansas fund reported by use, county, number and categories of clients served in a manner that does not violate attorney-client privilege; and

(5) the process for allocating funding.

(i) Nothing in this section shall be construed to create a legal entitlement to loan repayment assistance.

(j) The provisions of this section shall expire on July 1, 2031.

Sec. 4. (a) There is hereby established in the state treasury the attorney training program for rural Kansas fund. Such fund shall be administered by the department of commerce. All moneys credited to the attorney training program for rural Kansas fund shall be expended only for student stipends for students who enter into an agreement pursuant to section 3, and amendments thereto, or student loan repayment for licensed attorneys who enter into an agreement pursuant to section 4, and amendments thereto. All expenditures from the attorney training program for rural Kansas 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 commerce or the secretary's designee. All moneys received by the department of commerce for the law student training and stipend program for rural Kansas and the attorney training and loan repayment program for rural Kansas shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the attorney training program for rural Kansas fund.

(b) The provisions of this section shall expire on July 1, 2031.

Sec. 5. The office of judicial administration shall coordinate with the department as requested by the department to administer the provisions of this act. Such coordination shall include, but not be limited to, providing verification of bar admission, law school graduation and employment verification for students who participate in the attorney training program for rural Kansas. The supreme court may establish rules to provide for securely sharing the information as required in this section.

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

Approved April 6, 2026.

CHAPTER 69

HOUSE BILL No. 2331

AN ACT concerning the disposition of human remains; creating the crime of aggravated criminal desecration when the offender had the intent to conceal a death or the commission of a crime; authorizing the disposition of the unclaimed remains of deceased persons by district coroners; providing exemptions from liability for actions taken to dispose of such remains; establishing requirements for programs of continuing education for licensed embalmers and funeral directors; authorizing use of the word “crematory” as part of the business name for businesses owned by the same person who owns a licensed crematory; amending K.S.A. 21-6205, 22a-215, 65-1702, 65-1716 and 65-1769 and repealing the existing sections.

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

Section 1. K.S.A. 21-6205 is hereby amended to read as follows: 21-6205. (a) Criminal desecration is:

(1) Knowingly obtaining or attempting to obtain unauthorized control of a dead body or remains of any human being or the coffin, urn or other article containing a dead body or remains of any human being; or

(2) recklessly, by means other than by fire or explosive;

(A) Damaging, defacing or destroying the flag, ensign or other symbol of the United States or this state in which another has a property interest without the consent of such other person;

(B) damaging, defacing or destroying any public monument or structure;

(C) damaging, defacing or destroying any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; or

(D) damaging, defacing or destroying any place of worship.

(b) *Aggravated criminal desecration is criminal desecration as defined in subsection (a)(1) committed with the intent to conceal the death of a human being or the commission of a crime.*

(c) (1) Criminal desecration as defined in:

~~(1)(A) Subsections~~ Subsection (a)(2)(B), (a)(2)(C) or (a)(2)(D) if the property is damaged to the extent of:

~~(A)(i)~~ \$25,000 or more is a severity level 7, nonperson felony;

~~(B)(ii)~~ at least \$1,000 but less than \$25,000 is a severity level 9, nonperson felony; and

~~(C)(iii)~~ less than \$1,000 is a class A nonperson misdemeanor; and

~~(2)(B) subsections~~ subsection (a)(1) or (a)(2)(A) is a class A nonperson misdemeanor.

(2) *Aggravated criminal desecration is a severity level 7, nonperson felony.*

Sec. 2. K.S.A. 22a-215 is hereby amended to read as follows: 22a-215.

(a) The coroner shall cause the body of a deceased person to be delivered

to the immediate family or the next of kin of the deceased in accordance with the provisions of K.S.A. 65-904, and amendments thereto. If there is no immediate family or next of kin, *or if the immediate family or next of kin refuses or is unable to accept the remains of such deceased person, then* the coroner shall ~~report and make delivery~~ *notify and deliver such remains* in accordance with the provisions of article 9 of chapter 65 of Kansas Statutes Annotated. If no such delivery is required, the coroner shall cause the body of such deceased person to be cremated or buried. The state or county officer responsible for the final disposition of the deceased person may authorize and order the cremation or burial of such deceased person.

(b) Cremation or burial expenses shall be paid from any property found with the body. If there is no property found with the body or if the property is not sufficient to cover such expenses and if the deceased was eligible for assistance under the provisions of article 7 of chapter 39 of Kansas Statutes Annotated, expenses of final disposition shall be paid in accordance with the provisions of K.S.A. 39-713d, and amendments thereto. Otherwise, such expenses shall be paid from the county general fund unless:

(1) The deceased died in the custody of the secretary of corrections. Expenses of final disposition of the unclaimed bodies of deceased inmates in the custody of the secretary of corrections shall be paid by the department of corrections; or

(2) *the deceased was a veteran. Expenses of final disposition of such unclaimed body shall be paid pursuant to K.S.A. 73-304, and amendments thereto, to the extent applicable.*

~~(b)~~(c) A coroner in possession of the cremated remains of a deceased person may relinquish custody of such cremated remains if:

(1) *No person has claimed such cremated remains during the three years following the date of death or any period of time prescribed by K.S.A. 22a-231 et seq., and amendments thereto, for preserving a decedent's remains, whichever is longer;*

(2) *after the time period prescribed in paragraph (1) has lapsed, the coroner publishes notice in a newspaper of general circulation in the county where the death occurred and states that such remains shall be disposed in accordance with this section unless such remains are claimed by the immediate family or the next of kin of the deceased within 30 days following the date such notice is published; and*

(3) *no claim on such cremated remains is made within the time prescribed in paragraph (2).*

(d) *If a person, who is authorized to take custody of the cremated remains of a deceased person, claims such remains, then such person shall be required to reimburse the coroner for the costs of such cremation and any other applicable fees assessed by the office of the district coroner.*

- (e) *Cremated remains disposed of pursuant to subsection (c) shall be:*
 - (1) *Buried by placing the remains in a church or cemetery plot or a scatter garden, or in a tomb, mausoleum, crypt, columbarium or other permanent non-accessible chamber; or*
 - (2) *if the decedent was a veteran, relinquished to the director of the Kansas office of veterans services, or the director's designee, or a national cemetery. No person or organization that takes custody of cremated remains pursuant to this paragraph shall be liable for the costs of the cremation of the decedent or any other applicable fees.*
- (f) *Nothing in this section shall require a coroner to determine or seek the determination of whether a decedent was a veteran if the office of the district coroner was informed or otherwise discovered that:*
 - (1) *Such decedent was not a veteran; or*
 - (2) *such decedent did not desire any funeral or burial-related services or ceremonies recognizing such decedent's service as a veteran.*
- (g) *The office of the district coroner shall not be liable for any costs or damages arising from the disposition of cremated remains conducted in accordance with this section, except in cases of gross negligence or willful misconduct.*
- (h) *If after investigation the coroner determines that property found with the body of a decedent has insubstantial commercial value, the coroner may destroy or otherwise dispose of such property. Neither the coroner nor the county where the death occurred shall be liable for any action taken pursuant to this subsection.*
- (i) *Any coroner who, over the protest of the immediate family or next of kin of the deceased, delivers or causes to be delivered the body of a deceased person for final disposition to a particular embalmer, funeral director or funeral establishment, shall be deemed guilty of a class B non-person misdemeanor and upon conviction thereof shall forfeit the coroner's office.*

Sec. 3. K.S.A. 65-1702 is hereby amended to read as follows: 65-1702. (a) Every licensed embalmer who desires to continue the practice of embalming shall pay to the secretary of the state board of mortuary arts a renewal fee in the amount fixed by the board in accordance with the provisions of K.S.A. 65-1727, and amendments thereto. The secretary shall mail a notice of the due date for payment of the renewal fee at least 30 days prior to such date to the last known address of each licensee.

(b) If such licensee shall fail to pay the renewal fee prior to the expiration date, the licensee shall be automatically suspended and denied the right to practice embalming in this state during such suspension. The board may reinstate such lapsed licenses upon payment of the fee in arrears and a reinstatement fee in the amount equal to the renewal fee, except such lapse shall not be over six months in duration.

(c) Any person who fails to reinstate a lapsed license within six months after the lapse of such license may apply for relicensure by making application on a form provided by the board. Relicensure shall be granted upon receipt of proof that the applicant is competent to act as a licensed embalmer, meets current qualifications to act as a licensed embalmer, has satisfied all of the requirements for renewal established by law and has paid the board all back renewal fees as established by the board by rules and regulations.

(d) The expiration date of each license issued or renewed shall be established by rules and regulations of the board. Subject to the provisions of this subsection, each license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto. To provide for a system of biennial renewal of licenses, the state board of mortuary arts may provide by rules and regulations that licenses issued or renewed for the first time after the effective date of this act may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto. The provisions of this subsection ~~(d)~~ shall not apply to apprentice licenses or periods of apprenticeship under K.S.A. 65-1701a, and amendments thereto.

(e) Every licensed embalmer who desires to be actively engaged in the practice of embalming in Kansas shall submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act *July 1, 2026. The program of continuing education approved by the board shall, at a minimum, require six hours of continuing education annually. At least three such hours shall be completed either in person or through a live online format that allows the presenter to verify licensee attendance and provides licensees with an opportunity to ask questions concerning the content of the program. All other required hours may be completed through any online format.*

(f) Every licensed embalmer who is not actively engaged in the practice of embalming in the state shall be exempt from the continuing education requirements set forth in subsection (e) ~~of this section~~. If the person becomes engaged in the active practice of embalming, such person shall within the first full year after becoming engaged in active practice meet the continuing education requirements specified by the board.

Sec. 4. K.S.A. 65-1716 is hereby amended to read as follows: 65-1716.

(a) The renewal fee for a funeral director's license shall be in the amount

fixed by the state board of mortuary arts in accordance with the provisions of K.S.A. 65-1727, and amendments thereto. The fee shall be due and payable to the secretary of the board prior to the expiration date of the license. The secretary of the board shall mail a notice of the expiration date of each license and of the renewal fee at least 30 days prior to the date of expiration to the last known address of each licensee. If the licensee fails to pay such renewal fee within the time specified, the licensee shall be automatically suspended and denied the right to practice funeral directing in this state during such suspension.

(b) The board may reinstate such lapsed license upon the payment of the fee in arrears, plus the additional reinstatement fee in the amount equal to the renewal fee, if such lapse is not over six months in duration.

(c) Any person who fails to reinstate a lapsed license within six months after the lapse of such license may apply for relicensure by making application on a form provided by the board. Relicensure shall be granted upon receipt of proof that the applicant is competent to act as a licensed funeral director, meets qualifications to act as a licensed funeral director, has satisfied all of the requirements for renewal established by law and has paid the board all back renewal fees as established by the board by rules and regulations.

(d) The expiration date of each license shall be established by rules and regulations of the board. Subject to the provisions of this subsection, each license shall be renewed on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto. To provide for a system of biennial renewal of licenses, the board may provide by rules and regulations that licenses issued or renewed for the first time after the effective date of this act may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time of less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto.

(e) Every licensed funeral director who desires to be actively engaged in the practice of funeral directing in Kansas shall submit with the renewal application and renewal fee evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after the effective date of this act *July 1, 2026. The program of continuing education approved by the board shall, at a minimum, require six hours of continuing education annually. At least three such hours shall be completed either in person or through a live online format that allows the presenter to veri-*

fy licensee attendance and provides licensees with an opportunity to ask questions concerning the content of the program. All other required hours may be completed through any online format.

(f) Every licensed funeral director who is not actively engaged in the practice of funeral directing in the state shall be exempt from the continuing education requirements set forth in this section. If the person becomes engaged in the active practice of funeral directing, such person shall within the first full year after becoming engaged in active practice meet the continuing education requirements specified by the board.

Sec. 5. K.S.A. 65-1769 is hereby amended to read as follows: 65-1769. ~~On and after July 1, 2011,~~ (a) A crematory operator shall, in connection with such person's licensed crematory, use the words "crematory operator" or any other title implying that such person is engaged in the business of cremation.

(b) *Nothing in K.S.A. 65-1760 et seq., and amendments thereto, shall be construed to prohibit a person who holds a crematory license from using the word "crematory" in the name or title of any other business or operation owned by such person if such business or operation is licensed under article 17 of chapter 65 of Kansas Statutes Annotated, and amendments thereto.*

Sec. 6. K.S.A. 21-6205, 22a-215, 65-1702, 65-1716 and 65-1769 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 6, 2026.

CHAPTER 70

HOUSE BILL No. 2652

AN ACT concerning courts; requiring the clerk of the appellate courts to publish monthly a list of cases of the supreme court and court of appeals in which a decision has not been entered and filed within six months of submission and a list of cases in which a petition for review has not been granted or denied within six months of submission; amending K.S.A. 20-3301 and repealing the existing section.

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

Section 1. K.S.A. 20-3301 is hereby amended to read as follows: 20-3301. (a) (1) ~~A district court shall enter and file its decision on motions and non-jury trials within 120 days after the matter is submitted for decision.~~ *The clerk of the appellate courts shall publish monthly a list of cases of the supreme court and court of appeals in which a decision has not been entered and filed within six months of the date that the case was submitted for decision.*

(2) ~~If the district court does not enter and file its decision on a submitted matter within 120 days of submission, all counsel shall, within 130 days after the matter is submitted for decision, file with the court a joint request that such decision be entered without further delay. A copy of such request shall be sent to the chief judge of the judicial district and made available to the public.~~ *The monthly list of cases published by the clerk shall include the case name, case number, the date that the case was submitted for decision and, if before the court of appeals, the panel of judges who heard the case. The monthly list shall be publicly available on the supreme court's internet website. This posting shall remain publicly viewable until the case is decided.*

(3) ~~Within 30 days after the filing of a joint request, the district court shall enter its decision or advise the parties in writing of the date by which the decision will be entered. A copy of such written advice shall be filed in the case, sent to the chief judge of the judicial district and made available to the public.~~ *The clerk shall also transmit each monthly list of cases to the standing judiciary committees of the house of representatives and the senate, the speaker of the house, the president of the senate, the attorney general and the governor.*

(4) ~~In the event the district court fails to enter its decision or to advise the parties of an intended decision date as required by subsection (a)(3), all counsel shall then file a joint request with the chief judge of the judicial district to establish an intended decision date. A copy of such request shall be filed in the case and made available to the public.~~

(5) ~~Upon receipt of a request under subsection (a)(4), the chief judge of the judicial district shall, after consultation with the judge to whom the matter is assigned, establish a firm intended decision date by which the~~

district court's decision shall be made. Such setting of a final intended decision date shall be in writing, filed in the case, served on the parties and made available to the public.

(b)(1) The court of appeals shall render and file its decision on motions and appeals within 180 days after the matter is submitted for decision.

(2) If the court of appeals does not enter and file its decision on a submitted matter within 180 days of submission, all counsel shall, within 190 days after the matter is submitted for decision, file with the court a joint request that such decision be entered without further delay. A copy of such request shall be sent to the chief judge of the court of appeals and made available to the public.

(3) Within 30 days after the filing of a joint request, the court of appeals shall enter its decision or advise the parties in writing of the date by which the decision will be entered. A copy of such written advice shall be filed in the case, sent to the chief judge of the court of appeals and made available to the public.

(4) In the event the court of appeals fails to enter its decision or to advise the parties of an intended decision date as required by subsection (b)(3), all counsel shall then file a joint request with the chief judge of the court of appeals to establish an intended decision date. A copy of such request shall be filed in the case and made available to the public.

(5) Upon receipt of a request under subsection (b)(4), the chief judge of the court of appeals shall, after consultation with the judge or judges to whom the matter is assigned, establish a firm intended decision date by which the court's decision shall be made. Such setting of a final intended decision date shall be in writing, filed in the case, served on the parties and made available to the public.

(c)(1) The supreme court shall render and file its decision on motions and appeals within 180 days after the matter is submitted for decision.

(2) If the supreme court does not enter and file its decision on a submitted matter within 180 days of submission, all counsel shall, within 190 days after the matter is submitted for decision, file with the court a joint request that such decision be entered without further delay. A copy of such request shall be sent to the chief justice and made available to the public.

(3) Within 30 days after the filing of a joint request, the supreme court shall enter its decision or advise the parties in writing of the date by which the decision will be entered. A copy of such written advice shall be filed in the case, sent to the chief justice and made available to the public.

(4) In the event the supreme court fails to enter its decision or to advise the parties of an intended decision date as required by subsection (c)(3), all counsel shall then file a joint request with the chief justice to

establish an intended decision date. A copy of such request shall be filed in the case and made available to the public.

(5) ~~Upon receipt of a request under subsection (e)(4), the chief justice shall, after consultation with the justice or justices to whom the matter is assigned, establish a firm intended decision date by which the court's decision shall be made. Such setting of a final intended decision date shall be in writing, filed in the case, served on the parties and made available to the public.~~

~~(d) For the purposes of this section:~~

~~(1) A motion shall be deemed submitted for decision on the date the: (A) Court announces on the record in open court, at the conclusion of the hearing thereon, that the matter is submitted for decision; or (B) last memorandum or other document is permitted to be filed. If no oral argument is conducted on the motion, a motion shall be deemed submitted for decision as of the date the last memorandum or other document is permitted to be filed.~~

~~(2) A non jury trial shall be deemed submitted for decision on the date the: (A) District court announces on the record in open court, at the conclusion of the trial, that the matter is submitted for decision; or (B) last memorandum or other document is permitted to be filed.~~

~~(3)(A) An appeal shall be deemed submitted for decision on the earlier of the date that the:~~

~~(A)(i) Court announces on the record in open court, at the conclusion of oral argument, that the matter is submitted for decision; or~~

~~(B)(ii) last memorandum or other document is permitted to be filed.~~

~~(B) If no oral argument is conducted, an appeal shall be deemed submitted for decision as of the date that the case is considered on a non-argued calendar.~~

(b) (1) The clerk of the appellate courts shall publish monthly a list of cases in which a petition for review has not been granted or denied within six months of the date that the petition was submitted for a decision.

(2) The monthly list of pending petitions published by the clerk shall include the case name, case number and the date that the petition was submitted for a decision. The monthly list shall be publicly available on the supreme court's internet website. This posting shall remain publicly viewable until the petition is granted or denied.

(3) The clerk shall also transmit each monthly list of pending petitions to the standing judiciary committees of the house of representatives and the senate, the speaker of the house, the president of the senate, the attorney general and the governor.

(4) A petition for review shall be deemed submitted for decision on the earlier of the date that:

(A) Any responsive pleading to the petition is filed; or

(B) *the time for filing any responsive pleading to the petition expires.*

Sec. 2. K.S.A. 20-3301 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, 2026.

Published in the *Kansas Register* April 16, 2026.

CHAPTER 71

SENATE BILL No. 398

AN ACT concerning the rules of evidence; relating to testimony in the form of opinion; requiring a proponent to demonstrate that it is more likely than not that certain specialized knowledge will help the trier of fact to understand the evidence before certain qualified witnesses may testify; amending K.S.A. 60-456 and repealing the existing section.

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

Section 1. K.S.A. 60-456 is hereby amended to read as follows: 60-456. (a) ~~If the a witness is not testifying as an expert, the testimony in the form of opinions or inferences is limited to such opinions or inferences as the judge finds an opinion is limited to one that is:~~

- (1) ~~Are~~ Rationally based on the perception of the witness;
- (2) ~~are helpful to a clearer~~ *clearly* understanding of the testimony of the witness ~~or determining a fact in issue~~; and
- (3) ~~are not based on scientific, technical or other specialized knowledge within the scope of subsection (b).~~

(b) ~~If scientific, technical or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue,~~ A witness who is qualified as an expert by knowledge, skill, experience, training or education may testify ~~thereto~~ in the form of an opinion or otherwise *if the proponent demonstrates to the court that it is more likely than not that the:*

(1) ~~The Expert's scientific, technical or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;~~

- (2) testimony is based on sufficient facts or data;
- ~~(2)(3) the testimony is the product of reliable principles and methods;~~

~~and~~
~~(3)(4) the witness has reliably applied expert's opinion reflects a reliable application of the principles and methods to the facts of the case.~~

(c) Unless the judge excludes the testimony, the judge shall be deemed to have made the finding requisite to its admission.

(d) Testimony in the form of opinions or inferences otherwise admissible under this article is not objectionable because it embraces the ultimate issue or issues to be decided by the trier of the fact.

Sec. 2. K.S.A. 60-456 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, 2026.

CHAPTER 72

SENATE BILL No. 459
(Amended by Chapter 155)

AN ACT concerning the prisoner review board; removing the board from the supervision of the secretary of corrections; changing the appointing authority for the members and creating qualifications for the members; requiring parole hearings to be postponed if proper notice of the public comment session is not made to the victim; amending K.S.A. 22-3709, 22-3710, 22-3711, 22-3713, 22-3728, 22-3729 and 75-52,152 and K.S.A. 2025 Supp. 22-3717, 74-4911f, 75-4318, 75-5217 and 77-421 and repealing the existing sections.

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

Section 1. K.S.A. 22-3709 is hereby amended to read as follows: 22-3709. *(a) On and after July 1, 2026, the chairperson and ~~vice chairperson~~ vice chairperson of the prisoner review board shall be designated by the ~~secretary of corrections as provided in K.S.A. 75-52,152, and amendments thereto.~~ The chairperson of the board shall have the authority to organize and administer the activities of the board.*

(b) (1) Except as provided further, the chairperson of the board may designate panels, consisting of two members of the board, which shall have the full authority and power of the board to order the denial, grant or revocation of an inmate's parole or conditional release, or for crimes committed on or after July 1, 1993, grant parole for off-grid crimes or revocation of postrelease supervision or to order the revocation of an inmate's conditional release, upon hearing by one or more members of the panel, and by a majority vote of the board.

(2) In the case of an inmate convicted of any of the following offenses, a grant of parole shall require a unanimous vote of all board members:

- (A) An off-grid felony;*
- (B) a class A felony; or*
- (C) a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto.*

Sec. 2. K.S.A. 22-3710 is hereby amended to read as follows: 22-3710. The prisoner review board shall adopt an official seal of which the courts shall take judicial notice. The orders of the board shall not be reviewable except as to compliance with the terms of this act or other applicable laws of this state. The board shall keep a record of its acts and shall notify each institution and the secretary of corrections of its decisions relating to the persons who are or have been confined therein. At the close of each fiscal year, the board shall submit to the governor and to the legislature a report with statistical and other data of its work, including research studies which it may make of probation, sentencing, parole, postrelease supervision or related functions. ~~Such report may be part of the annual report of the department of corrections, so long as such information is presented separately and distinctly.~~

Sec. 3. K.S.A. 22-3711 is hereby amended to read as follows: 22-3711. The presentence report, the preparole report, the pre-postrelease supervision report and the supervision history, obtained in the discharge of official duty by any member or employee of the prisoner review board or any other employee of the department of corrections, shall be privileged and shall not be disclosed directly or indirectly to anyone other than the prisoner review board, the judge, the attorney general or others entitled to receive the information, except that the board, secretary of corrections or court may permit the inspection of the report or parts of ~~it~~ thereof by the defendant, inmate, defendant's or inmate's attorney or other person having a proper interest in ~~it~~ such report or parts thereof, whenever the best interest or welfare of a particular defendant or inmate makes the action desirable or helpful.

Sec. 4. K.S.A. 22-3713 is hereby amended to read as follows: 22-3713. (a) The prisoner review board may authorize one or more of ~~its~~ such board's members to conduct hearings on behalf of the board *as provided in K.S.A. 22-3709, and amendments thereto.*

(b) The secretary of corrections shall provide the prisoner review board with necessary personnel and accounting services.

Sec. 5. K.S.A. 2025 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through 21-4638 and 21-4642, prior to their repeal; K.S.A. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) An inmate sentenced to imprisonment for life without the possibility of parole pursuant to K.S.A. 21-6617, and amendments thereto, shall not be eligible for parole.

(2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for the crime of: (A) Capital murder committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; (B) murder in the first degree based upon a finding of premeditated murder committed on or after July 1, 1994, but prior to July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; and (C) murder in the first degree as described in K.S.A. 21-5402(a)(2), and amendments thereto, committed on or after July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(3) Except as provided by subsections (b)(1), (b)(2) and (b)(5), K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(5) An inmate sentenced to imprisonment for a violation of K.S.A. 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or K.S.A. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months on postrelease supervision.

(D) Persons sentenced to a term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, committed on or after July 1, 1993, but prior to July 1, 2006, a sexually motivated crime in which the offender has been ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and amendments thereto, shall serve the period of postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto, on post-release supervision.

(i) If the sentencing judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

(a) Written briefs or oral arguments submitted by either the defendant or the state;

(b) any evidence received during the proceeding;

(c) the presentence report, the victim's impact statement and any

psychological evaluation as ordered by the court pursuant to K.S.A. 21-4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto; and

(d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subsection (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 21-6604, and amendments thereto, the prisoner review board may provide for early discharge from the postrelease supervision period imposed pursuant to subsection (d)(1)(D)(i) upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) (i) Except as provided in subsection (v), persons sentenced to imprisonment for a sexually violent crime committed on or after July 1, 2006, when the offender was 18 years of age or older, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(ii) Persons sentenced to imprisonment for a sexually violent crime committed on or after the effective date of this act, when the offender was under 18 years of age, and who are released from prison, shall be released to a mandatory period of postrelease supervision for 60 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto.

(2) Persons serving a period of postrelease supervision pursuant to subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner review board for early discharge. Upon payment of restitution, the prisoner review board may provide for early discharge.

(3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.

(4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a period of post-release supervision upon the completion of the underlying prison term.

(5) As used in this subsection, “sexually violent crime” means:

(A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal, or K.S.A. 21-5506(a), and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments thereto;

(D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505(b), and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b), and amendments thereto;

(K) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if commit-

ted in whole or in part for the purpose of the sexual gratification of the defendant or another;

(L) internet trading in child pornography, as defined in K.S.A. 21-5514(a), and amendments thereto;

(M) aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto;

(N) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto; or

(O) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section.

(6) As used in this subsection, “sexually motivated” means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant’s sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate’s parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate’s parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender’s conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

(g) Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). *The board shall give notice of such hearing to the attorney general.* At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. ~~Except as otherwise provided, Failure to notify pursuant to this section shall not be a reason to postpone a parole hearing.~~ In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto, *and such public comment session shall be held in person unless the victim or victim's family requests otherwise.* If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate until after the public comment session for such inmate is held. ~~Failure to notify pursuant to this section shall not be a reason to postpone a parole hearing.~~ Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the

inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; *and* proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; ~~and capacity of state correctional institutions.~~

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) (1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfac-

torily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years, but any such deferral shall require the board to state the basis for its findings.

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such resources are insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

(k) (1) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(2) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with

or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

(3) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(1) The prisoner review board shall promulgate rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board shall require that the inmate:

(1) Obey all laws and ordinances and report any law enforcement contact to the inmate's supervision officer within 24 hours after such contact;

(2) not engage in physical violence or threats of violence of any kind and, if the inmate is being supervised for conviction of a felony, not purchase or possess a dangerous weapon, including a firearm, while on supervision;

(3) report to the inmate's supervision officer as directed and be truthful in all matters;

(4) remain within the state of Kansas or other specified areas as defined by the defendant's supervision officer;

(5) reside at the inmate's approved residence unless the defendant receives permission from the inmate's supervision officer to relocate and notify the inmate's supervision officer within 24 hours after any emergency changes in residence or contact information;

(6) not possess, use or distribute any controlled substances except those prescribed by a licensed medical professional;

(7) not possess or consume any form of alcohol or intoxicating substance or enter any establishment where alcohol is sold or consumed as the primary business;

(8) submit to any form of alcohol or substance use testing directed by the inmate's supervision officer and not alter or tamper with the specimen or test;

(9) participate in assessment, treatment, programming and other directives of the court or the inmate's supervision officer;

(10) submit to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause, except that nothing in this paragraph shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment;

(11) submit to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity;

(12) refrain from contacting victims unless authorized by the board to contact a victim as part of rehabilitative or therapeutic purposes;

(13) pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances that would render payment unworkable; and

(14) unless the board finds compelling circumstances that would render a plan of payment unworkable, reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services.

(n) Any law enforcement officer who conducts a search pursuant to subsection (m)(11) shall submit a written report to the inmate's parole officer not later than the close of business the next day after such search is conducted. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(o) If the court that sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate

pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances that would render a plan of restitution unworkable.

(p) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(q) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(r) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(s) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life-threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions that result in a financial savings to the state.

(t) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (u).

(u) For offenders sentenced prior to July 1, 2014, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

(1) On or before September 1, 2013, for offenders convicted of:

(A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;

(2) on or before November 1, 2013, for offenders convicted of:

(A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;

(B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and

(3) on or before January 1, 2014, for offenders convicted of:

(A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and

(C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.

(v) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(w) Whenever the prisoner review board orders a person to be electronically monitored pursuant to this section, or the court orders a person to be electronically monitored pursuant to K.S.A. 21-6604(r), and amendments thereto, the board shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.

(x) (1) On and after July 1, 2012, for any inmate who is a sex offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic materials.

(A) As used in this subsection, "pornographic materials" means any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.

(B) As used in this subsection, all other terms have the meanings provided by K.S.A. 21-5510, and amendments thereto.

(2) The provisions of this subsection shall be applied retroactively to every sex offender, as defined in K.S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July 1, 2012. The prisoner review board shall obtain the written agreement required by this subsection from such offenders as soon as practicable.

Sec. 6. On and after July 1, 2026, K.S.A. 22-3728 is hereby amended to read as follows: 22-3728. (a) (1) Upon application of the secretary of corrections, the prisoner review board may grant release to any person deemed to be functionally incapacitated, upon such terms and conditions as prescribed in the order granting such release.

(2) ~~The secretary of corrections~~ *prisoner review board* shall adopt rules and regulations governing the ~~prisoner review~~ board's procedure for initiating, processing, reviewing and establishing criteria for review of applications filed on behalf of persons deemed to be functionally incapacitated. Such rules and regulations shall include criteria and guidelines for determining whether the functional incapacitation precludes the person from posing a threat to the public.

(3) Subject to the provisions of subsections (a)(4) and (a)(5), a functional incapacitation release shall not be granted until at least 30 days after written notice of the application has been given to: (A) The prosecuting attorney and the judge of the court in which the person was convicted; and (B) any victim of the person's crime or the victim's family. Notice of such application shall be given by the secretary of corrections to the victim who is alive and whose address is known to the secretary, or if the victim is deceased, to the victim's family if the family's address is known to the secretary. Subject to the provisions of subsection (a)(4), if there is no known address for the victim, if alive, or the victim's family, if deceased, the board shall not grant or deny such application until at least 30 days after notification is given by publication in the county of conviction. Publication costs shall be paid by the department of corrections.

(4) All applications for functional incapacitation release shall be referred to the board. The board shall examine each case and may approve such application and grant a release. An application for release shall not be approved unless the board determines that the person is functionally incapacitated and does not represent a future risk to public safety. The board shall determine whether a hearing is necessary on the application. The board may request additional information or evidence it deems necessary from a medical or mental health practitioner.

(5) The board shall establish any conditions related to the release of the person. The release shall be conditional, and be subject to revocation pursuant to K.S.A. 75-5217, and amendments thereto, if the person's functional incapacity significantly diminishes, if the person fails to comply with any condition of release, or if the board otherwise concludes that the person presents a threat or risk to public safety. The person shall remain on release supervision until the release is revoked, expiration of the maximum sentence, or discharged by the board. Subject to the provisions of ~~subsection (f) of K.S.A. 75-5217(f)~~, and amendments thereto, the person shall receive credit for the time during which the person is on functional incapacitation release supervision towards service of the prison and postrelease supervision obligations of determinate sentences or indeterminate sentences.

(6) The secretary of corrections shall cause the person to be supervised upon release, and shall have the authority to initiate revocation of the person at any time for the reasons indicated in subsection (a)(5).

(7) The decision of the board on the application or any revocation shall be final and not subject to review by any administrative agency or court.

(8) In determining whether a person is functionally incapacitated, the board shall consider the following:

(A) The person's current condition as confirmed by medical or mental health care providers, including whether the condition is terminal;

(B) the person's age and personal history;

(C) the person's criminal history;

(D) the person's length of sentence and time the person has served;

(E) the nature and circumstances of the current offense;

(F) the risk or threat to the community if released;

(G) whether an appropriate release plan has been established; and

(H) any other factors deemed relevant by the board.

(b) Nothing in this section shall be construed to limit or preclude submission of an application for pardon or commutation of sentence pursuant to K.S.A. 22-3701, and amendments thereto.

(c) Nothing in this section shall apply to the release of people with terminal medical conditions as described in K.S.A. 22-3729, and amendments thereto.

(d) This section does not apply to any person sentenced to imprisonment for an off-grid offense.

(e) This section does not apply to any person under sentence of death or life without the possibility of parole.

Sec. 7. On and after July 1, 2026, K.S.A. 22-3729 is hereby amended to read as follows: 22-3729. (a) (1) Upon application of the secretary of corrections, the chairperson of the prisoner review board may grant release to any person deemed by a doctor licensed to practice medicine and surgery in Kansas to have a terminal medical condition likely to cause death within 30 days upon such terms and conditions as prescribed in the order granting such release.

(2) ~~The secretary of corrections~~ *prisoner review board* shall adopt rules and regulations governing the ~~prisoner review board's~~ procedure for initiating, processing, reviewing and establishing criteria for review of applications filed on behalf of persons deemed to have a terminal medical condition likely to cause death within 30 days. Such rules and regulations shall include criteria and guidelines for determining whether the terminal medical condition precludes the person from posing a threat to the public.

(3) All applications for a terminal medical condition release shall be referred to the chairperson of the board. The chairperson of the board shall examine each case and may approve such application and grant a release. An application for release shall not be approved unless the chairperson of the board determines that the person has been deemed by a doctor licensed to practice medicine and surgery in Kansas to have a ter-

terminal medical condition likely to cause death within 30 days and does not represent a future risk to public safety. The chairperson of the board may request additional information or evidence the chairperson of the board deems necessary from a doctor licensed to practice medicine and surgery in Kansas.

(4) The chairperson of the board shall establish any conditions related to the release of the person. The release shall be conditional, and be subject to revocation pursuant to K.S.A. 75-5217, and amendments thereto, if the person's illness or condition significantly improves, the person does not die within 30 days of release, if the person fails to comply with any condition of release, or if the board otherwise concludes that the person presents a threat or risk to public safety. The person shall remain on release supervision until the release is revoked, expiration of the maximum sentence or discharged by the board. Subject to the provisions of ~~subsection (f) of K.S.A. 75-5217(f)~~, and amendments thereto, the person shall receive credit for the time during which the person is on terminal medical condition release supervision towards service of the prison and postrelease supervision obligations of determinate sentences or indeterminate sentences.

(5) The secretary of corrections shall cause the person to be supervised upon release, and shall have the authority to initiate revocation of the person at any time for the reasons indicated in subsection (a)(4).

(6) The decision of the chairperson of the board on the application and the decision of the board regarding any revocation shall be final and not subject to review by any administrative agency or court.

(7) In determining whether a person meets the criteria to be released under this section, the chairperson of the board shall consider the following:

(A) The person's current condition as confirmed by a doctor licensed to practice medicine and surgery in Kansas, including whether the condition is terminal and likely to cause death within 30 days;

(B) the person's age and personal history;

(C) the person's criminal history;

(D) the person's length of sentence and time the person has served;

(E) the nature and circumstances of the current offense;

(F) the risk or threat to the community if released;

(G) whether an appropriate release plan has been established; and

(H) any other factors deemed relevant by the board member.

(b) Nothing in this section shall be construed to limit or preclude submission of an application for pardon or commutation of sentence pursuant to K.S.A. 22-3701, and amendments thereto.

(c) The secretary shall give notice of the granting of a terminal medical condition release to:

(1) The prosecuting attorney and the judge of the court in which the person was convicted; and

(2) any victim of the person's crime if alive or the victim's family if the victim is deceased, whose address is known by the secretary.

(d) This section does not apply to any person sentenced to imprisonment for an off-grid offense.

Sec. 8. On and after July 1, 2026, K.S.A. 2025 Supp. 74-4911f is hereby amended to read as follows: 74-4911f. (a) Subject to procedures or limitations prescribed by the governor, any person who is not an employee and who becomes a state officer may elect to not become a member of the system. The election to not become a member of the system must be filed within 90 days of assuming the position of state officer. Such election shall be irrevocable. If such election is not filed by such state officer, such state officer shall be a member of the system.

(b) Any such state officer who is a member of the Kansas public employees retirement system, on or after the effective date of this act, may elect to not be a member by filing an election with the office of the retirement system. The election to not become a member of the system must be filed within 90 days of assuming the position of state officer. If such election is not filed by such state officer, such state officer shall be a member of the system.

(c) Subject to limitations prescribed by the board, the state agency employing any employee who has filed an election as provided under subsection (a) or (b) and who has entered into an employee participation agreement, as provided in K.S.A. 74-49b10, and amendments thereto, for deferred compensation pursuant to the Kansas public employees deferred compensation plan shall contribute to such plan on such employee's behalf an amount equal to 8% of the employee's salary, as such salary has been approved pursuant to K.S.A. 75-2935b, and amendments thereto, or as otherwise prescribed by law. With regard to a state officer who is a member of the legislature who has retired pursuant to the Kansas public employees retirement system and who files an election as provided in this section, employee's salary means per diem compensation as provided by law as a member of the legislature.

(d) As used in this section and K.S.A. 74-4927k, and amendments thereto, "state officer" means the secretary of administration, secretary for aging and disability services, secretary of commerce, secretary of corrections, secretary of health and environment, secretary of labor, secretary of revenue, secretary for children and families, secretary of transportation, secretary of wildlife and parks, superintendent of the Kansas highway patrol, secretary of agriculture, executive director of the Kansas lottery, executive director of the Kansas racing commission, president of the Kansas development finance authority, state fire marshal, state librarian, securities commissioner, adjutant general, members and chief hearing officer of the state board of tax appeals, *members of the prisoner review*

board, members of the state corporation commission, any unclassified employee on the staff of officers of both houses of the legislature, any unclassified employee appointed to the governor's or lieutenant governor's staff, any person employed by the legislative branch of the state of Kansas, other than any such person receiving service credited under the Kansas public employees retirement system or any other retirement system of the state of Kansas therefor, who elected to be covered by the provisions of this section as provided in K.S.A. 46-1302(e), and amendments thereto, or who is first employed on or after July 1, 1996, by the legislative branch of the state of Kansas and any member of the legislature who has retired pursuant to the Kansas public employees retirement system.

(e) The provisions of this section shall not apply to any state officer who has elected to remain eligible for assistance by the state board of regents as provided in K.S.A. 74-4925(a), and amendments thereto.

Sec. 9. K.S.A. 2025 Supp. 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, *except that such hearings shall comply with the public comment requirements in K.S.A. 22-3717, and amendments thereto*;

(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. 10. On and after July 1, 2026, K.S.A. 2025 Supp. 75-5217 is hereby amended to read as follows: 75-5217. (a) At any time during release on parole, conditional release or postrelease supervision, the secretary of corrections may issue a warrant for the arrest of a released inmate for violation of any of the conditions of release, or a notice to appear to answer to a charge of violation. Such notice shall be served personally upon the released inmate. The warrant shall authorize any law enforcement officer to arrest and deliver the released inmate to a place as provided by subsection (g). Any parole officer may arrest such released inmate without a warrant, or may deputize any other officer with power of arrest to do so by giving such officer a written or verbal arrest and detain order setting forth that the released inmate, in the judgment of the parole officer, has violated the conditions of the inmate's release. A written arrest and detain order delivered to the official in charge of the institution or place to which the released inmate is brought for detention shall be sufficient warrant for detaining the inmate. After making an arrest the parole officer shall present to the detaining authorities a similar arrest and detain order and statement of the circumstances of violation. Pending a hearing, as provided in this section, upon any charge of violation the released inmate shall remain incarcerated in the institution or place to which the inmate is taken for detention.

(b) Upon such arrest and detention, the parole officer shall notify the secretary of corrections, or the secretary's designee, within five days and shall submit in writing a report showing in what manner the released inmate had violated the conditions of release. After such notification is given to the secretary of corrections, or upon an arrest by warrant as herein provided and the finding of probable cause pursuant to procedures established by the secretary of a violation of the released inmate's conditions of release, the secretary or the secretary's designee may cause the released inmate to be brought before the prisoner review board, its designee or designees, for a hearing on the violation charged, under such rules and regulations as the board may adopt, or may dismiss the charges that the released inmate has violated the conditions of release and order the released inmate to remain on parole, conditional release or post release supervision. A dismissal of charges may be conditioned on the released inmate agreeing to the withholding of credit for the period of time from the date of the issuance of the secretary's warrant and the offender's arrest or return to Kansas as provided by subsection (f). The board may determine whether such hearing requires the released inmate to appear personally before the board when such inmate's violation results from a conviction for a new felony or misdemeanor. An offender under determinative sen-

tencing whose violation does not result from a conviction of a new felony or misdemeanor may waive the right to a final revocation hearing before the board under such conditions and terms as may be prescribed by rules and regulations promulgated by the ~~secretary of corrections~~ board. Relevant written statements made under oath shall be admitted and considered by the board, its designee or designees, along with other evidence presented at the hearing. If the violation is established to the satisfaction of the board, the board may continue or revoke the parole or conditional release, or enter such other order as the board may see fit. The revocation of release of inmates who are on a specified period of postrelease supervision shall be for a six-month period of confinement from the date of the revocation hearing before the board or the effective date of waiver of such hearing by the offender pursuant to rules and regulations promulgated by the board, if the violation does not result from a conviction for a new felony or misdemeanor. Such period of confinement may be reduced by not more than three months based on the inmate's conduct, work and program participation during the incarceration period. The reduction in the incarceration period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(c) If the violation results from a conviction for a new felony, upon revocation, the inmate shall serve a period of confinement, to be determined by the prisoner review board, which shall not exceed the remaining balance of the period of postrelease supervision, even if the new conviction did not result in the imposition of a new term of imprisonment.

(d) If the violation results from a conviction for a new misdemeanor, upon revocation, the inmate shall serve a period of confinement, to be determined by the prisoner review board, which shall not exceed the remaining balance of the period of postrelease supervision.

(e) In the event the released inmate reaches conditional release date as provided by K.S.A. 22-3718, and amendments thereto, after a finding of probable cause, pursuant to procedures established by the secretary of corrections of a violation of the released inmate's conditions of release, but prior to a hearing before the prisoner review board, the secretary of corrections shall be authorized to detain the inmate until the hearing by the board. The secretary shall then enforce the order issued by the board.

(f) (1) If the secretary of corrections issues a warrant for the arrest of a released inmate for violation of any of the conditions of release and the released inmate is subsequently arrested in the state of Kansas, either pursuant to the warrant issued by the secretary of corrections or for any other reason, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the secretary's warrant to the date of the released inmate's arrest, except as provided by subsection (i).

(2) If a released inmate for whom a warrant has been issued by the secretary of corrections for violation of the conditions of release is subsequently arrested in another state, and the released inmate has been authorized as a condition of such inmate's release to reside in or travel to the state in which the released inmate was arrested, and the released inmate has not absconded from supervision, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the warrant to the date of the released inmate's arrest, except as provided by subsection (i). If the released inmate for whom a warrant has been issued by the secretary of corrections for violation of the conditions of release is subsequently arrested in another state for reasons other than the secretary's warrant and the released inmate does not have authorization to be in the other state or if authorized to be in the other state has been charged by the secretary with having absconded from supervision, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the warrant by the secretary to the date the released inmate is first available to be returned to the state of Kansas, except as provided by subsection (i). If the released inmate for whom a warrant has been issued by the secretary of corrections for violation of a condition of release is subsequently arrested in another state pursuant only to the secretary's warrant, the released inmate's sentence shall not be credited with the period of time from the date of the issuance of the secretary's warrant to the date of the released inmate's arrest, regardless of whether the released inmate's presence in the other state was authorized or the released inmate had absconded from supervision, except as provided by subsection (i).

(3) The secretary may issue a warrant for the arrest of a released inmate for violation of any of the conditions of release and may direct that all reasonable means to serve the warrant and detain such released inmate be employed including, but not limited to, notifying the federal bureau of investigation of such violation and issuance of warrant and requesting from the federal bureau of investigation any pertinent information it may possess concerning the whereabouts of the released inmate.

(g) Law enforcement officers shall execute warrants issued by the secretary of corrections, and shall deliver the inmate named in the warrant to the jail used by the county where the inmate is arrested unless some other place is designated by the secretary, in the same manner as for the execution of any arrest warrant.

(h) For the purposes of this section, an inmate or released inmate is an individual under the supervision of the secretary of corrections, including, but not limited to, an individual on parole, conditional release, postrelease supervision, probation granted by another state or an individual supervised under any interstate compact in accordance with the

provisions of the uniform act for out-of-state parolee supervision, K.S.A. 22-4101 et seq., and amendments thereto.

(i) Time not credited to the released inmate's sentence pursuant to subsection (f) shall be credited if the violation charges are dismissed without an agreement providing otherwise or the violations are not established to the satisfaction of the board.

(j) As used in this section, "absconded from supervision" means knowingly avoiding supervision or knowingly making the defendant's whereabouts unknown to the defendant's supervising parole officer, court services officer or community correctional services officer.

Sec. 11. K.S.A. 75-52,152 is hereby amended to read as follows: 75-52,152. ~~(a) (1) There is hereby established, within the Kansas department of corrections, the prisoner review board. The prisoner review board shall be administered under the supervision of the secretary of corrections is hereby established. On and after July 1, 2026, the prisoner review board shall consist of three five members appointed by the secretary of corrections and all members shall serve at the pleasure of the secretary. The members of the prisoner review board shall be existing employees of the department of corrections as follows:~~

(A) One member appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, with a minimum of five years of experience in law enforcement;

(B) one member appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, with experience in serving victims of crime;

(C) one member appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto;

(D) one member appointed by the attorney general, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, with a minimum of five years of experience as a prosecutor; and

(E) one member appointed by the attorney general, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto.

(2) Except as provided in subsection (b) and K.S.A. 46-2601, and amendments thereto, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate. The governor shall select one of the board members to serve as chairperson, and the attorney general shall select one of the board members to serve as vice chairperson.

(3) The members of the board shall serve for terms of four years and until their successors are appointed and confirmed, except that:

(A) The members first appointed by the governor shall serve for terms as follows: The member appointed pursuant to paragraph (1)(C)

shall serve for a term of one year, the member appointed pursuant to paragraph (1)(B) shall serve for a term of two years and the member appointed pursuant to paragraph (1)(A) shall serve for a term of three years; and

(B) the members first appointed by the attorney general shall serve for terms as follows: The member appointed pursuant to paragraph (1)(E) shall serve for a term of one year and the member appointed pursuant to paragraph (1)(D) shall serve for a term of four years.

(4) Any vacancy occurring on the board shall be filled for the unexpired term by appointment by the original appointing authority.

(5) Members of the board shall receive for services an annual salary equal to 70% of a district judge's salary as determined pursuant to K.S.A. 2025 Supp. 75-3120n, and amendments thereto, and shall be allowed all actual travel and necessary expenses incurred while in the discharge of official duties. Each member of the board shall devote the member's full time to the duties of membership on the board.

(6) The terms of the members who are serving on the board on July 1, 2026, shall expire on July 1, 2026.

(b) Prior to July 1, 2026, the governor and the attorney general shall appoint interim members of the board who meet the requirements described in this section. Such interim members shall serve on and after July 1, 2026, while such members are awaiting confirmation by the senate. If confirmed, such members shall serve for the terms described in subsection (a).

(c) All members of the board shall have knowledge of the rights of victims of crimes and associated issues, the functioning of the criminal justice system and necessary components for successful reintegration and recidivism reduction.

Sec. 12. K.S.A. 2025 Supp. 77-421 is hereby amended to read as follows: 77-421. (a) (1) Except as provided by subsection (a)(2), (a)(3) or (a)(4), prior to the adoption of any permanent rule and regulation or any temporary rule and regulation that is required to be adopted as a temporary rule and regulation in order to comply with the requirements of the statute authorizing the same and after any such rule and regulation has been approved by the secretary of administration, the attorney general and the director of the budget, the adopting state agency shall give at least 60 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations established by K.S.A. 77-436, and amendments thereto. The notice shall be provided to the secretary of state and to the chairperson, vice chairperson, ranking minority member of the joint committee and legislative research department and shall be published in the Kansas register. A complete copy of all proposed rules and regulations and the complete economic impact statement required by K.S.A. 77-416, and

amendments thereto, shall accompany the notice sent to the secretary of state. The notice shall contain:

- (A) A summary of the substance of the proposed rules and regulations;
- (B) a summary of the economic impact statement indicating the estimated economic impact on governmental agencies or units, persons subject to the proposed rules and regulations and the general public;
- (C) a summary of the environmental benefit statement, if applicable, indicating the need for the proposed rules and regulations;
- (D) the address where a complete copy of the proposed rules and regulations, the complete economic impact statement, the environmental benefit statement, if applicable, required by K.S.A. 77-416, and amendments thereto, may be obtained;
- (E) the time and place of the public hearing to be held; the manner in which interested parties may present their views; and
- (F) a specific statement that the period of 60 days' notice constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations and the address where such comments may be submitted to the state agency. Publication of such notice in the Kansas register shall constitute notice to all parties affected by the rules and regulations.

(2) Prior to adopting any rule and regulation that establishes seasons and fixes bag, creel, possession, size or length limits for the taking or possession of wildlife and after such rule and regulation has been approved by the secretary of administration and the attorney general, the secretary of wildlife and parks shall give at least 30 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(F) shall state that the period of 30 days' notice constitutes a public comment period on such rules and regulations.

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

regulations, except that the statement required by subsection (a)(1)(F) shall state that the period of 30 days' notice constitutes a public comment period on such rules and regulations.

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

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

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

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

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

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

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

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

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

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

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

(e) No rule and regulation shall be adopted by a board, commission, authority or other similar body except at a meeting which is open to the public and notwithstanding any other provision of law to the contrary, no rule and regulation shall be adopted by a board, commission, authority or other similar body unless it receives approval by roll call vote of a majority of the total membership thereof.

Sec. 13. K.S.A. 22-3709, 22-3710, 22-3711, 22-3713 and 75-52,152 and K.S.A. 2025 Supp. 22-3717, 75-4318 and 77-421 are hereby repealed.

Sec. 14. On and after July 1, 2026, K.S.A. 22-3728 and 22-3729 and K.S.A. 2025 Supp. 74-4911f and 75-5217 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 7, 2026.

Published in the *Kansas Register* April 16, 2026.

CHAPTER 73

HOUSE BILL No. 2528
(Amended by Chapter 155)

AN ACT concerning health professions and practices; relating to the Kansas state board of nursing powers, duties and responsibilities; requiring that all board actions related to certain nonpractice violations be void; allowing for late license renewal for professional, practical and advanced practice registered nurses; setting fees for late license renewal; limiting unprofessional conduct to acts related to the practice of nursing; prohibiting the board from taking retaliatory action against a licensee based on lawful acts made against the board and creating a cause of action for violation of such prohibition; requiring that board members be subject to senate confirmation; requiring the board to issue refunds for overpayment or duplicate payments upon request; amending K.S.A. 65-1119, 65-1120a, 65-1131, 65-1132, 74-1108 and 74-1110 and K.S.A. 2025 Supp. 65-1117, 65-1118, 65-1120, 65-1127 and 74-1106 and repealing the existing sections.

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

New Section 1. (a) (1) Any board action occurring or record created on or after January 1, 2005, but prior to the effective date of this act, that arises from disciplinary action based upon a violation of the following statutes and regulations that arises from or is related to applications for licensure, license renewal, license reinstatement or practicing while a license has lapsed or expired shall be void:

(A) K.S.A. 65-1120(a)(6) prior to July 1, 2019, K.S.A. 65-1117(a) or (b), 65-1118, 65-1119, 65-1120(a)(1), 65-1120(a)(7) or (a)(8), 65-1122(f), 65-1132, 65-1154, 65-1155, 65-1159, 65-4205(a) or (b), 65-4208, 65-4209(a)(8) or 74-1110, as in effect prior to the effective date of this act; or

(B) K.A.R. 60-3-110(v) prior to April 29, 2016, K.A.R. 60-3-110(w) on or after April 29, 2016, K.A.R. 60-3-103, 60-3-108, 60-3-110(b), 60-4-101, 60-8-101, 60-9-106, 60-11-113(a) or (b), 60-12-104, 60-12-106, 60-13-101, 60-13-111, 60-13-112 or 60-13-113, as in effect prior to the effective date of this act.

(2) If an alleged violation or disciplinary action occurs prior to the effective date of this act, any board action arising from disciplinary action based upon a violation of the statutes or rules and regulations cited in paragraph (1) shall be deemed void.

(3) The provisions of this subsection shall not invalidate disciplinary action or void any board action or record based upon an allegation or violation of any other statute or rule and regulation solely because such disciplinary action also makes reference to a statute or rule and regulation cited in paragraph (1). The provisions of this subsection shall not be construed to invalidate disciplinary action or void any board action or record for unprofessional conduct based upon an allegation or violation of any paragraph of K.A.R. 60-3-110 unless listed in subsection (a)(1)(B).

(b) The board shall not report any void material to any person or entity, including the office of inspector general, nursing licensure and disciplinary data bank, the national practitioner data bank or coordinated licensure information system.

(c) If the board has previously provided void material to any person or entity or allowed void material to come into the possession of any person or entity, the board shall promptly notify such person or entity that the agency action has been reversed and is void, and the board shall take all reasonable measures to stop publication and dissemination of such void material.

(d) If the board fails to comply with the requirements of this section prior to September 1, 2026, an individual aggrieved by a violation of this section shall have a private cause of action for actual damages, injunctive relief and any other appropriate relief. Any action commenced under this section shall be brought within two years following the violation. In an action brought for a violation of this section, a prevailing plaintiff shall recover damages and the cost of the suit, including reasonable attorney fees.

(e) The provisions of this section shall apply to a deceased licensee or former licensee. A surviving spouse, next of kin or heir may pursue any of the rights granted by this section on behalf of the deceased licensee or former licensee.

(f) Void materials under this section shall be confidential and not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2031, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2031.

(g) The board shall publish this section by displaying this section on the front page of the board's website and include this section in the first two pages of the board's newsletter in the first two months after the effective date of this act.

(h) (1) As used in this section, "void" and "voided" mean all allegations, proceedings, reports, investigations, findings, records, documents, contracts, consent agreements, hearings, determinations, conclusions, judgments, decisions, summary denials, inactivations, probation agreements, diversion agreements, revocations, suspensions, limitations, censures, fines, fees, cost denials or actions are reversed, overturned and declared null and void.

(2) Any record, document or matter voided by this section that has been transmitted to or from the board to any person or entity is deemed to have been submitted in error, and any reference thereto is expunged and deemed never to have occurred.

Sec. 2. K.S.A. 2025 Supp. 65-1117 is hereby amended to read as follows: 65-1117. (a)(1) *Except as further provided by this section*, all li-

censes issued under the provisions of this act, whether initial or renewal, including multi-state licenses under the nurse licensure compact, shall ~~expire~~ *have a renewal date set every two years.* ~~The expiration~~ *renewal* date shall be established by the rules and regulations of the board. Any licensed nurse may file a multi-state license application together with the prescribed multi-state license fee at any time *that* the nurse holds an active license.

(2) The board shall send a notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 days prior to the ~~expiration~~ *renewal* date of such person's license, *unless such licensee elects to opt out of such notice of renewal being sent to such licensee.* *The board shall send a digital notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 and seven days prior to the renewal date of such person's license. If a licensee has already renewed a license, no notice shall be sent.*

(3) Every person so licensed who ~~desires to renew~~ *seeks renewal* of such license shall file with the board, on or before the *renewal date* of ~~expiration~~ of such license, a renewal application together with the prescribed biennial renewal fee. Every licensee who is no longer engaged in the active practice of nursing may so state by affidavit and submit such affidavit with the renewal application. An inactive license may be requested along with payment of a fee ~~which~~ *that* shall be ~~fixed~~ *set* by rules and regulations of the board.

(4) Except for the first renewal for a license that ~~expires~~ *is set for renewal* within 30 months following licensure examination or for renewal of a license that ~~expires~~ *is set for renewal* within the first nine months following licensure by reinstatement or endorsement, every licensee with an active nursing license shall submit with the renewal application evidence of satisfactory completion of a program of continuing nursing education required by the board. The board ~~by duly adopted~~ *shall adopt* rules and regulations ~~shall~~ *that* establish the requirements for such program of continuing nursing education. *The renewal application shall require a licensee to provide such licensee's current contact information, including address, phone number and email address. A licensee shall notify the board of a change in name or contact information.*

(5) (A) Upon receipt of such application, payment of fee, ~~upon~~ receipt of the evidence of satisfactory completion of the required program of continuing nursing education and ~~upon~~ being satisfied that the applicant meets the requirements set forth in K.S.A. 65-1115 or 65-1116, and amendments thereto, in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license *within five business days after the applicant submits the requirements of this paragraph.*

(B) Once the requirements of this paragraph have been met, a digital notification of submission that contains a receipt for payment of any fees shall promptly be sent to the applicant or licensee. If the board grants a renewal license or a late renewal license, a digital notification of such renewal shall be sent to the applicant or licensee.

(b) (1) (A) ~~Any~~If a person who fails to ~~secure~~ complete a renewal license within the time specified ~~herein in this section~~, the board shall give such person notice of the failure to complete a renewal license which shall include information that:

(i) The license shall be considered lapsed and the person shall not be eligible to practice if not renewed within 30 days following the renewal date;

(ii) upon receipt of the ~~may secure a reinstatement of such lapsed license by making verified renewal application therefor~~ on a form provided by the board, by rules and regulations, ~~and upon~~ furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for ~~reinstatement~~ late renewal, including payment to the board of a ~~reinstatement~~ late renewal fee as established by the board, within the 30-day period, the board shall verify the accuracy of the application and grant a renewal license within five business days after the applicant complies with the requirements of this clause; and

(iii) if both fees are not received within the 30-day period, the license shall be considered lapsed and the person shall not be eligible to practice by operation of law and without further proceedings.

(B) A ~~reinstatement~~ late renewal application for licensure ~~will~~ shall be held awaiting completion of such documentation as may be required, but such application shall not be held for a period of time in excess of that specified in rules and regulations. A license shall remain valid and active during the 30-day period following the renewal date.

(C) A lapsed license may be reinstated upon:

(i) Approval of the board;

(ii) payment of the renewal fees then due; and

(iii) proof of compliance with the continuing educational requirements established by the board by rules and regulations.

(D) A person who has not been in the active practice of the profession for which reinstatement is sought or has not been engaged in a formal educational program during the five years preceding the application for reinstatement may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

(2) If a licensee that has been provided notice of failure to renew does not renew within 30 days following the renewal date and has not submitted an affidavit or a request for inactive license as specified in subsection

(a)(3), the board shall digitally send a survey to such person requesting the reason for nonrenewal.

(3) If the board determines that an applicant or licensee is not qualified for licensure or a renewal application or payment has not been received, the board's sole recourse is to withhold licensure or renewal until such time that the licensee or applicant is qualified and payment is received. If the board makes a determination that an applicant or licensee is not qualified for licensure, the board shall promptly inform the applicant or licensee.

(c) (1) Each licensee shall notify the board in writing of ~~(A) a change in name or address within 30 days of the change or~~ (B) a conviction of any felony or misdemeanor; that is specified in rules and regulations adopted by the board; within 30 days from the date *that* the conviction becomes final.

(2) As used in this subsection, "conviction" means a final conviction without regard to whether the sentence was suspended or *the* probation *was* granted after such conviction. ~~Also, for the purposes of this subsection, a~~ Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. Failure to so notify the board shall not constitute a defense in an action relating to failure to renew a license, nor shall it constitute a defense in any other proceeding.

(d) Persons holding a multistate license under the nurse licensure compact and who engage in the practice of nursing in Kansas may be requested by the board to voluntarily provide workforce-related information as reasonably determined by the board. Refusal to voluntarily provide such information shall not be a basis for disciplinary action against or restriction of the multistate license of any such person.

Sec. 3. K.S.A. 2025 Supp. 65-1118 is hereby amended to read as follows: 65-1118. (a) The board shall collect in advance fees provided for in this act as fixed by the board, but not exceeding:

Application for single-state license—professional nurse	\$150
Application for single-state license—practical nurse	100
Application for single-state biennial renewal of license—	
professional nurse and practical nurse	120
Application for single-state reinstatement of license	150
Application for single-state reinstatement of licenses with	
temporary permit	175
Application for late renewal of single-state license	300
Application for multi-state license—professional nurse	300
Application for multi-state license—practical nurse	300
Application for multi-state biennial renewal of license—	
professional nurse and practical nurse	200
Application for multi-state reinstatement of license	300

Application for multi-state reinstatement of licenses
 with temporary permit 300
Application for late renewal of multi-state license 300
Application for reinstatement of revoked license 1,000
Certified copy of license 25
Duplicate of license 25
Inactive license 20
Application for license—advanced practice registered
 nurse 50
Application for license with temporary permit—advanced
 practice registered nurse 100
Application for renewal of license—advanced practice
 registered nurse 60
Application for reinstatement of license—advanced practice
 registered nurse 75
Application for late renewal of license—advanced practice
 registered nurse.....300
Application for authorization—registered nurse anesthetist 75
Application for authorization with temporary authorization—
 registered nurse anesthetist 110
Application for biennial renewal of authorization—registered
 nurse anesthetist 60
Application for reinstatement of authorization—registered
 nurse anesthetist 75
Application for reinstatement of authorization with temporary
 authorization—registered nurse anesthetist 100
Verification of license to another state 30
Application for exempt license—professional and practical
 nurse 50
Application for biennial renewal of exempt license—
 professional and practical nurse 50
Application for exempt license—advanced practice registered
 nurse 50
Application for biennial renewal of exempt license—advanced
 practice registered nurse 50

(b) The board may require that fees paid for any examination under the Kansas nurse practice act be paid directly to the examination service by the person taking the examination.

(c) The board shall accept for payment of fees under this section personal checks, certified checks, cashier's checks, money orders or credit cards. The board may designate other methods of payment, but shall not refuse payment in the form of a personal check. The board may ~~impose additional fees and~~ recover any costs incurred by reason of payments

made by personal checks with insufficient funds and payments made by credit cards.

Sec. 4. K.S.A. 65-1119 is hereby amended to read as follows: 65-1119. (a) *Application for approval.* An approved school of nursing is one ~~which~~ *that* has been approved as such by the board as meeting the standards of this act; and the rules and regulations of the board. An institution desiring to conduct an approved school of professional or practical nursing shall apply to the board for approval and submit satisfactory proof that it is prepared to and will maintain the standards and basic professional nursing curriculum or the required curriculum for practical nursing, as the case may be, as prescribed by this act and by the rules and regulations of the board. Applications shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board. The approval of a school of nursing shall not exceed 10 years after the granting of such approval by the board. An institution desiring to continue to conduct an approved school of professional or practical nursing shall apply to the board for the renewal of approval and submit satisfactory proof that it will maintain the standards and basic professional nursing curriculum or the required curriculum for practical nursing, as the case may be, as prescribed by this act and by the rules and regulations of the board. Applications for renewal of approval shall be made in writing on forms supplied by the board. Each school of nursing shall submit annually to the board an annual fee fixed by the board by rules and regulations to maintain the approval status.

(b) *Schools for professional nurses.* To qualify as an approved school for professional nurses, the school ~~must~~ *shall* be conducted in the state of Kansas, ~~and shall~~ apply to the board and submit evidence that: (1) It is prepared to carry out the professional curriculum as prescribed in the rules and regulations of the board; and (2) it is prepared to meet such other standards as shall be established by this law and the rules and regulations of the board.

(c) *Schools for practical nurses.* To qualify as an approved school for practical nurses, the school ~~must~~ *shall* be conducted in the state of Kansas, ~~and shall~~ apply to the board and submit evidence that: (1) It is prepared to carry out the curriculum as prescribed in the rules and regulations of the board; and (2) it is prepared to meet such other standards as shall be established by this law and the rules and regulations of the board.

(d) *Transcript requests.* All approved schools for professional and practical nurses shall, upon the request of a current or former student, fulfill transcript requests for licensure or testing by electronically releasing the transcript within five business days of receipt of such request.

(e) *Survey.* The board shall prepare and maintain a list of approved schools for both professional and practical nurses whose graduates, if they

have the other necessary qualifications provided in this act, shall be eligible to apply for a license as a registered professional nurse or as a licensed practical nurse. A survey of the institution or institutions and of the schools applying for approval shall be made by an authorized employee of the board or members of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements as prescribed by the board in its rules and regulations for an approved school for professional nurses or for practical nurses are met, it shall so approve the school as either a school for professional nurses or practical nurses, as the case may be. The board shall resurvey approved schools on a periodic basis as determined by rules and regulations. If the board determines that any approved school of nursing is not maintaining the standards required by this act and by rules and regulations prescribed by the board, notice thereof in writing, specifying the failures of such school, shall be given immediately to the school. A school ~~which~~ *that* fails to correct such conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of nursing until such time ~~as~~ *that* the school shall comply with the standards. All approved schools shall maintain accurate and current records showing in full the theoretical and practical courses given to each student.

(e)(f) *Providers of continuing nursing education.* (1) To qualify as an approved provider of continuing nursing education offerings, persons, organizations or institutions proposing to provide such continuing nursing education offerings shall apply to the board for approval and submit evidence that the applicant is prepared to meet the standards and requirements established by the rules and regulations of the board for such continuing nursing education offerings. Initial applications shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board.

(2) ~~A~~ “Long-term provider” means a person, organization or institution that is responsible for the development, administration and evaluation of continuing nursing education programs and offerings. Qualification as a long-term approved provider of continuing nursing education offerings shall expire five years after the granting of such approval by the board. An approved long-term provider of continuing nursing education offerings shall submit annually to the board the annual fee established by rules and regulations, along with an annual report for the previous fiscal year. Applications for renewal as an approved long-term provider of continuing nursing education offerings shall be made in writing on forms supplied by the board.

(3) Qualification as an approved provider of a single continuing nursing education offering, which may be offered once or multiple times, shall expire two years after the granting of such approval by the board. Ap-

proved single continuing nursing education providers shall not be subject to an annual fee or annual report.

(4) In accordance with rules and regulations adopted by the board, the board may approve individual educational offerings for continuing nursing education ~~which that~~ shall not be subject to approval under other subsections of this section.

(5) The board shall accept offerings as approved continuing nursing education presented by: Colleges that are approved by a state or the national department of education and providers approved by other state boards of nursing, the national league for nursing, the national federation of licensed practical nurses, the American nurses credentialing center or other such national organizations as listed in rules and regulations adopted by the board.

(6) An individual designated by a provider of continuing nursing education offerings as an individual responsible for CNE who has held this position for the provider at least five years immediately prior to January 1, 1997, shall not be required to have a baccalaureate or higher academic degree in order to be designated by such provider as the individual responsible for CNE.

~~(f)~~(g) *Criteria for evaluating out-of-state schools.* For the purpose of determining whether an applicant for licensure who is a graduate of a school of professional or practical nursing located outside this state meets the requirements of ~~item (2) of subsection (a) of K.S.A. 65-1115(a)(2), and amendments thereto or the requirements of item (2) of subsection (a) of K.S.A. 65-1116(a)(2), and amendments thereto,~~ as appropriate, the board by rules and regulations shall establish criteria for determining whether a particular school of professional nursing located outside this state maintains standards which are at least equal to schools of professional nursing ~~which that~~ are approved by the board and whether a particular school of practical nursing located outside this state maintains standards ~~which that~~ are at least equal to schools of practical nursing ~~which that~~ are approved by the board. The board may send a questionnaire developed by the board to any school of professional or practical nursing located outside this state for which the board does not have sufficient information to determine whether the school meets the standards established under this subsection ~~(f)~~. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about schools. In entering such contracts the authority to approve schools shall remain solely with the board.

~~(g)~~(h) The board may accept nationally accredited schools of nursing as defined in rule and regulation.

(1) Schools of nursing ~~which~~ *that* have received accreditation from a board recognized national nursing accreditation agency shall file evidence of initial accreditation with the board and shall file all reports from the accrediting agency and any notice of any change in school accreditation status. The board may grant approval based upon evidence of such accreditation.

(2) Schools of nursing holding approval based upon national accreditation are also responsible for complying with all other requirements as determined by rules and regulations of the board.

(3) The board may grant approval to a school of nursing with national accreditation for a continuing period *of* not to exceed 10 years.

Sec. 5. K.S.A. 2025 Supp. 65-1120 is hereby amended to read as follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may deny, revoke, limit or suspend any license or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse; *or* as an advanced practice registered nurse or as a registered nurse anesthetist that is issued by the board or applied for under this act; or may require the licensee to attend a specific number of hours of continuing education in addition to any hours *that* the licensee may already be required to attend or may publicly or privately censure a licensee or holder of a temporary permit or authorization, if the applicant, licensee or holder of a temporary permit or authorization is found after hearing:

(1) ~~To be guilty of~~ *have committed* fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

(2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse; *or* as an advanced practice registered nurse or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

(3) has been convicted or found guilty or has entered into an agreed disposition of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

(4) to have committed an act of professional incompetency as defined in subsection (e);

(5) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

(6) to be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;

(7) ~~to be guilty of~~ *have committed an act of* unprofessional conduct. *“Unprofessional conduct” includes, but is not limited to, an act or failure to act related to the licensee’s practice of nursing that is performed intentionally or carelessly and causes or is likely to cause harm to a patient. “Unprofessional conduct” does not include behaviors that are unrelated to the licensee’s practice of nursing or ability to ethically and competently practice nursing, such as failure to timely renew a license or late payments for civil debts. “Unprofessional conduct” may be further as defined by rules and regulations of the board that are not inconsistent with this paragraph;*

(8) to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

(9) to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph~~(9)~~; or

(10) to have assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-5407, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-5407, and amendments thereto.

(B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto.

(C) A copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

(b) *The amendments to subsection (a) by this section shall be construed and applied retroactively.*

(c) *Proceedings.* (1) Upon filing of a sworn complaint with the board charging a person with ~~having been guilty of~~ *violating* any of the ~~unlawful~~ practices specified in subsection (a), two or more members of the board,

one of whom shall be a nurse with similar clinical or professional experience to the person charged with the violation, except as provided in this paragraph, shall investigate the charges; or the board may designate and authorize an employee or employees of the board or an independent contractor, one of whom shall be a nurse with similar clinical or professional experience to the person charged with the violation, to conduct an investigation. An alleged violation that is not related to nor arising from the practice of nursing may be investigated by a board member or designee without such similar clinical or professional experience.

(2) After investigation, the board may ~~institute charges~~ *file a disciplinary action*. If an investigation, in the opinion of the board, reveals reasonable grounds for believing ~~that the applicant or licensee is guilty of the charges~~ *has violated the nurse practice act*, the board shall fix a time and place for proceedings, which shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(3) *On and after January 1, 2027, investigation of a licensee or applicant shall be considered closed 22 months after the date that the board is first made aware of any licensee's or applicant's alleged violation of the nurse practice act or rules and regulations adopted pursuant to that act, unless a disciplinary action has been filed against the licensee or applicant, the licensee has entered into a consent agreement or diversion program or a licensee or applicant has caused significant delay in the investigation. A closed investigation shall not be reopened. Records from a closed investigation may be used by the board in a new investigation if the allegation of the same nature is made against such licensee or applicant.*

~~(c)~~(d) *Witnesses.* No person shall be excused from testifying in any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state except the crime of perjury as defined in K.S.A. 21-5903, and amendments thereto.

~~(d)~~(e) *Costs.* If final agency action of the board in a proceeding under this section is adverse to the applicant or licensee, the costs of the board's proceedings shall be charged to the applicant or licensee as in ordinary civil actions in the district court, but if the board is the unsuccessful party, the costs *and 50% of reasonable attorney fees* shall be paid by the board. Witness fees and costs may be taxed by the board according to the statutes relating to procedure in the district court. All costs accrued by the board, when it is the successful party, and ~~which~~ *that* the attorney general certifies cannot be collected from the applicant or licensee shall be paid from the board of nursing fee fund. *The board shall not collect any fees for costs accrued by use of an administrative law judge unless all board*

members were unable to conduct a hearing due to a conflict of interest. All moneys collected following board proceedings shall be credited in full to the board of nursing fee fund.

(e)(f) *Professional incompetency defined.* As used in this section, “professional incompetency” means:

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

(2) repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(f)(g) *Criminal justice information.* The board upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board in accordance with K.S.A. 2025 Supp. 22-4715, and amendments thereto.

Sec. 6. K.S.A. 65-1120a is hereby amended to read as follows: 65-1120a. (a) A person whose license has been revoked may apply for reinstatement of the license after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form approved by the board and shall be accompanied by a reinstatement fee established by the board under K.S.A. 65-1118, and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement of the license. If the board determines a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

(b) On or before January 8, 2018, and on or before the first day of the regular session of the Kansas legislature each year thereafter, the board of nursing shall submit a written report to the *Kansas legislative research department and send a digital version or ensure that a digital version of such report is sent to each member of the senate standing committee on public health and welfare and the house of representatives standing committee on health and human services, or their successor committees*, that includes on an anonymous but individual and itemized basis: The number of individuals who applied for reinstatement of a revoked license during the immediately

preceding calendar year; the amount of moneys charged to each such applicant; the number of such reinstatement applications that were granted and denied; and the basis given to deny any such reinstatement application.

(c) This section shall be *a* part of and supplemental to the Kansas nurse practice act.

Sec. 7. K.S.A. 2025 Supp. 65-1127 is hereby amended to read as follows: 65-1127. (a) A licensee shall report to the board of nursing any information the licensee may have relating to alleged incidents of malpractice or the qualifications, fitness or character of a person licensed to practice professional nursing or licensed to practice practical nursing, including persons holding a multi-state license under the nurse licensure compact. No person reporting to the board of nursing, under oath and in good faith *under the totality of the circumstances*, any information *that* such person may have relating to alleged incidents of malpractice or the qualifications, fitness or character of a person licensed to practice professional nursing or licensed to practice practical nursing shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association of registered professional nurses or licensed practical nurses and the individual members of any committee thereof *that, which* in good faith *under the totality of the circumstances*, investigates or communicates information pertaining to the alleged incidents of malpractice or the qualifications, fitness or character of any licensee or registrant to the board of nursing or to any committee or agent thereof; shall be immune from liability in any civil action; that is based upon such information or transmittal of information if the investigation and communication was made in good faith *under the totality of the circumstances* and did not represent as true any matter not reasonably believed to be true *or omit any known material fact*.

(c) *The board of nursing shall not take or fail to take, or threaten to take or fail to take, any action against a licensee or applicant, harass or in any other manner retaliate against such licensee or applicant because of lawful acts undertaken in good faith by such licensee or applicant, including:*

(1) *Making public or private statements about the board of nursing, any of the board's current or former members, agents, employees or individuals considered for nomination to the board;*

(2) *disclosing information that the licensee or applicant reasonably believes is evidence of a violation of a law or rule and regulation, gross mismanagement, waste of public funds, abuse of authority or a substantial and specific danger to public health and safety;*

(3) *exercising any appeal, complaint or grievance right granted by state or federal law or rule and regulation or providing assistance to an individual exercising such rights; or*

(4) *testifying or providing assistance to a law enforcement agency, a court, the Kansas legislature or any agency or entity with legal authority to investigate or provide oversight to the board of nursing.*

(d) (1) *An individual aggrieved by a violation of this section shall have a private cause of action for actual damages, injunctive relief and any other appropriate relief. Any action commenced under this section shall be brought within two years following the violation.*

(2) *In an action brought for a violation of this section, a prevailing plaintiff shall recover damages for actual damages, noneconomic damages, including pain and suffering, economic injuries and losses, including future losses or \$10,000, whichever is greater, and the cost of the suit, including reasonable attorney fees.*

Sec. 8. K.S.A. 65-1131 is hereby amended to read as follows: 65-1131.

(a) (1) *Licensure.* Upon application to the board by any professional nurse in this state and upon satisfaction of the standards and requirements established by the board under K.S.A. 65-1130, and amendments thereto, the board may issue a license to such applicant authorizing the applicant to perform the duties of an advanced practice registered nurse as defined by the board under K.S.A. 65-1130, and amendments thereto.

(2) The board may issue a license to practice nursing as an advanced practice registered nurse to an applicant who has been duly licensed or certified as an advanced practice registered nurse under the laws of another state or territory if, in the opinion of the board, the applicant meets the licensure qualifications required of an advanced practice registered nurse in this state. Verification of the applicant's licensure or certification status shall be required from the original state of licensure or certification.

(3) (A) An application to the board for a license, a license with temporary permit, renewal of a license, *late renewal of a license* and reinstatement of a license shall be upon such ~~form~~ forms and contain such information as the board may require and ~~shall be~~ accompanied by a fee; to be established by rules and regulations adopted by the board, to assist in defraying the expenses in connection with the issuance of licenses as advanced practice registered nurses, in an amount fixed by the board under K.S.A. 65-1118, and amendments thereto. *A renewal application shall require a licensee to provide such licensee's current contact information, including name, address, phone number and email address. A licensee shall notify the board of a change in name or contact information.*

(B) *Once the requirements of this paragraph have been met, a digital notification of submission that contains a receipt for payment of any fees shall promptly be sent to the applicant. If the board has received all of the requirements for renewal licensure under this subsection, the board shall verify accuracy of the application and grant a renewal license within five*

business days after the applicant has submitted all requirements. If the board grants a renewal license or a late renewal license, a digital notification of such renewal shall be sent to the applicant.

(4) An application for initial licensure or endorsement will be held awaiting completion of meeting qualifications for a time period specified in rules and regulations.

(5) The executive administrator of the board shall remit all moneys received pursuant to this section to the state treasurer as provided by K.S.A. 74-1108, and amendments thereto.

(b) The board may grant a one-time temporary permit to practice as an advanced practice registered nurse for a period of not more than 180 days pending completion of the application for a license.

(c) *Exempt license.* The board may issue an exempt license to any advanced practice registered nurse as defined in rules and regulations who makes written application for such license on a form provided by the board, who remits a fee as established pursuant to K.S.A. 65-1118, and amendments thereto, and who is not regularly engaged in advanced practice registered nursing in Kansas but volunteers advanced practice registered nursing services or is a charitable healthcare provider as defined by K.S.A. 75-6102, and amendments thereto. Each exempt advanced practice registered nurse shall be subject to all provisions of the nurse practice act. Each exempt license may be renewed biennially subject to the provisions of this section. To convert an exempt license to an active license, the exempt advanced practice registered nurse shall meet all the requirements of subsection (a) or K.S.A. 65-1132, and amendments thereto. An advanced practice registered nurse who has been granted an exempt license pursuant to this subsection shall be exempt from the requirements of K.S.A. 40-3402 and 40-3404, and amendments thereto.

(d) *Inactive license.* The board may issue an inactive license to any advanced practice registered nurse as defined in rules and regulations who makes written application for such license on a form provided by the board, who remits a fee as established pursuant to K.S.A. 65-1118, and amendments thereto, and who is not regularly engaged in advanced practice registered nursing in Kansas. The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by K.S.A. 65-1117 and 65-1132, and amendments thereto. An inactive license shall not entitle the holder to engage in advanced practice registered nursing in this state. Each inactive license may be renewed subject to the provisions of this section. An inactive licensee may apply for a license to regularly engage in advanced practice registered nursing upon filing a written reinstatement application with the board. The application shall be on a form provid-

ed by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-1118, and amendments thereto. An applicant for a license to practice as an advanced practice registered nurse who has not been licensed to practice advanced practice registered nursing for five years preceding application shall be required to successfully complete a refresher course as defined by the board. The board shall by rules and regulations establish appropriate continuing education requirements for inactive licensees to become licensed to regularly engage in advanced practice registered nursing in this state. An advanced practice registered nurse who has been granted an inactive license pursuant to this subsection shall be exempt from the requirements of K.S.A. 40-3402 and 40-3404, and amendments thereto.

(e) The board shall have authority to adopt rules and regulations to carry out the provisions of this section.

Sec. 9. K.S.A. 65-1132 is hereby amended to read as follows: 65-1132.

(a) *(1) Except as further provided by this section, all licenses issued under the provisions of this act, whether initial or renewal, shall ~~expire~~ have a renewal date set every two years. The ~~expiration~~ renewal date shall be established by rules and regulations of the board.*

(2) The board shall send a notice for renewal of a license to every advanced practice registered nurse at least 60 days prior to the ~~expiration~~ renewal date of such person's license, unless such licensee elects to opt out of such notice of renewal being sent to such licensee. The board shall send a digital notice for renewal of license to every registered advanced practice registered nurse at least 60 and seven days prior to the renewal date of such person's license. If a licensee has already renewed the license, no notice shall be sent.

(3) Every person who desires to renew such license shall file with the board, on or before the renewal date of ~~expiration~~ of such license:

(1)(A) A renewal application together with the prescribed biennial renewal fee;

(2)(B) evidence of completion of continuing education in the advanced practice registered nurse role, which has met the continuing education requirement for an advanced practice registered nurse as developed by the board or by a national organization whose certifying standards are approved by the board as equal to or greater than the corresponding standards established by the board. These continuing education credits approved by the board may be applied to satisfy the continuing education requirements established by the board for licensed professional nurses under K.S.A. 65-1117, and amendments thereto, if the board finds such continuing education credits are equivalent to those required by the board under K.S.A. 65-1117, and amendments thereto; and

(3)(C) proof of evidence of current licensure as a professional nurse.

(4) (A) Upon receipt of such application and payment of any applicable fee, and upon being satisfied that the applicant for renewal of a license meets the requirements established by the board under K.S.A. 65-1130, and amendments thereto, in effect at the time of initial qualification of the applicant, the board shall verify the accuracy of the application and grant a renewal license.

(B) Once the requirements of this paragraph have been met, a digital notification of submission that contains a receipt for payment of any fees shall promptly be sent to the applicant or licensee. If the board grants a renewal license or a late renewal license, a digital notification of such renewal shall be sent to the applicant or licensee.

(b) (1) ~~Any~~ If a person who fails to ~~secure~~ complete a renewal license prior to the ~~expiration~~ renewal date of the license, ~~may secure a reinstatement of such lapsed license by making~~ the board shall provide such person notice of the failure to complete a renewal license, which shall include information that:

(A) The license shall be considered lapsed and the person shall not be eligible to practice if not renewed within 30 days following the renewal date;

(B) ~~upon receipt of the renewal application therefor~~ on a form provided by the board, ~~upon~~ furnishing proof that the applicant is competent and qualified to act as an advanced practice registered nurse and ~~upon~~ by satisfying all of the requirements for ~~reinstatement~~ late renewal, including payment to the board of a ~~reinstatement~~ late renewal fee as established by the board, *within the 30-day period, the board shall verify the accuracy of the application and grant a renewal license within five business days after the applicant complies with the requirements of this clause; and*

(C) *if both fees are not received within the 30-day period, the license shall be considered lapsed and the person shall not be eligible to practice by operation of law and without further proceedings.*

(2) A license shall remain valid and active during the 30-day period following the renewal date.

(3) If a licensee who has been provided notice of failure to renew does not renew within 30 days following the renewal date and has not submitted an affidavit or a request for inactive license as specified in subsection (a)(3), the board shall digitally send a survey to such person requesting the reason for nonrenewal.

(4) If the board determines that an applicant or licensee is not qualified for licensure or renewal or payment has not been received, the board's sole recourse is to withhold licensure or renewal until such time that the licensee or applicant is qualified and payment is received. If the board makes a determination that an applicant or licensee is not qualified for licensure, the board shall promptly inform the applicant or licensee.

Sec. 10. K.S.A. 2025 Supp. 74-1106 is hereby amended to read as follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall appoint, *subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto*, a board consisting of 11 members of which six shall be registered professional nurses or *advanced practice registered nurses*, two shall be licensed practical nurses and three shall be members of the general public, ~~which~~. *The 11 members* shall constitute a board of nursing, with the duties, power and authority set forth in this act.

(2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.

(3) On the effective date of this act, the Kansas federation of licensed practical nurses shall submit to the governor a list of licensed practical nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for a term of four years and until a successor is appointed and qualified.

(4) Each member of the general public shall be appointed for a term of four years and successors shall be appointed for a like term.

(5) Whenever a vacancy occurs on the board of nursing, it shall be filled by appointment for the remainder of the unexpired term in the same manner as the preceding appointment. No person shall serve more than two consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on such board.

(b) *Qualifications of members.* (1) Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five years' experience in nursing as such and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state with at least five years' experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nurse membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced practice registered nurse or a registered nurse anesthetist. The consumer members shall represent the interests of

the general public. At least one consumer member shall not have been involved in providing healthcare. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

(2) *A member shall not serve on the board while also elected to the office of the governor or attorney general or a member of the legislature.*

(c) *Duties and powers.* (1) The board shall meet annually at Topeka during the month of September and shall elect from its members a president, vice-president and secretary, each of whom shall hold their respective offices for one year. The board shall employ an executive administrator, who shall be a registered professional nurse, who shall not be a member of the board and who shall be in the unclassified service under the Kansas civil service act, and shall employ such other employees, who shall be in the classified service under the Kansas civil service act as necessary to carry on the work of the board. The information technology and operational staff shall remain employees of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.

(2) (A) The board shall adopt rules and regulations consistent with this act necessary to carry into effect the provisions thereof, and such rules and regulations may be published and copies thereof furnished to any person upon application.

(B) *Except for rules and regulations revoked pursuant to K.S.A. 77-426(d), and amendments thereto, prior to the adoption, amendment or repeal of any permanent rule and regulation, the board shall provide at least 60 days' notice via email of such board's intended action to all licenses who have an email on file with the board.*

(3) The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and approve courses as meet the requirements of the appropriate act and rules and regulations of the board.

(4) The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or approval of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or approval of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each

year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through institutes, conferences and other means.

(5) The board shall have a seal of which the executive administrator shall be the custodian. The president and the secretary shall have the power and authority to administer oaths in transacting business of the board, and the secretary shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or licenses granted or revoked, which register shall be open at all times to public inspection.

(6) The board may enter into contracts as may be necessary to carry out its duties.

(7) The board is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts. The board shall remit all moneys received by it under this paragraph ~~(7)~~ 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 grants and gifts fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.

(8) A majority of the board of nursing including two professional nurse members shall constitute a quorum for the transaction of business.

(d) *Subpoenas.* In all investigations and proceedings, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all relevant and necessary papers, books, records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which such person may be lawfully questioned or to produce any books, papers, records, documentary evidence or relevant materials in the matter, after having been required by order of the board or by a subpoena of the board to do so, upon application by the board to any district judge in the state, may be ordered by such judge to comply therewith. Upon failure to comply with the order of the district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by the court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.

(e) *Compensation and expenses.* Members of the board of nursing attending meetings of such board, or attending a subcommittee meet-

ing thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. No member of the board of nursing shall be paid an amount as provided in K.S.A. 75-3223, and amendments thereto, if such member receives an amount from another governmental or private entity for the purpose for which such amount is payable under K.S.A. 75-3223, and amendments thereto.

(f) *Removal of members. Members of the board of nursing shall serve at the pleasure of the governor.*

(g)(1) *The terms of the members who are serving on the board on July 1, 2026, shall expire on July 1, 2026.*

(2) *Prior to July 1, 2026, the governor shall appoint interim members of the board who meet the requirements described in this section. Such interim members shall serve between July 1, 2026, and the first day of the 2027 regular legislative session.*

(3) *Prior to the first day of the 2027 regular legislative session, the governor shall appoint members of the board who meet the requirements described in this section. Such members shall serve on and after the first day of the 2027 regular legislative session, while such members are awaiting confirmation by the senate. If confirmed, such members shall serve for the terms described in subsection (a).*

Sec. 11. K.S.A. 74-1108 is hereby amended to read as follows: 74-1108. (a) The executive administrator of the board of nursing shall remit all moneys received by the board from fees, charges or penalties, *disciplinary fines, disciplinary fees, costs or any other source* other than moneys received under K.S.A. 74-1109, 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. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the board of nursing fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

(b) *Upon request, the board of nursing shall issue a refund from the board of nursing fee fund to an applicant or licensee under reasonable circumstances, including an overpayment or duplicate payment made by such applicant or licensee.*

Sec. 12. K.S.A. 74-1110 is hereby amended to read as follows: 74-1110. (a) The board of nursing, in addition to any other penalty prescribed by law, may assess a civil fine, after proper notice and an opportunity to be heard, against any person granted a license, certificate of qualification or

authorization to practice by the board of nursing for *committing* a violation of a law or rule and regulation ~~applicable to the practice~~ *arising from the practice of nursing as defined in K.S.A. 65-1113, and amendments thereto*, for which such person has been granted a license, certificate of qualification or authorization by the board, *if such violation is proven by clear and convincing evidence*, in an amount of not to exceed \$1,000 for the first violation, \$2,000 for the second violation and \$3,000 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 state general fund.

(b) The board shall not assess a fine for any activity related to an initial or renewal licensure.

Sec. 13. K.S.A. 65-1119, 65-1120a, 65-1131, 65-1132, 74-1108 and 74-1110 and K.S.A. 2025 Supp. 65-1117, 65-1118, 65-1120, 65-1127 and 74-1106 are hereby repealed.

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

Approved April 7, 2026.

Published in the *Kansas Register* April 16, 2026.

CHAPTER 74

HOUSE BILL No. 2739
(Amended by Chapter 155)

AN ACT concerning housing; relating to housing code requirements; modifying the applicability of design and construction standards and doorway and other interior accessibility requirements; providing certain such state specifications not applicable to moderate income housing program and Kansas investor tax credit housing act projects; relating to fire safety and prevention rules and regulations; removing the definition of apartment houses from chapter 31 of the Kansas Statutes Annotated; providing requirements for adoption of the international fire code, 2024 edition; amending K.S.A. 31-133, 31-134 and 58-1401 and repealing the existing sections; also repealing K.S.A. 31-132a.

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

Section 1. K.S.A. 31-133 is hereby amended to read as follows: 31-133. (a) The state fire marshal shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from fire, explosion and hazardous materials. Such rules and regulations shall include, but not be limited to, the following:

(1) The keeping, storage, use, sale, handling, transportation or other disposition of highly flammable materials, including crude petroleum or any of its products, natural gas for use in motor vehicles, and of explosives, including gunpowder, dynamite, fireworks and firecrackers. Any such rules and regulations may prescribe the materials and construction of receptacles and buildings to be used for any of such purposes;

(2) the transportation of liquid fuel over public highways in order to provide for the public safety in connection therewith;

(3) the construction, maintenance and regulation of exits and fire escapes from buildings and all other places in which people work, live or congregate from time to time for any purpose, ~~including apartment houses, as defined by K.S.A. 31-132a, and amendments thereto.~~ Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(4) the installation and maintenance of equipment intended for fire control, detection and extinguishment in all buildings and other places in which persons work, live or congregate from time to time for any purpose; ~~including apartment houses as defined by K.S.A. 31-132a, and amendments thereto.~~ Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(5) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to conduct at least four fire drills each school year at some time during school hours, aside from the regular dismissal at the close of the day's session, and prescribing the manner in which such fire drills are to be conducted;

(6) procedures for the reporting of fires and explosions occurring within the state and for the investigation thereof;

(7) procedures for reporting by healthcare providers of treatment of second and third degree burn wounds involving 20% or more of the victim's body and requiring hospitalization of the victim, which reporting is hereby authorized notwithstanding any provision of K.S.A. 60-427, and amendments thereto, to the contrary;

(8) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to establish tornado procedures. Such procedures shall:

(A) Provide for at least two tornado drills to be conducted each school year, of which one shall be conducted in September and one shall be conducted in March, at some time during school hours, aside from the regular dismissal at the close of the day's session;

(B) describe the manner in which such tornado drills are to be conducted; and

(C) shall be subject to approval by the state fire marshal;

(9) requiring administrators of community colleges, colleges and universities to establish tornado procedures, which procedures shall be subject to approval by the director of the disaster agency of the county;

(10) the development and implementation of a statewide system of hazardous materials assessment and response;

(11) the use of pyrotechnics, pyrotechnic devices and pyrotechnic materials;

(12) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to conduct at least three crisis drills each school year at some time during school hours, aside from the regular dismissal at the close of the day's session. The manner in which such crisis drills are conducted may be subject to approval by the safe and secure schools unit of the Kansas department of education; and

(13) other safeguards, protective measures or means adapted to render inherently safe from the hazards of fire or the loss of life by fire any building or other place in which people work, live or congregate from time to time for any purpose, except buildings used wholly as dwelling houses containing no more than two families.

(b) Any rules and regulations of the state fire marshal adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes.

(c) The rules and regulations adopted pursuant to this section shall allow facilities in service prior to the effective date of such rules and regulations, and not in strict conformity therewith, to continue in service, so long as such facilities are not determined by the state fire marshal to

constitute a distinct hazard to life or property. Any such determination shall be subject to the appeal provisions contained in K.S.A. 31-140, and amendments thereto.

(d) The state fire marshal may grant an exemption pursuant to K.S.A. 31-136, and amendments thereto, that authorizes a variance for the number or manner of drills conducted pursuant to subsection (a)(5), (8) or (12) for students receiving special education or related services.

Sec. 2. K.S.A. 31-134 is hereby amended to read as follows: 31-134. (a) Any rules and regulations adopted by the state fire marshal under this act shall comply with the provisions of K.S.A. 77-415 et seq., and amendments thereto, except that:

(1) In addition to the method of providing notice of the public hearing prescribed by K.S.A. 77-421, and amendments thereto, such notice shall be published three times in at least two newspapers of general circulation, with the last published notice to appear not less than 15 days prior to the public hearing.

(2) The state fire marshal shall make available for general distribution upon request copies of any nationally recognized code adopted by reference, marked so as to indicate the provisions thereof which have been so adopted. The state fire marshal may charge a fee for the copies in an amount equal to the cost of the copies and their distribution. Upon collection of any such fees, the state fire marshal shall remit to the state treasurer such fees in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount in the state treasury. The state treasurer shall credit 10% of each such deposit to the state general fund and shall credit the remainder of each such deposit to the fire marshal fee fund.

(3) In addition to the filing requirements of K.S.A. 77-416, and amendments thereto, the state fire marshal shall publish all such rules and regulations and make the same available for distribution to the general public upon request, but the fire marshal shall not be required to republish the provisions of any nationally recognized code adopted by reference if such provisions are made available for general distribution upon request to the fire marshal's office.

(4) *Any rules and regulations adopted by the state fire marshal pursuant to K.S.A. 77-416, and amendments thereto, to update the Kansas fire prevention code with the provisions of the international fire code, 2024 edition, with appropriate amendments, shall not be subject to the requirements for submission and review of an economic impact statement under K.S.A. 77-416 or 77-420, and amendments thereto. Any proposed rules and regulations submitted to the attorney general pursuant to this paragraph and in accordance with K.S.A. 77-420, and amendments thereto, shall be reviewed by the attorney general within 120 days after submis-*

sion of such proposed rules and regulations by the state fire marshal. Such rules and regulations shall still be subject to ratification by the legislature pursuant to K.S.A. 2025 Supp. 77-441, and amendments thereto.

(b) The rules and regulations adopted by the state fire marshal under authority of this act shall be known and may be cited as the Kansas fire prevention code. Such rules and regulations shall have uniform force and effect throughout the state. No municipality shall enact or enforce any ordinance, resolution or rule or regulation inconsistent therewith, except that nothing in this act shall be construed to impair the power of any municipality to regulate the use of land by zoning or fire district regulations or to prohibit or regulate the sale, handling, use or storage of fireworks within its boundaries. Whenever a question shall arise as to whether another state statute or an enactment of a municipality is inconsistent with the provisions of the fire prevention code, it shall be the duty of the state fire marshal to make such determination after a hearing thereon with all interested parties conducted in accordance with the provisions of the Kansas administrative procedure act. Any action of the state fire marshal pursuant to this section is subject to review in accordance with the Kansas judicial review act.

Sec. 3. K.S.A. 58-1401 is hereby amended to read as follows: 58-1401. As used in this act:

(a) “Dwelling” means any single family residence and each individual living unit in a duplex or triplex residential building which is constructed with public financial assistance.

(b) “Public financial assistance” means:

(1) A building contract or similar contractual agreement with any state agency;

(2) any real estate received by the owner through a donation by the state;

(3) state tax credits, *except for tax credits pursuant to the Kansas housing investor tax credit act, K.S.A. 79-32,310 et seq., and amendments thereto;*

(4) grant assistance from state funds, *except for grant assistance from the Kansas moderate income housing program, administered by the Kansas housing resources corporation with funding from the state housing trust fund pursuant to K.S.A. 12-5256, and amendments thereto, and appropriations acts;*

(5) state loan guarantees; or

(6) federal funds administered by the state or a state agency.

(c) “Director” means the director of the division of housing in the Kansas development finance authority.

Sec. 4. K.S.A. 31-132a, 31-133, 31-134 and 58-1401 are hereby repealed.

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

Approved April 7, 2026.

Published in the *Kansas Register* April 16, 2026.

CHAPTER 75

House Substitute for SENATE BILL No. 260
(Amended by Chapter 155)

AN ACT concerning elections; relating to campaign finance; concerning a vacancy in the joint candidacy of the governor and lieutenant governor; relating to reasons for withdrawal of candidacy from national, state and local offices; relating to the election of the board of directors of certain irrigation districts; specifying when such elections may be conducted by the mail ballot election law; relating to the crime of corrupt political advertising; removing the requirement that treasurers be listed in political advertising attributions; clarifying campaign finance reports regarding vendor information; amending K.S.A. 25-306b, 25-2020, 25-2106, 25-2407, 25-4003, 25-4148, 25-4156, 42-706 and 71-1414 and K.S.A. 2025 Supp. 25-432 and repealing the existing sections.

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

Section 1. K.S.A. 25-306b is hereby amended to read as follows: 25-306b. (a) Except as provided by this section, no person who has been nominated by any means for any national, state, county or township office may be withdrawn from nomination after the day of the primary election.

(b) (1) A person who has been nominated by any means for any national, state, county or township office may be withdrawn from nomination if:

(A) The nominee certifies to the secretary of state that such nominee is withdrawing from nomination because of a severe medical hardship on the nominee or the nominee's immediate family. Such nominee shall send the secretary a certification of the severe medical hardship signed by a medical doctor; or

(B) the nominee certifies to the secretary of state that the nominee does not reside in the state of Kansas, *or in the county or district in which the candidate was nominated.*

(2) If the secretary of state receives either of the certifications listed in paragraph (A) or (B) from a nominee on or before the first day of September following a primary election, such nominee's name shall be withdrawn from nomination and such nominee's name shall not be printed on the ballots for such office for the general election. The secretary of state, in the case of national and state offices, or the county election officer in the case of county or township offices, shall notify the chairperson or the vice-chairperson of the party committee of the congressional district, county or state, as the case may be, of such vacancy within 48 hours of receiving a certification listed in paragraph (1)(A) or (B).

(c) In the case of the death of a person who has been nominated for any national, state, county or township office, which occurs on or before the first day of September following a primary election, such nominee's name shall be withdrawn from nomination and such nominee's name shall not be printed on the ballots for such office for the general election. The secretary of state in the case of national and state offices, or the county

election officer in the case of county or township offices, shall notify the chairperson or the vice-chairperson of the party committee of the congressional district, county or state, as the case may be, of such vacancy within 48 hours of receiving notification of such death.

Sec. 2. K.S.A. 2025 Supp. 25-432 is hereby amended to read as follows: 25-432. *(a) Except as otherwise provided*, an election shall not be conducted under this act unless:

~~(a)(1)~~ 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;

~~(b)(2)~~ the election is nonpartisan;

~~(c)(3)~~ the election is not one at which any candidate is elected, retained or recalled;

~~(d)(4)~~ 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

~~(e)(5)~~ the election is a question submitted election 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)(A)~~ Counties;

~~(2)(B)~~ cities;

~~(3)(C)~~ school districts, except in an election held pursuant to K.S.A. 72-635 et seq., and amendments thereto;

~~(4)(D)~~ townships;

~~(5)(E)~~ benefit districts organized under K.S.A. 31-301, and amendments thereto;

~~(6)(F)~~ cemetery districts organized under K.S.A. 15-1013 or 17-1330, and amendments thereto;

~~(7)(G)~~ community college districts organized under K.S.A. 71-1101 et seq., and amendments thereto;

~~(8)(H)~~ fire districts organized under K.S.A. 19-3601 or 80-1512, and amendments thereto;

~~(9)(I)~~ hospital districts;

~~(10)(J)~~ improvement districts organized under K.S.A. 19-2753, and amendments thereto;

~~(11)(K)~~ Johnson county park and recreation district organized under K.S.A. 19-2859, and amendments thereto;

~~(12)(L)~~ water districts organized under K.S.A. 19-3501 et seq., and amendments thereto;

~~(13)(M)~~ transportation development districts created pursuant to K.S.A. 12-17,140 et seq., and amendments thereto; or

~~(14)(N)~~ any tract of land annexed pursuant to K.S.A. 12-521, and amendments thereto.

(b) The election of irrigation district directors pursuant to K.S.A. 42-706, and amendments thereto, may be conducted by mail ballot in accordance with this act.

Sec. 3. K.S.A. 25-2020 is hereby amended to read as follows: 25-2020.
(a) (1) When a district method of election is in effect in any school district, a person may become a candidate for election to board member by any one of the following methods:

~~(1)(A)~~ Any person who is an elector in any member district may petition to be a candidate for board member from the member district in which such person resides. Any such person shall file with the county election officer, a petition for such candidacy signed by not less than 50 electors residing in such member district or by a number of such electors equal to not less than 10% of the electors residing in such member district, whichever is less.

~~(2)(B)~~ Any person who is an elector in any school district may petition to be a candidate for board member at-large from the school district in which such person resides. Any such person shall file with the county election officer, a petition for such candidacy signed by not less than 50 electors residing in such school district.

~~(3)(C)~~ Any person who is an elector in any member district may become a candidate for board member from the member district in which such person resides by filing with the county election officer a declaration of intention to become such a candidate, and payment therewith of a filing fee in the amount of \$20. Such declaration shall be prescribed by the secretary of state.

~~(4)(D)~~ Any person who is an elector in any school district may become a candidate for board member at-large from the school district in which such person resides by filing with the county election officer a declaration of intention to become such a candidate, and payment therewith of a filing fee in the amount of \$20. Such declaration shall be prescribed by the secretary of state.

~~(5)(2)~~ Any such petition or declaration shall specify the member position for which the person is a candidate.

(b) (1) When the election at large method is in effect in any school district, a person may become a candidate for election to board member by either one of the following methods:

~~(1)(A)~~ Any person who is an elector of the school district may petition to be a candidate for board member. Any such person shall file with the county election officer a petition for such candidacy signed by not less than 50 electors residing in the school district.

~~(2)(B)~~ Any person who is an elector in the unified school district may

become a candidate for board member by filing with the county election officer a declaration of intention to become such a candidate, and payment therewith of a filing fee in the amount of \$20. Such declaration shall be prescribed by the secretary of state.

~~(3)(2)~~ Any such petition or declaration ~~which~~ *that* is for an unexpired term of a member shall so specify.

(c) (1) Any such petition or declaration of intent ~~must~~ *shall* be filed before the filing deadline as prescribed in K.S.A. 25-205, and amendments thereto. No candidate shall be permitted to withdraw from candidacy after the filing deadline, *except that a candidate shall be withdrawn from an election if:*

(A) *The candidate certifies to the county election officer that such candidate is withdrawing because of severe medical hardship on the candidate or the candidate's immediate family. Such candidate shall send the county election officer a certification of the severe medical hardship signed by a physician; or*

(B) *the candidate certifies to the county election officer that such candidate no longer resides in the district for which the candidate filed for office.*

(2) *If the county election officer receives a certification as described in subparagraph (1) on or before September 1 of the year of the election, such candidate's name shall be withdrawn and shall not be printed on the ballots.*

(3) *If a candidate dies on or before September 1 of the year of the election, such candidate's name shall be withdrawn and shall not be printed on the ballots.*

(d) Within three days from the date of the filing of a nomination petition or a declaration of intention to become a candidate for board member, the county election officer shall determine the validity of such petition or declaration.

(e) If a nomination petition or declaration is found to be invalid, the county election officer shall notify the candidate on whose behalf the petition or declaration was filed that such nomination petition or declaration has been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the county election officer in accordance with K.S.A. 25-308, and amendments thereto.

Sec. 4. K.S.A. 25-2106 is hereby amended to read as follows: 25-2106. (a) "Filing deadline" means the hour, date or time after which it is provided by law *that* no person may become a candidate for election to public office. ~~After the effective date of this act,~~

(b) (1) No candidate shall be permitted to withdraw ~~his~~ *from* candidacy after the filing deadline, *except that a candidate shall be withdrawn from an election if:*

(A) *The candidate certifies to the county election officer that such candidate is withdrawing because of severe medical hardship on the candidate or the candidate's immediate family. Such candidate shall send the county election officer a certification of the severe medical hardship signed by a physician; or*

(B) *the candidate certifies to the county election officer that such candidate no longer resides in the district for which the candidate filed for office.*

(2) *If the county election officer receives a certification as described in subparagraph (1) on or before the September 1 of the year of the election, such candidate's name shall be withdrawn and shall not be printed on the ballots.*

(3) *If a candidate dies on or before September 1 of the year of the election, such candidate's name shall be withdrawn and shall not be printed on the ballots.*

Sec. 5. K.S.A. 25-2407 is hereby amended to read as follows: 25-2407. Corrupt political advertising is:

(a) (1) Publishing or causing to be published in a newspaper or other periodical any paid matter ~~which~~ *that* expressly advocates the nomination, election or defeat of any candidate, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or

(2) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of any candidate, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson ~~or treasurer~~ of the political or other organization sponsoring the same or the name of the person who is responsible therefor; or

(3) publishing or causing to be published in a newspaper or other periodical any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor;

(4) broadcasting or causing to be broadcast by any radio or television station any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed

by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson ~~or treasurer~~ of the political or other organization sponsoring the same or the name of the person who is responsible therefor; or

(5) publishing or causing to be published any brochure, flier or other political fact sheet which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson ~~or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

(b) Corrupt political advertising is a class C misdemeanor.

(c) For the purposes of this section, the term "expressly advocate the nomination, election or defeat of a candidate" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 25-4143, and amendments thereto.

Sec. 6. K.S.A. 25-4003 is hereby amended to read as follows: 25-4003. (a) The candidates for governor and lieutenant governor shall be nominated and elected jointly as provided in this act.

(b) *No vacancy in the candidacy of governor or lieutenant governor shall be filled after a joint candidacy has been filed with the secretary of state. If such vacancy occurs for any reason, then such joint candidacy is terminated. The remaining candidate may file a new joint candidacy with another individual in accordance with all statutory requirements for such filing, including payment of the filing fee.*

Sec. 7. K.S.A. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a ~~state-wide statewide~~ basis, shall be filed ~~in both~~ with the office of the secretary of state. Reports filed by treasurers for candidates for ~~state-wide statewide~~ office shall be filed electronically and only with the secretary of state. Reports filed by treasurers for candidates for local office 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. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year; *and*

(5) a treasurer shall file only the annual report required by ~~subsection paragraph~~ (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each;

(8) the names and addresses of all persons to whom any loan or advance has been made;

(9) when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show ~~in detail the name of each such vendor and the amount, date and purpose of the payments to each~~ *the amount, the date and purpose of each such expenditure*;

~~(8)(10)~~ (10) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$100 and is not otherwise reported under subsection (b)(7), (b)(8) or (b)(9), and the amount, date and purpose of the contribution;

~~(9)~~(11) the aggregate of all expenditures not otherwise reported under this section; and

~~(10)~~(12) the total of expenditures.

(c) In addition to the requirements of subsection (b), every treasurer for any political committee and party committee shall report the following:

(1) (A) The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of \$300, with the amount, date and purpose of each. The report shall show in detail the specific service or product provided; and

(B) the name and address of each candidate for state or local office who is the subject of an expenditure ~~which~~ *that*:

(i) Is made without the cooperation or consent of a candidate or candidate committee;

(ii) expressly advocates the nomination, election or defeat of such candidate; and

(iii) is an aggregate amount or having a fair market value in excess of \$300.

(2) The report shall state the amount, date and purpose of the expenditure in the form of an in-kind contribution. The report shall show in detail the specific service or product provided. The reporting requirements imposed by this subsection shall be in addition to all other requirements required by this section.

(d) Treasurers of candidates and of candidate committees shall itemize the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

(e) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, a description of the connection to or affiliation with such organization. If, the committee is not connected or affiliated with any one organization, the report shall state the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(f) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions. The notice of the errors or omis-

sions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(g) The commission may require any treasurer to file a report for any period for which the required report is not on file. The notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

(h) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.

(i) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

(j) Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.

Sec. 8. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Except as provided in paragraph (2), corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson ~~or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement that states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson ~~or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(C) telephoning or causing to be contacted by any telephonic means including, but not limited to, any device using a voice over internet pro-

tol or wireless telephone, any paid matter that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is preceded by a statement that states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson ~~or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(D) publishing or causing to be published any brochure, flier or other political fact sheet that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement that states: "Paid for" or "Sponsored by" followed by the name of the chairperson ~~or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subparagraph ~~(D)~~ requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year; or

(E) making or causing to be made any website, e-mail or other type of internet communication that expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless the matter is followed by a statement that states: "Paid for" or "Sponsored by" followed by the name of the chairperson ~~or treasurer~~ of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subparagraph ~~(E)~~ requiring the disclosure of the name of an individual shall apply only to any website, email or other type of internet communication that is made by the candidate, the candidate's candidate committee, a political committee or a party committee and the website, email or other internet communication viewed by or disseminated to at least 25 individuals. For the purposes of this subparagraph, the terms "candidate," "candidate committee," "party committee" and "political committee" ~~shall have the meanings ascribed to them~~ *means the same as defined in K.S.A. 25-4143, and amendments thereto.*

(2) The provisions of ~~subsections~~ *subsection* (b)(1)(C) and (E) shall not apply to the publication of any communication that expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office, if such communication is made over any social media provider which has a character limit of 280 characters or fewer.

(3) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section that can be given effect without

the invalid application or provision, and to this end the provisions of this section are declared to be severable.

Sec. 9. K.S.A. 42-706 is hereby amended to read as follows: 42-706. (a) The officers of ~~such an irrigation~~ *district established under K.S.A. 42-704, and amendments thereto*, shall be a board of directors consisting of three members who shall be persons entitled to vote as provided in subsection (g) and residents of a county in which ~~the such irrigation~~ *district* or a portion thereof is located, or *a* county adjoining a county in which such irrigation district or a portion thereof is located. Such members shall hold office for a period of two, *three* or four years, such term of office being established by the board of directors by passage of a resolution, and each shall serve until a successor has been elected and qualified. The members of the board of directors first elected after the creation of an irrigation district shall hold their respective offices until the next regular election for the election of directors as provided in subsection (d), (e) or (f) ~~of this section~~, except that the terms of the three directors shall be as provided in subsection (d) ~~or (e) of this section~~.

(b) The chief engineer of the division of water resources, after the incorporation of such irrigation district, shall establish and designate the polling place or places therein where the first election will be conducted and fix the time for such election within 60 days after the date of incorporation. In any irrigation district of more than 35,000 acres, the chief engineer of the division of water resources shall, prior to designating polling places, establish three voting areas within such district as equal as possible in acreage and shall designate the same as the first, second or third voting area. Such polling place or places may thereafter be changed by the board of directors, and the board may arrange for polling places outside the corporate boundaries of the district if such places are more convenient than locations within the district. Prior to the holding of the first election in newly created districts, the chief engineer of the division of water resources shall appoint from the qualified electors of the district three persons for such election for each voting place who shall constitute boards of election for such district for such election. If the members appointed do not attend at the opening of the polls on the day of election, at the opening hour, the electors present at that hour shall elect from the electors present members of the election board necessary to fill the place of any absent member.

(c) *Unless the board of directors adopts a resolution providing for mail ballot elections under subsection (d)(5),* the board of directors of every district of more than 35,000 acres ~~which~~ *that* was incorporated prior to the effective date of this act shall establish three voting areas within the district as equal as possible in acreage and designate the same as the first, second or third voting area. The board shall also establish and designate the polling place or places within each voting area. At the first election

held after the effective date of this act, a director shall be elected for the term length established by the board.

(d) (1) Except as provided in paragraph ~~(2)~~ (5), all elections shall be conducted in accordance with the general election laws of the state except as otherwise provided in this act. Advance voting as provided in article 11 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, shall be provided for by the county election officers and boards of directors for those persons entitled to vote under subsection (g). The forms for the ballot envelope declaration as provided in K.S.A. 25-1120, and amendments thereto, and the applications for advance ballots as provided in K.S.A. 25-1122d, and amendments thereto, shall be modified to establish that such person is a qualified owner of irrigable land within the district. After polls are closed the election boards shall proceed to canvass the votes cast thereat, shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. The clerks shall then securely wrap the ballots cast at such elections and shall express or mail the same by registered mail to the county election officer of the county in which all or the greater part of the population of the irrigation district is located. The county election officer shall canvass the ballots, verify the results and declare the person receiving the highest number of votes duly elected as director, except that at the first election after creation of a district the county election officer of the county in which all or the greater part of the population of the irrigation district is located shall declare the three persons receiving the highest number of votes duly elected as directors ~~except that in districts, or, if such district is~~ divided into three voting areas, the person receiving the highest number of votes in each voting area shall be *declared* duly elected as director. Such county election officer shall immediately mail, to each person elected to the office of director a certificate of election signed by such officer.

(2) The directors shall thereupon qualify and enter upon the duties of their office. Directors shall qualify by taking and subscribing to an oath of office of substantially the same tenor as oath of office prescribed for county officials. Each member of the board of directors shall execute an official bond in the sum of \$1,000 which oath and bond shall be filed with the county election officer of the county in which all or the greater part of the population of the irrigation district is located. The treasurer of each irrigation district shall execute to the district a corporate surety bond in an amount at least equal to 125% of the amount, as near as can be ascertained, that shall be in such person's hands as treasurer at any one time. The amount and sufficiency of the bond of the treasurer shall be determined by the county election officer. Upon approval of the bond,

the county election officer shall endorse such approval thereon and file the same in the office of the county election officer and shall immediately notify the county treasurer of the county in which the registered office of the irrigation district is located of such approval and filing.

(3) In the event of the breach of any condition of the treasurer's bond, the president and secretary of the board shall cause a suit to be commenced thereon in the name of the irrigation district. It shall not be necessary to include the treasurer as a party to the action and the money collected shall be applied to the use of the district, as the same should have been applied by the treasurer. Should the president and secretary neglect or refuse to prosecute such a suit, then any person entitled to vote as provided in subsection (g) may cause such suit to be instituted. Premiums on surety bonds for such directors and treasurers of irrigation districts shall be paid by the district out of its general funds.

(4) In case the office of any director shall become vacant the remaining members of the board shall fill the vacancy by appointment. A director appointed to fill a vacancy shall serve the unexpired term of the director whose term such person was appointed to fill.

~~(2)(5)~~ For any election except the election required in subsection (b), the board of directors may adopt a *procedure resolution* providing for the election of members by mail ballot *in an even-numbered or odd-numbered year*. ~~Such procedure shall require the board to mail ballots to all persons entitled to vote, to receive and tabulate the ballots, to canvass the election and to certify the results to the county election officer. Any such resolution shall be submitted to the county election officer of each county containing territory of the district. The election shall be held on the first Tuesday in March in each even-numbered or odd-numbered year as specified in such resolution. Not less than 90 days prior to the date of each such election, the county election officers of each county containing territory of the district shall jointly file a mail ballot election plan with the secretary of state. No person shall file as a candidate for a position on the board of directors of such district after 12:00 p.m. 10 weeks prior to the date of the election. Except as otherwise provided in this section, all elections held pursuant to this paragraph shall be conducted in accordance with the general election laws of this state and the mail ballot election act, K.S.A. 25-431 et seq., and amendments thereto. The irrigation district shall be responsible for the direct expenses of conducting the election. The ballot envelope used for mailing ballots shall contain a declaration establishing that the person who signs the declaration is a qualified owner of irrigable land within the district. In the resolution providing for the election of members by mail ballot, the board of directors shall establish the term of such members to be a period of two, three or four years.~~

(e) (1) All regular elections of directors of irrigation districts shall be held the Tuesday following the first Monday in November in odd-numbered years.

(2) Any districts organized after the regular election shall hold its election at the next regular election following incorporation of the district and, at this election three directors shall be elected and the person receiving the highest number of votes shall serve for a term of four years, the persons receiving the second and third highest number of votes shall serve for a term of two years. In case the first election after creation of a district is held between June 1 of any year and the day preceding the Tuesday following the first Monday in November of the next succeeding odd-numbered year, the next regular election shall be held in the second succeeding odd-numbered year. At each subsequent regular election, ~~only one director~~ *directors* shall be elected ~~each year~~ for a term of four years.

(3) Any person desiring to be a candidate for election to the board of directors shall file a candidate's declaration of intention with the county election officer of the county in which all or the greater part of the population of the district is located. Such candidate's filing shall utilize the procedures provided in K.S.A. 25-21a03, and amendments thereto, and K.S.A. 25-205, and amendments thereto. The county election officer shall prepare the ballot, and place the names thereon in alphabetical order and shall supply election officials with necessary ballots and polling books at the irrigation district's expense. At least five days before any election, the county clerks of the various counties within which a portion of the district is located, shall cause to be ascertained the names of all persons entitled to vote as provided in subsection (g) and shall furnish lists thereof to each election board within such county and to the secretary of the board of directors of the district. Notice of the time and places of holding of the general election, shall be published by the county election officer in a newspaper of general circulation in the district in accordance with K.S.A. 25-105, and amendments thereto. The results of all special or bond elections shall be made available to the secretary of the district. All expenses of election, not otherwise provided for herein, shall be paid for out of the general funds of the irrigation district. Election officials shall receive the same compensation as provided under general election laws.

(4) *The provisions of this subsection shall not apply to any election conducted pursuant to subsection (d)(5) or (f).*

(f) In lieu of the election procedures provided in this section pertaining to regular elections of directors in accordance with the general election laws of the state, the board of directors of any irrigation district of less than 35,000 acres in size may call an annual meeting of all persons entitled to vote as provided in subsection (g) for the purpose of electing directors. Such annual meeting shall be held on the first Tuesday in March. Notice of

the time and place of holding said annual meeting shall be given in some newspaper or newspapers of general circulation in the district for one issue at least 30 days prior to date of such meeting. Elections at the annual meeting shall be by ballot, with absentee voting as provided under subsection (d) of this section. All persons desiring to be voted upon as director shall at least 30 days before the day of holding the annual meeting file such person's name with the secretary of the board of directors of the district, affixed to a statement that such person desires such person's name to be placed on the ballot as a candidate for member of board of directors of the district. The board of directors shall appoint three owners of irrigable land in the district to serve as an election board at the annual meeting. After the votes are cast at the annual meeting the election board shall proceed to canvass the votes and shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. All provisions of this section not inconsistent with the provisions of subsection (f) shall apply to the election of directors at the annual meeting.

(g) (1) Until such time as assessments are made in the district pursuant to K.S.A. 42-715, and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district, as such term is defined in K.S.A. 42-701, and amendments thereto, and who are otherwise qualified electors.

(2) After lands have been assessed in the district pursuant to K.S.A. 42-715, and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district as such term is defined in K.S.A. 42-701, and amendments thereto, which has been assessed pursuant to K.S.A. 42-715, and amendments thereto, and who are otherwise qualified electors. For voting purposes, any person entitled to vote under this subsection who owns land in more than one voting area shall vote in the voting area ~~which~~ *that* includes the greatest portion of such person's land.

(h) As used in this section, the term "qualified electors" ~~shall include~~ *includes* a person who is the legal qualified owner of irrigable land or a person, who is authorized, in writing, to vote for a trust, corporation, association or partnership ~~which~~ *that* is the legal qualified owner of irrigable land. Such person is not required to be a resident of the district. Such trust, corporation, association or partnership shall be allowed only one vote. The person authorized by such entity to vote shall be someone who is not otherwise entitled to a vote under this section.

Sec. 10. K.S.A. 71-1414 is hereby amended to read as follows: 71-1414. (a) (1) In college districts where a district method of election is in effect, a person may become a candidate for election to trustee of a community college by any one of the following methods:

(A) Any person who is an elector of any member district may petition to be a candidate for member from the member district in which such person resides. Any such person shall file with the election officer a petition for such person's candidacy signed by not ~~less~~ *fewer* than 50 electors residing in such person's member district.

(B) Any person who is an elector of any member district may become a candidate for member from the member district in which such person resides by filing with the election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$20.

(C) If a community college adopts and implements a seven member board of trustees plan, any person who is an elector of the college district may petition to be a candidate for the at-large member position. Any such person shall file with the county election officer a petition for such candidacy signed by not ~~less~~ *fewer* than 50 electors residing in such college district.

(D) If a community college adopts and implements a seven member board of trustees plan, any person who is an elector of the college district may become a candidate for the at-large member position by filing with the county election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$20.

(2) Every petition or declaration of intent filed under this subsection ~~must~~ *shall* specify the member position for which the person is a candidate.

(b) In college districts where the election-at-large method of election is in effect, a person may become a candidate for election to trustee of a community college by either one of the following methods:

(1) Any person who is an elector of the college district may petition to be a candidate for trustee. Any such person shall file with the election officer a petition for such person's candidacy signed by not ~~less~~ *fewer* than 50 electors residing in the college district.

(2) Any person who is an elector of the college district may become a candidate for trustee by filing with the election officer a declaration of intent to be such a candidate, and payment therewith of a filing fee in the amount of \$20.

(c) (1) Every petition or declaration of intent filed under this section ~~must~~ *shall* be filed on or before ~~12 noon~~ *12:00 p.m.* on June 1 of each odd-numbered year as provided in K.S.A. 25-205 and 25-21a03, and amendments thereto, ~~and K.S.A. 25-205, and amendments thereto.~~ *No candidate shall be permitted to withdraw from candidacy after the filing deadline, except that a candidate shall be withdrawn from an election if:*

(A) *The candidate certifies to the county election officer that such candidate is withdrawing because of severe medical hardship on the candidate or the candidate's immediate family. Such candidate shall send the county election officer a certification of the severe medical hardship signed by a physician; or*

(B) *the candidate certifies to the county election officer that such candidate no longer resides in the district for which the candidate filed for office.*

(2) *If the county election officer receives a certification as described in subparagraph (1) on or before the September 1 of the year of the election, such candidate's name shall be withdrawn and shall not be printed on the ballots.*

(3) *If a candidate dies on or before September 1 of the year of the election, such candidate's name shall be withdrawn and shall not be printed on the ballots.*

Sec. 11. K.S.A. 25-306b, 25-2020, 25-2106, 25-2407, 25-4003, 25-4148, 25-4156, 42-706 and 71-1414 and K.S.A. 2025 Supp. 25-432 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 7, 2026.

CHAPTER 76

SENATE BILL No. 418

AN ACT concerning housing; relating to new housing development; enacting the by-right housing development act providing a streamlined permit approval process for by-right housing developments; allowing for third-party review of new residential construction development documents and inspection of improvements; requiring political subdivisions to allow certain building provisions for certain single-family residences of a certain size; excluding owner initiated rezoning to a single-family residential district from protest petition provisions; providing for all land within the corporate limits of a city that is zoned for any type of residential use to be considered zoned for single-family residential use; amending K.S.A. 12-757 and 12-758 and repealing the existing sections.

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

New Section 1. (a) (1) This section shall be known and may be cited as the by-right housing development act.

(2) The purpose of this section is to promote the development of housing by streamlining the approval process for by-right housing development, including single-family homes, townhouses and accessory dwelling units (ADUs). By facilitating the construction of additional housing units, this section aims to address statewide housing shortages and promote affordability.

(b) For the purposes of this section:

(1) “Accessory dwelling unit” or “ADU” means a secondary housing unit that is subordinate to the primary dwelling unit on the same lot and may include a separate kitchen, bathroom and entrance.

(2) “By-right housing development” refers to the approval of proposed housing projects as a matter of right without the need for discretionary review or approval if such projects comply with established land use regulations and:

(A) Do not require federal or state discharge permits or stormwater drainage studies;

(B) have a maximum of 12 attached units as part of any townhouse project;

(C) comply with the condition that the construction of public infrastructure extensions or improvements:

(i) Is not required for the development;

(ii) has been completed; or

(iii) is a condition of the regulatory authority’s approval of the application for a by-right housing development that has been agreed to by the applicant;

(D) would not increase impervious surface in a manner that adversely affects drainage into a special flood hazard area as defined by any adopted floodplain management ordinance, as designated by the Kansas depart-

ment of agriculture's division of water resources or other office designated by the governor or by law; and

(E) are not located within a district listed on the national register of historic places or otherwise subject to historic preservation review under applicable state, federal or local law.

(3) "Single-family home" means a detached or semi-detached dwelling arranged, intended or designed to be occupied by a single family. A semi-detached dwelling is also known as a duplex.

(4) "Townhouse" means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof with a yard or public way on not less than two sides.

(c) By-right housing development. (1) All proposed housing developments, including single-family homes, townhouses and accessory dwelling units (ADUs), that meet the definition of a by-right housing development pursuant to subsection (b)(2) and the criteria outlined in the zoning code and land use regulations shall be approved by-right, without the need for discretionary review or approval by planning commissions, zoning boards or other regulatory bodies.

(2) A complete application for a by-right housing development that demonstrates that such development meets the criteria outlined in the zoning code and land use regulations shall be deemed approved unless the application is denied within 30 days of receipt by the permitting or regulatory authority, or within 60 days for an application that requires approval of a subdivision plat pursuant to K.S.A. 12-752, and amendments thereto, or within 90 days for an application that requires approval of a subdivision plat of more than 40 single-family homes pursuant to K.S.A. 12-752, and amendments thereto. Notwithstanding the foregoing, a subdivision plat shall not be deemed approved unless such plat complies with all applicable subdivision statutes and regulations adopted pursuant to K.S.A. 12-752, and amendments thereto.

(d) *Monitoring and compliance.* (1) Regulatory authorities shall monitor compliance with approved by-right housing developments to ensure adherence to applicable regulations and standards.

(2) Noncompliance with by-right approvals may result in enforcement actions, such as fines, penalties or project modifications to bring the development into compliance.

(e) *Restrictive covenants or condominium association or homeowners association regulations.* Nothing in this section shall be construed to invalidate or limit the legality, enforceability or effect of restrictive covenants or condominium association or homeowners association regulations. Courts shall recognize and enforce such covenants and regulations in accordance with applicable laws.

(f) Appeal of denied permit application. (1) An appeal of a denied by-

right housing development permit application pursuant to this section shall adhere to the provisions of K.S.A. 12-760, and amendments thereto, except that if the regulatory authority has established an administrative appeal process to consider such appeals, such administrative appeal process may be completed first. Notwithstanding any provisions of law to the contrary, the court reviewing a denied permit application for a by-right housing development shall review the decision of the permitting authority *de novo*. The inquiry in such a case shall extend to the questions of whether the permitting authority proceeded without, or in excess of, jurisdiction, whether there was a fair process and whether there was any abuse of discretion.

(2) For the purpose of this section, abuse of discretion is established if the court determines that the permitting authority's findings are not supported by clear and convincing evidence in light of the record as a whole.

(3) If the court overturns the denial, the court may remand the matter to the permitting authority or direct the permitting authority to grant the permit.

(4) The court retains the authority to exercise equitable authority where appropriate and may, upon a finding that the permitting authority acted in bad faith, award reasonable attorney fees and costs to a prevailing applicant. In no circumstances shall attorney fees or costs be awarded to the government or a third party challenging a permit.

New Sec. 2. (a) For the purposes of this section:

(1) "Development document" means a document, including an application for a plat, plan or development permit, related to the development of or improvement to land for new residential construction that is required by law, ordinance, rule or other measure to be approved by a regulatory authority in order for a person to initiate, engage in or complete the development or improvement.

(2) "Development inspection" means the inspection of an improvement to land for new residential construction required by a regulatory authority as part of a project to develop the land for residential construction or construct or improve an improvement to the land for new residential construction.

(3) "Development permit" means a permit required by a regulatory authority to develop land for new residential construction or construct or improve an improvement to land for new residential construction.

(4) "Regulatory authority" means the governing body of a political subdivision or a department, board, commission or other entity of the political subdivision responsible for processing or approving a development document or conducting a development inspection that has elected to be subject to this section.

(b) *Third-party review of development documents or inspection of improvements in consenting political subdivisions.* The governing body

of a political subdivision may elect to be subject to this section by the adoption of an appropriate ordinance or resolution by a majority vote of the governing body.

(1) If a regulatory authority does not approve, conditionally approve or deny a development document within 30 days of receipt, any required review of the document may be performed by a person:

- (A) Other than:
 - (i) The applicant; or
 - (ii) a person whose work is the subject of the application; and
- (B) who is:
 - (i) Employed by the regulatory authority to review development documents;
 - (ii) employed by another political subdivision to review development documents, if the regulatory authority has approved the person to review development documents; or
 - (iii) a licensed professional engineer as defined in K.S.A. 74-7003, and amendments thereto.

(2) If a regulatory authority does not conduct a required development inspection within 30 days after receipt of a request for an inspection, the inspection may be conducted by a person:

- (A) Other than:
 - (i) The owner of the land or improvement to the land that is the subject of the inspection; or
 - (ii) a person whose work is the subject of the inspection; and
- (B) who is:
 - (i) Certified to inspect buildings by the international code council;
 - (ii) employed by the regulatory authority as a building inspector;
 - (iii) employed by another political subdivision as a building inspector, if the regulatory authority has approved the person to perform inspections; or
 - (iv) a licensed professional engineer as defined in K.S.A. 74-7003, and amendments thereto.

(c) *Additional fee prohibited.* A regulatory authority may not impose an additional fee related to the review of a development document or the inspection of an improvement conducted under subsection (b).

(d) *Third-party requirements.* (1) A person who reviews a development document or conducts a development inspection under subsection (b) shall:

- (A) Review the document, conduct the inspection and take all other related actions in accordance with all applicable provisions of law; and
- (B) not later than 15 days after the date that the person completes the review or inspection, provide notice to the regulatory authority of the results of the review or inspection.

(2) A regulatory authority may prescribe a reasonable format for the notice required under paragraph (1).

(e) *Waiver prohibited.* A regulatory authority may not request or require an applicant to waive a deadline or other procedure under this section.

(f) Appeal. (1) Notwithstanding any provision of law to the contrary, an aggrieved person may appeal to the governing body of a political subdivision or to an appeal board established by such governing body:

(A) A decision to conditionally approve or deny a development document made by the regulatory authority for the political subdivision or a person authorized by subsection (b)(1) to perform the review of the document; or

(B) a decision regarding a development inspection conducted by the regulatory authority or a person authorized by subsection (b)(2) to perform the inspection.

(2) An aggrieved person shall file the appeal under this subsection not later than 15 days after the date that the decision being appealed is made.

(3) Notwithstanding any provision of law to the contrary, if the governing body or designated appeal board hearing the appeal does not affirm or modify the decision being appealed by a majority vote within 60 days after the date that the appeal is filed, then:

(A) The development document that is the subject of the appeal shall be deemed approved; or

(B) the development inspection that is the subject of the appeal shall be considered to be waived by the governing body or designated appeal board.

New Sec. 3. (a) Notwithstanding any provision of law to the contrary, for new construction of single-family residences that are less than 2,500 square feet of total livable floor area, or gross floor area minus garages and basements, in size, and are constructed on each such residence's own separate lot or parcel with its own individual legal description, all political subdivisions shall allow the following:

(1) Use of any of the following, at the discretion of the political subdivision:

(A) The 2018 edition of the international residential code (IRC);

(B) the version of the 2018 edition of the IRC previously adopted by the political subdivision; or

(C) the version of the 2018 edition of the IRC adopted by another political subdivision;

(2) construction of single-car garages;

(3) only one side of architectural finish; and

(4) a minimum residential lot size of 3,000 square feet subject to any reasonable setback requirements that avoid unwarranted hardship yet protect the public welfare and safety.

(b) Any part of any building code, ordinance, resolution, regulation or rule of any political subdivision that violates this section shall be null and void as applied to such property.

(c) For purposes of this section, “political subdivision” means any county, city, unified government or any other political or taxing subdivision of the state of Kansas, or an administrative unit thereof, with authority to regulate the new construction of single-family residences.

Sec. 4. K.S.A. 12-757 is hereby amended to read as follows: 12-757.

(a) The governing body, from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the governing body or the planning commission. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Any such amendment, if in accordance with the land use plan or the land use element of a comprehensive plan, shall be presumed to be reasonable. The governing body shall establish in ~~its~~ *such governing body's* zoning regulations the matters to be considered when approving or disapproving a rezoning request. The governing body may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment.

(b) All such proposed amendments first shall be submitted to the planning commission for recommendation. The planning commission shall hold a public hearing thereon, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations provided in K.S.A. 12-756, and amendments thereto. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to such publication notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all owners of record of real property within the area to be altered and to all owners of record of real property located within at least 200 feet of the area proposed to be altered for regulations of a city and to all owners of record of real property located within at least 1,000 feet of the area proposed to be altered for regulations of a county. If a city proposes a zoning amendment to property located adjacent to or outside the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. Notice of a county's action shall extend

200 feet in those areas where the notification area extends within the corporate limits of a city. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the planning commission or the governing body. Such notice is sufficient to permit the planning commission to recommend amendments to zoning regulations ~~which that~~ affect only a portion of the land described in the notice or ~~which that~~ give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. A recommendation of a zoning classification of lesser change than that set forth in the notice shall not be valid without republication and, where necessary, remailing, unless the planning commission has previously established a table or publication available to the public ~~which that~~ designates what zoning classifications are lesser changes authorized within the published zoning classifications. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard.

(c) (1) Whenever five or more property owners of record owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of ~~their such owners'~~ property from a less restrictive to a more restrictive zoning classification, such amendment shall require notice by publication and hearing in like manner as required in subsection (b) ~~of this section~~. Such zoning amendment shall not require written notice and shall not be subject to the protest petition provision of subsection (f) ~~of this section~~.

(2) *Whenever a property owner that is not a city or county initiates a rezoning of such owner's property to a single-family residential district, such amendment shall require notice by publication and hearing in like manner as required in subsection (b). Such zoning amendment shall not require written notice and shall not be subject to the protest petition provisions of subsection (f).*

(3) Whenever a city or county initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, such amendment shall require notice by publication and hearing in like manner as that required by subsection (b) ~~of this section~~. In addition, written notice shall be required to be mailed to only owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition under subsection (f) ~~of this section~~.

(d) Except as provided in subsection (g) and unless otherwise provided by this act, the procedure for the consideration and adoption of any

such proposed amendment shall be in the same manner as that required for the consideration and adoption of the original zoning regulations. A majority of the members of the planning commission present and voting at the hearing shall be required to recommend approval or denial of the amendment to the governing body. If the planning commission fails to make a recommendation on a rezoning request, the planning commission shall be deemed to have made a recommendation of disapproval. When the planning commission submits a recommendation of approval or disapproval of such amendment and the reasons therefor, the governing body may: (1) Adopt such recommendation by ordinance in a city or by resolution in a county; (2) override the planning commission's recommendation by a $\frac{2}{3}$ majority vote of the membership of the governing body; or (3) return such recommendation to the planning commission with a statement specifying the basis for the governing body's failure to approve or disapprove. If the governing body returns the planning commission's recommendation, the planning commission, after considering the same, may resubmit ~~its~~ *the planning commission's* original recommendation giving the reasons therefor or submit new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance or resolution, or ~~it~~ *the governing body* need take no further action thereon. If the planning commission fails to deliver ~~its~~ *the planning commission's* recommendation to the governing body following the planning commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendation and proceed accordingly. The proposed rezoning shall become effective upon publication of the respective adopting ordinance or resolution.

(e) If such amendment affects the boundaries of any zone or district, the respective ordinance or resolution shall describe the boundaries as amended, or if provision is made for the fixing of the same upon an official map ~~which~~ *that* has been incorporated by reference, the amending ordinance or resolution shall define the change or the boundary as amended, ~~shall~~ order the official map to be changed to reflect such amendment, ~~shall~~ amend the section of the ordinance or resolution incorporating the same and ~~shall~~ reincorporate such map as amended.

(f) (1) Except as provided in subsection (g), whether or not the planning commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk or the county clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned or by

the owners of record of 20% or more of the total real property within the area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways and property excluded pursuant to paragraph (2) ~~of this subsection~~, the ordinance or resolution adopting such amendment shall not be passed except by at least a $\frac{3}{4}$ vote of all of the members of the governing body.

(2) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the “total real property within the area required to be notified” as that phrase is used in paragraph (1) ~~of this subsection~~.

(g) An ordinance or resolution adopting a zoning amendment for mining operations subject to K.S.A. 49-601 et seq., and amendments thereto, regardless of a protest petition or failure to recommend by the planning commission shall only require a majority vote of all members of the governing body.

(h) Zoning regulations may provide additional notice by providing for the posting of signs on land ~~which~~ *that* is the subject of a proposed rezoning; for the purpose of providing notice of such proposed rezoning.

Sec. 5. K.S.A. 12-758 is hereby amended to read as follows: 12-758.

(a) Except as otherwise provided by this section and K.S.A. 12-770 and 12-771, and amendments thereto, regulations adopted under authority of this act shall not apply to the existing use of any building or land; but shall apply to any alteration of a building to provide for a change in use or a change in the use of any building or land after the effective date of any regulations adopted under this act. If a building is damaged by more than 50% of its fair market value, such building shall not be restored if the use of such building is not in conformance with the regulations adopted under this act.

(b) Except for flood plain regulations in areas designated as a flood plain, regulations adopted by a city pursuant to K.S.A. 12-715b, and amendments thereto, or a county pursuant to this act shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings are used for agricultural purposes and not otherwise.

(c) *Notwithstanding any provision of law to the contrary, all land within the corporate limits of a city that is zoned for any type of residential use shall be considered zoned for single-family residential use in addition to any other zoning adopted by the city for such land. This provision shall not limit a city's ability to impose reasonable regulations related to setbacks, the provision of development and performance standards,*

utility and subdivision standards, future provisions for street and utility connections, grading plans and platting the property that are related to single-family residential developments of land not zoned for single-family residential use.

Sec. 6. K.S.A. 12-757 and 12-758 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, 2026.

CHAPTER 77

SENATE BILL No. 84

AN ACT enacting the supported decision-making agreements act; allowing an adult to receive decision-making assistance with the adult's affairs from one or more other adults; providing requirements for decision-making agreements and duties related thereto; including violations of this act in the crime of mistreatment of a dependent adult or an elder person; amending K.S.A.2025 Supp. 21-5417 and repealing the existing section.

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

New Section 1. Sections 1 through 9, and amendments thereto, shall be known and may be cited as the supported decision-making agreements act.

New Sec. 2. As used in the supported decision-making agreements act, unless the context indicates otherwise:

- (a) "Adult" means an individual who is 18 years of age or older.
- (b) "Affairs" means decisions related to the following affairs of a principal:
 - (1) Monitoring health, obtaining, scheduling, implementing and coordinating health and support services, understanding healthcare information and options, providing for care and comfort, and other healthcare and personal matters in which the principal makes decisions about the principal's healthcare;
 - (2) managing income and assets and the use of income and assets for clothing, support, care, comfort, education, shelter and payment of other liabilities of the principal;
 - (3) handling personal, healthcare and financial matters that arise in the course of daily living;
 - (4) monitoring information about the principal's support services, including necessary or recommended future support services;
 - (5) living arrangements, including where and with whom the principal wants to live; and
 - (6) working arrangements, including where the principal wants to work.
- (c) "Capacity" means the ability to understand and appreciate the nature and consequences of a decision and the ability to reach and communicate an informed decision.
- (d) "Conservator" means a person appointed as a conservator under the Kansas uniform guardianship, conservatorship and other protective arrangements act, K.S.A. 59-30,101 et seq., and amendments thereto, or a similar law of another state.
- (e) "Decision" means a decision relating to the affairs of a principal.
- (f) "Decision-making assistance" means the decision-making assistance described in section 7, and amendments thereto.

(g) “Good faith” means honesty in fact and the observance of reasonable standards of fair dealing.

(h) “Guardian” means a person appointed as a guardian under the Kansas uniform guardianship, conservatorship and other protective arrangements act, K.S.A. 59-30,101 et seq., and amendments thereto, or a similar law of another state.

(i) “Immediate family member” means a spouse, child, sibling, parent, grandparent, grandchild, stepparent, stepchild or stepsibling.

(j) “Person” means an individual, healthcare institution, healthcare provider, corporation, partnership, limited liability company, association, joint venture, government, governmental subdivision, governmental agency, governmental instrumentality, public corporation, or another legal or commercial entity.

(k) “Principal” means an adult who enters into a supported decision-making agreement under the supported decision-making agreements act to receive decision-making assistance.

(l) “Support services” means the following services:

(1) House repair, home cleaning, laundry, shopping and providing meals;

(2) transportation, accompanying a principal and facilitating a principal’s written, oral and electronic communication;

(3) nurse visitations and attendant care;

(4) provision of healthcare;

(5) physical and psychosocial assessments;

(6) financial assessments and advice on banking, taxes, loans, investments and management of real property;

(7) legal assessments and advice;

(8) education and educational assessments and advice;

(9) assistance with bathing, dressing, eating, range of motion, toileting, transferring, ambulation and other direct assistance with the activities of daily living;

(10) care planning; and

(11) services that assist in maintaining the independence of a principal.

(m) “Supported decision-making agreement” means an agreement authorized under section 3, and amendments thereto.

(n) “Supporter” means an adult who enters into a supported decision-making agreement under the supported decision-making agreements act and provides decision-making assistance.

New Sec. 3. (a) Except as provided in subsections (b) and (c), an adult may enter into a supported decision-making agreement. A supported decision-making agreement allows an adult to receive decision-making assistance with the adult’s affairs from one or more other adults.

(b) The adult wanting to receive decision-making assistance shall not enter into a supported decision-making agreement unless the adult:

(1) Enters into the agreement voluntarily and without coercion or undue influence; and

(2) understands the nature and effect of the agreement.

(c) An adult shall not enter into a supported decision-making agreement if the agreement encroaches on the authority of a guardian or conservator of the adult, unless the guardian or conservator approves in writing the adult entering into the supported decision-making agreement.

(d) A supporter shall be an adult, but shall not be a person against whom a protective order or restraining order has been entered by a court on request of or on behalf of the principal.

New Sec. 4. (a) A supported decision-making agreement shall:

(1) Name one or more adults to provide a principal with decision-making assistance;

(2) describe the decision-making assistance that each person acting as a supporter may provide the principal; and

(3) contain a notice to third parties that summarizes the rights and obligations of the supporter under the supported decision-making agreements act and expressly identifies sections 1 through 9, and amendments thereto.

(b) A supported decision-making agreement may:

(1) Name an alternate supporter to act in the place of a supporter and the circumstances under which the alternate supporter may act;

(2) authorize a supporter to share information with another supporter named in the agreement, including an alternate supporter.

(c) A supported decision-making agreement shall contain a separate declaration by each supporter, including an alternate supporter, that states the supporter's relationship with the principal, states the willingness of the supporter to act as a supporter for the principal and indicates that the supporter acknowledges the duties of a supporter under the supported decision-making agreements act. Each declaration shall be signed by the supporter making the declaration.

New Sec. 5. (a) A supported decision-making agreement shall be valid if:

(1) The agreement is dated and in writing;

(2) the agreement satisfies the requirements of sections 3 and 4, and amendments thereto;

(3) the agreement has been signed by the principal and each named supporter, including any alternate supporter, under penalty of perjury; and

(4) when the principal has a guardian or conservator, the principal has notified the guardian or conservator of the agreement.

(b) A supported decision-making agreement shall be substantially in compliance with the form set forth by the judicial council. The judicial council shall develop a form for use under the supported decision-making agreements act.

New Sec. 6. (a) A supported decision-making agreement may indicate the date it becomes effective and its duration. If the agreement does not indicate the date it becomes effective, the agreement becomes effective immediately. If the agreement does not indicate its duration, the agreement remains effective until terminated under this section.

(b) A principal may, at any time, terminate all or a portion of a supported decision-making agreement. A supporter may, at any time, terminate all or a portion of the supporter's obligations under a supported decision-making agreement, including the declaration of support described in section 4, and amendments thereto.

(c) A termination under this section shall be dated and in writing, and a termination becomes effective immediately upon execution. The termination shall be signed by the terminating party.

(d) If the principal who entered the supported decision-making agreement becomes incapacitated, the agreement shall be terminated. A third party is not liable or subject to a penalty for providing information to a supporter after incapacity unless or until the third party has actual knowledge that the principal is incapacitated or the agreement has been terminated.

(e) A principal or supporter terminating all or a portion of a supported decision-making agreement shall notify the other party to the agreement that the agreement has been terminated. Notice shall be given in person, by certified mail or by electronic means. Lack of notice does not invalidate termination.

(f) If a portion of a supported decision-making agreement is terminated under this section and the termination is consistent with this section, the remainder of the agreement remains in effect.

New Sec. 7. (a) A supporter owes the principal a fiduciary duty to act in accordance with the supported decision-making agreement.

(b) Except as limited by a supported decision-making agreement, a supporter may provide to a principal the following decision-making assistance about the principal's affairs:

(1) Assisting with making decisions, communicating decisions, and understanding information about, options for, the responsibilities of, and the consequences of decisions;

(2) accessing, obtaining, and understanding information that is relevant to decisions necessary for the principal to manage the principal's affairs, including medical, psychological, financial and educational information, medical treatment records and other records;

(3) ascertaining the wishes and decisions of the principal, assisting in communicating those wishes and decisions to other persons, and advocating to ensure the implementation of the principal's wishes and decisions; and

(4) accompanying the principal and participating in discussions with other persons when the principal is making decisions or attempting to obtain information for decisions.

(c) Accessing or obtaining financial information is defined as the ability to view, retrieve or obtain copies of account-related documents, including transaction histories, balance statements and other financial records associated with an account. Accessing or obtaining financial information does not include access to online banking accounts.

(d) Under subsection (b), a supporter may use the principal's dated consent to assist the principal in obtaining protected health information under the health insurance portability and accountability act of 1996 (public law 104-191) or educational records under the family educational rights and privacy act of 1974, 20 U.S.C. § 1232g.

(e) A supporter shall not:

(1) Exert undue influence on the principal;

(2) make decisions for or on behalf of the principal;

(3) sign for the principal or provide an electronic signature of the principal to a third party;

(4) obtain, without the consent of the principal, information that is not reasonably related to matters with which the supporter may assist the principal under the supported decision-making agreement; or

(5) use, without the consent of the principal, information acquired for a purpose authorized by the supported decision-making agreement for a purpose other than assisting the principal to make a decision under the supported decision-making agreement.

(f) A supporter who collects information on behalf of the principal under the supported decision-making agreement shall:

(1) Keep the information confidential;

(2) not use the information for a use that is not authorized by the principal;

(3) protect the information from unauthorized access, use or disclosure; and

(4) dispose of the information properly when appropriate.

(g) A supporter acting in good faith in accordance with the provisions of this act shall not be liable to either the principal or any third party for any injuries, damages or other losses arising from a decision made by a principal in which the supporter assisted the principal or was otherwise involved.

New Sec. 8. (a) A person shall recognize a decision or request made or communicated with the decision-making assistance of a supporter un-

der the supported decision-making agreements act as the decision or request of the principal for the purposes of a provision of law.

(b) A person who, in good faith, either acts in reliance on an authorization in a supported decision-making agreement or declines to honor an authorization in a supported decision-making agreement is not subject to civil or criminal liability or to discipline for unprofessional conduct for:

(1) Complying with an authorization in a supported decision-making agreement, if the person is complying based on an assumption that the underlying supported decision-making agreement was valid when made and has not been terminated;

(2) declining to comply with an authorization in a supported decision-making agreement if the person is declining based on actual knowledge that the supported decision-making agreement is unauthorized because:

(A) The financial institution cannot in good faith comply with the limitations set forth in the agreement; or

(B) 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 principal may be subject to physical or financial abuse, neglect, exploitation or abandonment by the supporter; or

(3) declining to comply with an authorization related to healthcare in a supported decision-making agreement, if the person is declining because the action proposed to be taken under the supported decision-making agreement is contrary to the good faith medical judgment of the person or to a written policy of a healthcare institution that is based on reasons of conscience.

New Sec. 9. (a) An adult who enters into a supported decision-making agreement may act without the decision-making assistance of the supporter.

(b) The execution of a supported decision-making agreement shall not constitute evidence that the principal does not have capacity.

(c) In the application of the supported decision-making agreements act:

(1) All adults are assumed to have capacity to manage their affairs as defined in section 2(b) and (c), and amendments thereto;

(2) the act does not preclude the ability of the adult who has entered into such an agreement to act independently of the agreement;

(3) the manner in which the principal communicates with others is not grounds for deciding that such principal is incapable of managing such principal's affairs; and

(4) execution of a supported decision-making agreement may not be used as evidence for the petition or appointment of a guardianship or conservatorship.

Sec. 10. K.S.A. 2025 Supp. 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 Kansas uniform guardianship, conservatorship and other protective arrangements act, K.S.A. 59-30,101 through 59-30,212, and amendments thereto; or

(E) *a violation of the supported decision-making agreements act, sections 1 through 9, 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~~ “*Dependent adult*” includes, 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, *and amendments thereto*, or K.S.A. 21-6418, and amendments thereto.

Sec. 11. K.S.A. 2025 Supp. 21-5417 is hereby repealed.

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

Approved April 7, 2026.

CHAPTER 78

Senate Substitute for HOUSE BILL No. 2402

AN ACT concerning education; relating to school districts; requiring eligible boards of education to consider participation in the community eligibility provision; providing a financial hardship exception to such participation; requiring the state department of education to assist school districts seeking such participation; relating to public innovative districts; extending the application deadline to operate as a public innovative district from December 1 to May 1; deeming applications approved if not approved or denied within a certain number of days; amending K.S.A. 72-4223 and 72-4225 and repealing the existing sections.

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

New Section 1. (a) Each school year, the board of education of each school district with one or more schools with at least 50% of students who qualify for free meals through direct certification under the national school lunch program shall determine the number of students enrolled in and attending school in each school of such district who qualifies for free meals through direct certification under the national school lunch program. School districts may provide appropriate instruction and assistance to students and families as necessary to ensure accurate student participation in such program.

(b) (1) Except as provided in paragraph (2), after making the determination provided in subsection (a), if a school district or school of the school district is eligible to participate in the community eligibility provision of 42 U.S.C. § 1759a, the board of education of such school district shall consider such participation. If such participation is so desired and would not cause financial hardship as provided in paragraph (2), such board of education shall by majority vote officially affirm such participation and direct the superintendent to perform any necessary tasks for such participation.

(2) If participation in the community eligibility provision of 42 U.S.C. § 1759a would cause financial hardship to a school district, the board of education of such school district shall demonstrate the financial hardship in an open public meeting of such board and by majority vote declare that such school district or school of a school district elects not to participate in the community eligibility provision.

(c) The state department of education shall assist any school district with one or more schools that qualify for the community eligibility provision in such school district's efforts to participate in the community eligibility provision of 42 U.S.C. § 1759a.

(d) This section shall take effect and be in force on and after July 1, 2026.

Sec. 2. K.S.A. 72-4223 is hereby amended to read as follows: 72-4223.

(a) Except as provided in K.S.A. 72-4225, and amendments thereto, the

board of education of any school district may apply to the state board for a grant of authority to operate such school district as a public innovative district. The application shall be submitted in the form and manner prescribed by the state board; and ~~shall be submitted not later than December 1~~ *May 1* of the school year preceding the school year in which the school district intends to operate as a public innovative district.

(b) The application shall include the following:

(1) A description of the educational programs of the public innovative district;

(2) a description of the interest and support for partnerships between the public innovative district, parents and the community;

(3) the specific goals and the measurable pupil outcomes to be obtained by operating as a public innovative district; and

(4) an explanation of how pupil performance in achieving the specified outcomes will be measured, evaluated and reported.

(c) (1) Within ~~90~~ 45 days from the date such application is submitted, the state board shall review the application to determine compliance with this section; and ~~shall~~ approve or deny such application on or before the conclusion of such ~~90-day~~ 45-day period.

(2) If the application is determined to be in compliance with this section, the state board shall approve such application and grant the school district authority to operate as a public innovative district. Notification of such approval shall be sent to the board of education of such school district within 10 days after such decision.

~~(2)~~(3) If the state board determines such application is not in compliance with either this section; or K.S.A. 72-4225, and amendments thereto, the state board shall deny such application. Notification of such denial shall be sent to the board of education of such school district within 10 days after such decision and ~~shall~~ specify the reasons therefor. Within 30 days from the date such notification is sent, the board of education of such school district may submit a request to the state board for reconsideration of the application and may submit an amended application with such request. The state board shall act on the request for reconsideration within ~~60~~ 45 days of receipt of such request.

(4) *If the state board does not approve or deny such application within the 45-day period established in paragraph (1), the application shall be deemed approved.*

(d) A public innovative district shall:

(1) Not charge tuition for any of the pupils residing within the public innovative district;

(2) participate in all Kansas math and reading assessments applicable to such public innovative district, or an alternative assessment program for measuring student progress as determined by the board of education;

(3) abide by all financial and auditing requirements that are applicable to school districts, except that a public innovative district may use generally accepted accounting principles;

(4) comply with all applicable health, safety and access laws; and

(5) comply with all statements set forth in the application submitted pursuant to subsection (a).

(e) (1) Except as otherwise provided in K.S.A. 72-4221 through 72-4230, and amendments thereto, or as required by the board of education of the public innovative district, a public innovative district shall be exempt from all laws and rules and regulations that are applicable to school districts.

(2) A public innovative district shall be subject to the special education for exceptional children act, the virtual school act, the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, the provisions of K.S.A. 72-53,113 et seq., and amendments thereto, all laws governing the issuance of general obligation bonds by school districts, the provisions of K.S.A. 74-4901 et seq., and amendments thereto, and all laws governing the election of members of the board of education, the open meetings act as provided in K.S.A. 75-4317 et seq., and amendments thereto, and the open records act as provided in K.S.A. 45-215 et seq., and amendments thereto.

Sec. 3. K.S.A. 72-4225 is hereby amended to read as follows: 72-4225. (a) Until such time as two or more public innovative districts have been granted authority to operate as public innovative districts pursuant to K.S.A. 72-4223, and amendments thereto, any board of education of a school district desiring to operate as a public innovative district shall submit a request for approval to operate as a public innovative district to the governor, the chairperson of the senate committee on education and the chairperson of the house of representatives committee on education and have such request approved by a majority of the three persons prior to submitting an application to the state board under K.S.A. 72-4223, and amendments thereto. The request for approval shall include such information as is required to be included on an application for authority to operate as a public innovative district under K.S.A. 72-4223, and amendments thereto.

(b) Upon the approval of the first two public innovative districts, the board of education of a school district desiring to operate as a public innovative district shall submit a request for approval to operate as a public innovative district to the coalition board and have such request approved by the coalition board prior to submitting any application to the state board under K.S.A. 72-4223, and amendments thereto. The coalition board, in its sole discretion, shall approve or deny the request. As part of its review of such request, the coalition board may make recommendations to the

requesting school district to modify the request; and may consider any such modifications prior to making a final decision.

(c) The request for approval required by subsection (b) shall include such information as is required to be included on an application for authority to operate as a public innovative district under K.S.A. 72-4223, and amendments thereto. Copies of the request for approval shall be submitted to each public innovative district that is a member of the coalition. Within 30 days after receipt of the request for approval by the last member to receive such request, the coalition board shall meet to approve or deny the request. Notification of the approval or denial of a request shall be sent to the board of education of the requesting school district within 10 days after such decision. *If the coalition board does not approve or deny such request within 30 days, such request shall be deemed approved.* If the request is denied, the notification shall specify the reasons therefor. Within 30 days from the date a notification of denial is sent, the board of education of the requesting school district may submit a request to the coalition board for reconsideration of the request for approval and may submit an amended request for approval with the request for reconsideration. The coalition board shall act on the request for reconsideration within 30 days of receipt of such request.

(d) (1) Except as provided by paragraph (2) of this subsection, ~~no~~ not more than 10% of the school districts in the state shall operate as public innovative districts at any one time. Any request for approval submitted at such time shall be denied by the coalition board.

(2) An amount in excess of 10% but not to exceed 20% of school districts in the state may operate as public innovative districts if such school district operates a school within its district which is deemed to be either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver, as amended in January of 2013. Any request for approval under this paragraph shall be reviewed by the coalition board for approval.

Sec. 4. K.S.A. 72-4223 and 72-4225 are hereby repealed.

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

Approved April 7, 2026.

Published in the *Kansas Register* April 16, 2026.

CHAPTER 79

HOUSE BILL No. 2653*

AN ACT concerning the secretary of corrections; relating to release of offenders; requiring the secretary to assist inmates with obtaining identification and employment-related documentation prior to release from custody.

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

Section 1. (a) (1) Within nine months prior to the release of an inmate from the custody of the secretary of corrections, the secretary shall identify whether such inmate has current versions of the documentation described in paragraphs (2) and (3). If such inmate does not have the documentation described in paragraph (2), the secretary shall make a reasonable effort to provide the inmate with such documentation. If such inmate does not have the documentation described in paragraph (3), the secretary of corrections shall provide such documentation to the inmate. The secretary shall coordinate with state agencies as necessary to obtain such documentation on behalf of such inmate. All state agencies shall coordinate with the secretary of corrections to implement the provisions of this section.

(2) The secretary shall make reasonable effort to provide each inmate with:

- (A) A certified copy of a birth certificate;
- (B) a social security card or replacement social security card; and
- (C) a driver's license issued pursuant to K.S.A. 8-243, and amendments thereto, if eligible, or an identification card issued pursuant to K.S.A. 8-1324 et seq., and amendments thereto.

(3) The secretary shall provide each inmate with:

- (A) The vocational training record of the inmate, if applicable;
- (B) the work record of the inmate, if applicable;
- (C) any educational certifications or diplomas received by the inmate, if applicable; and

(D) a resume that includes any trade or skills learned by the inmate.

(b) The provisions of this section shall not apply to inmates who are:

(1) To be released to the custody of another jurisdiction on a warrant or detainer; or

(2) physically or mentally unable to return to the workforce when released from the custody of the secretary as determined by the secretary.

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

Approved April 9, 2026.

Published in the *Kansas Register* April 23, 2026.

CHAPTER 80

HOUSE BILL No. 2573

AN ACT concerning the Kansas board of accountancy; relating to licensure requirements for certified public accountants; amending K.S.A. 1-202, 1-301, 1-302a, 1-302b, 1-307, 1-310, 1-321 and 1-322 and repealing the existing sections.

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

Section 1. K.S.A. 1-202 is hereby amended to read as follows: 1-202. (a) Each year the board shall meet and organize by electing a chairperson and ~~a vice chairperson~~ *vice chairperson* from its membership. The board shall appoint a secretary, who need not be a member of the board. The board ~~shall have a seal and~~ shall meet at the call of the chairperson ~~but not less than twice each year and shall have a seal.~~ The chairperson and the secretary of the board shall have the power to administer oaths.

(b) The board shall keep records of all proceedings and actions by and before it. In any proceedings in court, civil or criminal, arising out of or founded upon any provisions of this act, copies of such records ~~which~~ *that* are certified as correct by the secretary of the board under the seal of the board shall be admissible in evidence and shall be prima facie evidence of the correctness of the contents thereof.

(c) The board may:

(1) Provide for certification, notification and registration and issue permits to practice in accordance with the provisions of this act;

(2) adopt, amend and revoke rules and regulations governing its administration and enforcement of this act, including, but not limited to: (A) Educational qualifications required under K.S.A. 1-302a, and amendments thereto; (B) experience qualifications required under K.S.A. 1-302b, and amendments thereto; (C) continuing professional education qualifications required under K.S.A. 1-310, and amendments thereto; (D) professional conduct directed to controlling the quality of services by licensees; and dealing among other things with independence, integrity and objectivity, competence and technical standards, responsibilities to the public and clients, commissions and referral fees, contingent fees, advertising, firm names, discreditable acts and communication with the board; (E) professional standards applicable to licensees; (F) the manner and circumstances of use of the titles “certified public accountant” and “C.P.A.”; (G) peer reviews required in K.S.A. 1-501, and amendments thereto; ~~and (H) the definition of substantial equivalency for purposes of K.S.A. 1-322, and amendments thereto; and (I) such other rules and regulations as the board may deem necessary to regulate the practice of certified public accountancy.~~

(d) The board shall:

- (1) Keep accounts of its receipts and disbursements;
 - (2) keep a register of Kansas certificates issued by the board;
 - (3) deny, revoke, suspend and reinstate certificates, notifications, firm registrations and permits; and
 - (4) initiate proceedings, hold hearings and do all things necessary to regulate the practice of certified public accountancy.
- (e) Any statements on standards and guides imposed by the board shall meet the standards or guides developed for general application either by the American institute of certified public accountants or the division of accounts and reports ~~which~~ *that* are in effect on July 1, 2001, or any later version as adopted by the board in rules and regulations.
- (f) A majority of the board shall constitute a quorum for the transaction of any business at any meeting of the board.

Sec. 2. K.S.A. 1-301 is hereby amended to read as follows: 1-301. (a) The board shall charge and collect a fee from each applicant for a Kansas certificate or notification and shall charge and collect a fee for a Kansas permit to practice as a certified public accountant in this state; ~~and shall charge and collect a fee for firm registrations in this state.~~ The board or the board's designated examination service may charge an examination application processing fee. Each fee payable to the board or the examination service shall accompany the appropriate application.

(b) The board shall adopt rules and regulations fixing the fees provided to be charged and collected under this section, which shall be as follows:

- (1) For issuance of a certificate (initial or duplicate), an amount not to exceed \$50;
- (2) for issuance of a reciprocal certificate, an amount not to exceed \$350;
- (3) for issuance or renewal of a permit to practice for the holder of a Kansas certificate, an amount not to exceed \$350, subject to paragraphs (4) and (6);
- (4) for issuance or renewal of a permit to practice for the holder of a Kansas certificate whose permit is issued or renewed for a period of 12 months or less, an amount equal to $\frac{1}{2}$ the amount of the fee fixed under paragraph (3), subject to paragraph (6);
- (5) for issuance of a duplicate permit to practice for the holder of a Kansas certificate, an amount not to exceed \$50;
- (6) for reinstatement of a permit to practice in the case of the holder of a Kansas certificate who had in some prior year held a permit to practice but ~~who~~ did not hold such a permit for the year immediately preceding the period for which a permit to practice is requested, or who, if holding a permit to practice for such period immediately preceding applies for renewal subsequent to the expiration date of such permit, an

amount equal to 1½ times the amount of the fee then fixed under paragraph (3) or paragraph (4), whichever is applicable; *and*

~~(7) for notification or renewal of notification required pursuant to K.S.A. 1-322, and amendments thereto, an amount not to exceed \$150; and~~

~~(8)~~—for an initial or an annual firm registration, an amount not to exceed \$300;

~~(9)~~(8) for renewing a firm registration after the expiration, an amount equal to 1½ times the amount of the fee then fixed under paragraph (8);

~~(10)~~(9) for examination application processing by the board, an amount not to exceed \$150.

(c) On or before May 30 each year, the board shall determine the amount of funds that will be required during the ensuing year to carry out and enforce the provisions of law administered by the board and may adopt rules and regulations to change any fees fixed under this section as may be necessary, subject to the limitations prescribed by this section. Upon changing any renewal fees as provided by this section, the board shall immediately notify all holders of permits to practice and of firm registrations of the amount of such fees. The fees fixed by the board and in effect under this section immediately prior to the effective date of this act shall continue in effect until such fees are fixed by the board by rules and regulations as provided by this section.

Sec. 3. K.S.A. 1-302a is hereby amended to read as follows: 1-302a.

(a) The education requirement prescribed by K.S.A. 1-302, and amendments thereto, is satisfied if the applicant meets ~~all~~ *one* of the following requirements:

(1) Is the holder of a baccalaureate or higher academic degree from a college or university approved by the board, *the total education program to include a concentration in accounting or equivalent as determined by the board;*

~~(2) has been awarded credit by a college or university approved by the board for at least 150 semester hours, with a concentration in accounting;~~
is the holder of a baccalaureate or higher academic degree from a college or university approved by the board and has been awarded credit for an additional 30 semester hours by a college or university approved by the board, the total educational program to include a concentration in accounting or equivalent as determined to be appropriate by the board;
~~and or~~

~~(3) the credit for the concentration in accounting is accepted by the board;~~
is the holder of a post-baccalaureate academic degree from a college or university approved by the board, the total educational program to include a concentration in accounting or equivalent as determined to be appropriate by the board.

(b) An applicant for admission to take the initial examination in this state as required in K.S.A. 1-302, and amendments thereto, must submit evidence satisfactory to the board or to the examination service that the applicant either:

- (1) Meets *any* of the requirements of subsection (a); or
- (2) reasonably expects to meet the requirements of subsection (a) within 60 days from the date the applicant takes the first section of such examination. The applicant shall submit final official transcripts and any documents verifying completion of the education requirements of subsection (a) to the board or the examination service within 120 days after the applicant has taken the first section of the examination. If final official transcripts and any documents verifying completion of such education requirements are not received by the board or the examination service within 120 days after the applicant has taken the first section of the examination, the applicant's grades for all sections of the examination may be voided, subject to notice and an opportunity for the applicant to be heard pursuant to the Kansas administrative procedures act.

(c) The board may define, by rules and regulations, the term "concentration in accounting." The board may also prescribe, by rules and regulations, the type and amount of credit submitted pursuant to subsection (a).

Sec. 4. K.S.A. 1-302b is hereby amended to read as follows: 1-302b. (a) No applicant who holds a Kansas certificate issued by the board shall receive a permit to practice in this state as a certified public accountant until the applicant submits evidence, satisfactory to the board, of having completed *either one year of accounting experience for applicants applying on the basis of K.S.A. 1-302a(a)(2) or (a)(3), and amendments thereto, or two years of accounting experience for applicants applying on the basis of K.S.A. 1-302(a)(1), and amendments thereto.* This experience shall include providing any type of service or advice involving the use of attest or nonattest skills all of which was verified by a certified public accountant holding an active license to practice, meeting requirements prescribed by the board by rule. This experience would be acceptable if it was gained through employment in government, industry, academia or public practice.

(b) Any individual permit holder who is responsible for supervising attest or compilation services and signs or authorizes someone to sign the accountant's report on any attest or compilation service on behalf of the firm, shall meet the experience or competency requirements, as adopted by the board through rules and regulations.

(c) Any individual permit holder who signs or authorizes someone to sign the accountant's report on any attest or compilation service on behalf of the firm, shall meet the experience or competency requirement of subsection (b).

(d) As an alternative to the requirements of subsection (a), an individual with an active license issued by another state who establishes such individual's principal place of business in this state shall request the issuance of both a certificate and a permit to practice from the board prior to establishing such principal place of business. The board may issue both a certificate and a permit to such individual who is eligible under the substantial equivalency standard set out in either paragraph (1) or paragraph (2) of subsection (a) of K.S.A. 1-322 meets the qualifications and requirements in either K.S.A. 1-322(a)(1) or (2), and amendments thereto. An application under this section may be made through an appraisal service or similar organization approved by the board. Any individual meeting the requirements set forth in this subsection who is denied a certificate and a permit to practice shall have the opportunity to be heard pursuant to the Kansas administrative procedures act.

Sec. 5. K.S.A. 1-307 is hereby amended to read as follows: 1-307. (a) The board, in its discretion, may waive the examination of and may issue a certificate to a holder of a certificate as a "certified public accountant" issued under the laws of any state upon a showing that:

(1) The applicant passed the examination required for issuance of the applicant's certificate with grades that would have been passing grades at the time in this state; and the applicant: (A) Meets all current requirements in this state for the issuance of a certificate at the time application is made; (B) at the time of the issuance of the applicant's certificate in the other state, met all such requirements then applicable in this state; or (C) had four years of experience of the type described in K.S.A. 1-302b(a), and amendments thereto, after passing the examination upon which the applicant's certificate was based and within the 10 years immediately preceding the application; or

(2) the applicant meets the ~~substantial equivalency standard~~ *qualifications and requirements* set out in either K.S.A. 1-322(a)(1) or (2), and amendments thereto.

(b) The board shall issue a certificate to a holder of a foreign designation, granted in a foreign country entitling the holder thereof to engage in the practice of certified public accountancy, provided that:

(1) The foreign authority ~~which~~ *that* granted the designation makes similar provision to allow a person who holds a valid certificate issued by this state to obtain such foreign authority's comparable designation;

(2) the foreign designation: (A) Was duly issued by a foreign authority that regulates the practice of certified public accountancy and the foreign designation has not expired or been revoked or suspended; (B) entitles the holder to issue reports upon financial statements; and (C) was issued upon the basis of educational, examination and experience requirements established by the foreign authority or by law;

(3) the applicant: (A) Received the designation, based on educational and examination standards ~~substantially equivalent~~ *similar* to those in effect in this state at the time the foreign designation was granted; (B) completed an experience requirement, ~~substantially equivalent~~ *similar* to the requirement set out in K.S.A. 1-302b, and amendments thereto, in the jurisdiction ~~which~~ *that* granted the foreign designation; and (C) passed a uniform qualifying examination in national standards and an examination on the laws, regulations and code of ethical conduct in effect in this state acceptable to the board; and

(4) the applicant shall in the application list all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a designation to practice public accountancy.

Each holder of a certificate issued under this subsection shall notify the board in writing, within 30 days after its occurrence, of any issuance, denial, revocation or suspension of a designation or commencement of a disciplinary or enforcement action by any jurisdiction. The board has the sole authority to interpret the application of the provisions of this subsection.

Sec. 6. K.S.A. 1-310 is hereby amended to read as follows: 1-310. (a) Permits to engage in the practice of certified public accountancy in this state shall be issued by the board to persons who have met the requirements under K.S.A. 1-302b, and amendments thereto.

(b) Each holder of a Kansas certificate, ~~which is~~ numbered with an odd number, who is qualified under K.S.A. 1-302b, and amendments thereto, shall have a permit to practice issued or renewed on a biennial basis, which shall expire on the next July 1 ~~which~~ *that* occurs after the date ~~that~~ the permit was issued or renewed ~~and which occurs~~ in an odd-numbered year.

(c) Each holder of a Kansas certificate, ~~which is~~ numbered with an even number, who is qualified under K.S.A. 1-302b, and amendments thereto, shall have a permit to practice issued or renewed on a biennial basis, which shall expire on the next July 1 ~~which~~ *that* occurs after the date ~~that~~ the permit was issued or renewed ~~and which occurs~~ in an even-numbered year.

(d) A person may renew a permit within 12 months of its expiration date if such person submits a complete and sufficient renewal application together with the fee prescribed by K.S.A. 1-301, and amendments thereto.

(e) As a condition for renewal of a permit to practice, the board may require all permit holders to furnish with such applicant's renewal application, evidence of participation in continuing education in accounting, auditing, or related areas of at least 80 hours during the two-year period for renewal unless the board waives all or a portion of the continuing education requirements.

(f) The board may exempt from the continuing education requirements an individual who holds a permit from another state if:

(1) The permit holder has a principal place of business located outside the state of Kansas;

(2) the permit holder verifies to the board's satisfaction that such person has met the continuing education requirements of the state in which the principal place of business is located; and

(3) the board considers the continuing education requirements of the state in which the principal place of business is located to be ~~substantially equivalent~~ *similar* to those of Kansas.

(g) A person who fails to renew a permit within 12 months after its expiration may apply for reinstatement by making application on a form provided by the board, submitting a reinstatement fee as prescribed by K.S.A. 1-301, and amendments thereto, and ~~submitting~~ proof that such person has obtained 40 hours of qualifying continuing education within the preceding 12 months prior to applying for reinstatement.

Sec. 7. K.S.A. 1-321 is hereby amended to read as follows: 1-321. When used in chapter 1 of the Kansas Statutes Annotated, and amendments thereto, ~~the following terms shall have the meanings indicated:~~

(a) "Actively participate" means participation that is continuous as one's primary occupation.

(b) "Affiliated entity" means one that provides services to the CPA firm or provides services to the public that are complementary to those provided by the CPA firm.

(c) "AICPA" means the American institute of certified public accountants.

(d) "Attest" means providing the following services:

(1) Any audit or other engagement to be performed in accordance with the statements on auditing standards (SAS);

(2) any audit to be performed in accordance with the Kansas municipal audit guide;

(3) any review of a financial statement to be performed in accordance with the statements on standards for accounting and review services (SSARS);

(4) any engagement, except a compilation, to be performed in accordance with the statements on standards for attestation engagements (SSAE); and

(5) any engagement to be performed in accordance with the standards of the PCAOB.

(e) "Board" means the Kansas board of accountancy established under K.S.A. 1-201, and amendments thereto.

(f) "Certificate" means a certificate as a certified public accountant issued under K.S.A. 1-302, and amendments thereto, or a certificate as a

certified public accountant issued after examination under the law of any other state.

(g) “Client” means a person or entity that agrees with a permit holder or firm to receive any professional service.

(h) “Compilation” means providing a service to be performed in accordance with the statements on standards for accounting and review services (SSARS) or the statements on standards for attestation engagements (SSAE) the objective of which is to present in the form of financial statements, information that is the representation of management or owners, or both, without undertaking to express any assurance on the statements.

(i) “Directed” means the location to which the engagement letter is sent.

(j) “Equity capital” means: (1) Capital stock, capital accounts, capital contributions or undistributed earnings of a registered firm as referred to in K.S.A. 1-308, and amendments thereto; and (2) loans and advances to a registered firm made or held by its owners. “Equity capital” does not include an interest in bonuses, profit sharing plans, defined benefit plans or loans to a registered firm from banks, financial institutions or other third parties that do not actively participate in such registered firm.

(k) “Firm” means:

(1) An individual who operates as a sole practitioner and ~~who~~ issues reports subject to peer review; or

(2) any business organization, including, but not limited to, a general partnership, limited liability partnership, general corporation, professional corporation or limited liability company.

(l) “Good moral character” means lack of a history of dishonesty or a felonious act.

(m) “Active license” means a certificate or a permit to practice issued by another state that is currently in force and authorizes the holder to practice certified public accountancy.

(n) “Licensee” means the holder of a certificate or a permit to practice issued by this state or another state.

(o) “Manager” means a manager of a limited liability company.

(p) “Member” means a member of a limited liability company.

(q) “NASBA” means the national association of state boards of accountancy.

(r) “Nonattest” means providing the following services:

(1) The preparation of tax returns and providing advice on tax matters;

(2) the preparation of any compilation;

(3) management advisory, consulting, litigation support and assurance services, except for attest services;

(4) financial planning;

(5) valuation services; and

(6) any other financial service not included in the statements on auditing standards, the statements on standards for accounting and review services, the standards for attestation engagements as developed by the American institute of certified public accountants or as defined by the board.

(s) “PCAOB” means the public company accounting oversight board created by the Sarbanes-Oxley act of 2002.

(t) “Practice of certified public accountancy” means performing or offering to perform attest or nonattest services for the public while using the designation “certified public accountant” or CPA in conjunction with such services.

(u) “Practice of public accountancy” means performing or offering to perform attest or nonattest services for the public by a person not required to have a permit to practice or a firm not required to register with the board.

(v) “Principal place of business” means the *primary* office location ~~designated by the licensee for purposes of substantial equivalency and reciprocity from which the licensee or applicant engages in the practice of certified public accountancy. Each licensee or applicant shall designate a principal place of business that shall be accepted by the board unless the board determines that a different location is the licensee’s or applicant’s primary office location.~~

(w) “Professional” means arising out of or related to the specialized knowledge or skills associated with CPAs.

(x) “Report,” when used with reference to any attest or compilation service, means an opinion, report or other form of language that states or implies assurance as to the reliability of the attested information or compiled financial statements and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use, by the issuer of the report, of names or titles indicating that the person or firm is an accountant or auditor or from the language of the report itself. The term report includes any form of language ~~which~~ *that* disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the attested information or compiled financial statements referred to or special competence on the part of the person or firm issuing such language; ~~and it.~~ “Report” also includes any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence.

(y) “Rule” means any rule or regulation adopted by the board.

(z) “State” means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Guam, except that “this state” means the state of Kansas.

(aa) “Substantial equivalency” is a determination by the board of accountancy or its designee that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to, or exceed the education, examination and experience requirements contained in the uniform accountancy act or that an individual CPA’s education, examination and experience qualifications are comparable to or exceed the education, examination and experience requirements contained in the uniform accountancy act. In ascertaining substantial equivalency as used in this act, the board shall take into account the qualifications without regard to the sequence in which experience, education or examination requirements were attained.

(bb)—“Uniform accountancy act” means model legislation issued by the AICPA and NASBA in existence on July 1, 2007.

Sec. 8. K.S.A. 1-322 is hereby amended to read as follows: 1-322. (a) (1) An individual whose principal place of business is not in this state having an active license *in good standing* to practice certified public accountancy from any state which the board or its designee has verified to be in substantial equivalence with the CPA licensure requirements of the uniform accountancy act shall be presumed to have qualifications substantially equivalent to this state’s requirements and may *shall* be granted all the privileges of permit holders of this state without the need to obtain a permit issued under K.S.A. 1-310, and amendments thereto; or *otherwise register with the board or pay any fee provided that at the time of initial licensure, the individual was required to show evidence of having passed the uniform CPA examination and having met one of the following three requirements:*

(A) *A baccalaureate or higher academic degree from a college or university approved by the board, the total educational program to include a concentration in accounting or equivalent as determined to be appropriate by the board, and not less than two years of accounting experience, as defined by board rule;*

(B) *a baccalaureate or higher academic degree from a college or university approved by the board and an additional 30 semester hours from a college or university approved by the board, the total educational program to include a concentration in accounting or equivalent as determined to be appropriate by the board, and not less than one year of accounting experience, as defined by board rule; or*

(C) *a post-baccalaureate or higher academic degree from a college or university approved by the board, the total educational program to include a concentration in accounting or equivalent as determined to be appropriate by the board, and not less than one year of accounting experience, as defined by board rule.*

(2) An individual whose principal place of business is not in this state having an active license *in good standing* to practice certified public accountancy from any state ~~which the board or its designee has not verified to be in substantial equivalency with the CPA licensure requirements of the uniform accountancy act shall be presumed to have qualifications substantially equivalent to this state's requirements and may be granted and who, as of December 31, 2025, had practice privileges in this state under this section shall continue to have~~ all the privileges of permit holders of this state without the need to obtain a permit to practice issued under K.S.A. 1-310, and amendments thereto, ~~if such individuals' certified public accountancy qualifications are substantially equivalent to the following requirements:~~

(A) ~~Have at least 150 semester hours of college education, including a baccalaureate or higher academic degree, with a concentration in accounting as defined by the home licensing jurisdiction, from a college or university;~~

(B) ~~obtains credit for passing each of the four test sections of the uniform certified public accountant examination; and~~

(C) ~~possess at least one year of experience including service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax or consulting skills, all of which were verified by a certified public accountant holding an active license to practice.~~

~~Any individual who has passed the uniform certified public accountant examination and holds a valid license to practice certified public accountancy issued by another state prior to January 1, 2012, may be exempt from the education requirement in subsection (a)(2)(A) for the purposes of this section or to otherwise register with the board or pay any fee.~~

(b) Any licensee of another state exercising the privilege afforded under ~~subsection (a) this section~~ and the firm ~~which that~~ employs that ~~such~~ licensee hereby simultaneously consent, as a condition of the grant of this privilege:

(1) To the personal and subject matter jurisdiction of this board;

(2) to the appointment of the state regulatory body ~~which that~~ issued their licenses as the agent upon whom process may be served in any action or proceeding by the Kansas board against the licensee;

(3) to cease offering or rendering professional services in this state individually and on behalf of the firm in the event that the license from the state of the individual's principal place of business is no longer valid; and

(4) to comply with this act and the board's rules and regulations.

(c) An individual who has been granted practice privileges under this section who, for any client in this state, performs any of the following services: (1) Any audit or other engagement to be performed in accordance with the statements on auditing standards (SAS); (2) any audit to

be performed in accordance with the Kansas municipal audit guide; (3) any review of a financial statement to be performed in accordance with the statements on standards for accounting and review services (SSARS); (4) any engagement, except a compilation, to be performed in accordance with the statements on standards for attestation engagements (SSAE); and (5) any engagement to be performed in accordance with the standards of the PCAOB; may only do so through a firm ~~which~~ *that* has registered pursuant to K.S.A. 1-308, and amendments thereto.

(d) Any individual prohibited from practicing certified public accountancy in this state, as a result of having a permit, certificate or practice privilege revoked or suspended by the board, shall not be granted practice privileges under this section without first obtaining the approval of the board.

(e) A holder of a permit to practice issued by this state offering or rendering services or using a CPA title in another state may be subject to disciplinary action in this state for an act committed in another state for which the permit holder would be subject to discipline for an act committed in the other state. The board shall investigate any complaint made by the board of accountancy of another state.

Sec. 9. K.S.A. 1-202, 1-301, 1-302a, 1-302b, 1-307, 1-310, 1-321 and 1-322 are hereby repealed.

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

Approved April 9, 2026.

Published in the *Kansas Register* April 23, 2026.

CHAPTER 81

SENATE BILL No. 20

AN ACT concerning insurance; enacting the Kansas consumer prescription protection and accountability act; providing for the regulation of pharmacy benefits managers; requiring the registration of auditing entities; establishing procedures and requirements for the conduct of pharmacy audits, pharmacy benefits manager reporting and examinations; amending K.S.A. 40-222 and 40-3831 and K.S.A. 2025 Supp. 40-202, 40-3821, 40-3822, 40-3823, 40-3824, 40-3825, 40-3826, 40-3827 and 40-3828a and repealing the existing sections; also repealing K.S.A. 40-3828, 65-16,121, 65-16,122, 65-16,123, 65-16,124, 65-16,125 and 65-16,126 and K.S.A. 2025 Supp. 40-3829 and 40-3830.

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

New Section 1. (a) An auditing entity conducting a pharmacy audit under this act shall:

(1) Keep information collected during a pharmacy audit confidential, except that such auditing entity may share the information with the pharmacy benefits manager, the covered entity for which the audit is being conducted and any regulatory agency and law enforcement agency as required by law;

(2) provide the pharmacy being audited with at least 14 calendar days' prior written notice before conducting such audit unless both parties agree otherwise. If the pharmacy requests a delay of the audit, such pharmacy shall provide notice to the pharmacy benefits manager within 72 hours of receiving notice of the audit;

(3) accept paper or electronic signature logs documenting the delivery of prescription or nonproprietary drugs and pharmacist services to a health plan beneficiary or such beneficiary's caregiver or guardian;

(4) provide a complete list of reviewed pharmacy records to an authorized representative of the pharmacy prior to leaving the pharmacy after the on-site portion of the audit has been completed;

(5) (A) provide the pharmacy with a written preliminary report of the pharmacy audit. Such report shall:

(i) Be delivered to the pharmacy or the pharmacy's corporate parent within 60 calendar days after completion of the on-site portion of the pharmacy audit;

(ii) include contact information for the auditing entity that conducted the pharmacy audit and an appropriate and accessible contact person, including such person's telephone number, facsimile number, email address and the auditing entity name and address so that audit results, procedures and any discrepancies can be reviewed; and

(iii) include, but not be limited to, claim level information for any discrepancy found and total dollar amounts of claims subject to recovery; and

(B) a pharmacy shall have at least 30 calendar days following receipt of the preliminary audit report to respond to the findings of the preliminary report;

(6) deliver the final written report to the pharmacy or the pharmacy's corporate parent within 90 calendar days after completion of the pharmacy audit. Such report shall include any response provided to the auditing entity by the pharmacy or corporate parent and consider and address all such responses. The final audit report may be delivered electronically; and

(7) upon request of the plan sponsor, provide a copy of the final report to the plan sponsor, including the disclosure of any money recouped in the audit. The auditing entity shall provide a copy of the report to the commissioner upon request. No report provided to the commissioner shall contain the protected health information of any individual. Reports provided to the commissioner shall be confidential by law, shall not be subject to subpoena and may not be made public by the commissioner or any other person, except to the extent otherwise specifically provided in the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(b) An auditing entity conducting a pharmacy audit as provided in this act may:

(1) Have access to a pharmacy's previous audit report only if the report was prepared by that auditing entity, except as otherwise provided by federal or state law; and

(2) not charge back, recoup or collect penalties from a pharmacy until the time to file an appeal of a final pharmacy audit has passed or the appeals process has been exhausted, whichever is later.

(c) An auditing entity conducting a pharmacy audit as provided in this act shall not:

(1) Compensate such entity's employees or contractors contracted to conduct a pharmacy audit based solely on the amount claimed or the actual amount recouped during such audit;

(2) during the first five days of any month, initiate or schedule a pharmacy audit for any pharmacy averaging more than 600 prescriptions filled per week without the express consent of the pharmacy;

(3) use extrapolation to calculate penalties or amounts to be charged back or recouped unless otherwise required by federal law;

(4) include dispensing fees in the calculation of overpayments unless a prescription is considered a misfill; and

(5) (A) seek any fine, charge back, recoupment or other adjustment for a dispensed product or any portion of a dispensed product unless one or more of the following has occurred:

(i) Fraud or other intentional and willful misrepresentation has been committed by the pharmacy, as evidenced by a review of the claims data, statements, physical review or other investigative method;

(ii) the pharmacy has dispensed a product in excess of the benefit design as established by the plan sponsor;

(iii) the pharmacy has not filled prescriptions in accordance with the prescriber's order; or

(iv) an actual underpayment or overpayment has been made to the pharmacy; and

(B) any fee, charge back, recoupment or other adjustment shall be limited to the actual financial harm associated with the dispensed product or portion of the dispensed product or the actual underpayment or overpayment, pursuant to subparagraph (A).

(d) A pharmacy audit that involves clinical judgment shall be conducted by or in consultation with a pharmacist. Such pharmacy audit shall not cover:

(1) A period of more than 24 months after the date that a claim was submitted by the pharmacy to the pharmacy benefits manager or covered entity unless a longer period is required by law; or

(2) more than 250 prescriptions. A refill does not constitute a separate prescription for the purposes of this paragraph.

(e) When a pharmacy audit is performed, a pharmacy may use:

(1) Authentic and verifiable statements or records, including, but not limited to, medication administration records of a nursing home, assisted living facility, hospital or healthcare provider with prescriptive authority to validate the pharmacy record and delivery; or

(2) any valid prescription, including, but not limited to, medication administration records, facsimiles, electronic prescriptions, electronically stored images of prescriptions, electronically created annotations or documentation of telephone calls from the prescribing healthcare provider or practitioner's agent to validate claims in connection with prescriptions or changes in prescriptions or refills of prescription or nonproprietary drugs. Documentation of an oral prescription order that has been verified by the prescribing healthcare provider shall be deemed to meet the provisions of this subsection for the initial audit review.

(f) A pharmacy that is the subject of a pharmacy audit may not be subject to a charge back or recoupment for a clerical or recordkeeping error in a required document or record, including a typographical or computer error, unless the error resulted in overpayment to the pharmacy. Such pharmacy may appeal a final audit report in accordance with procedures established by the entity conducting the pharmacy audit.

(g) If an identified discrepancy in a pharmacy audit exceeds \$25,000, future payments made by the pharmacy benefits manager to the pharmacy in excess of such amount may be withheld pending adjudication of an appeal.

(h) No interest may accrue for any party during an audit period, be-

ginning with the notice of the pharmacy audit and ending with the conclusion of the appeals process.

(i) Except for medicare claims, approval of drug, prescriber or patient eligibility upon adjudication of a claim may not be reversed unless the pharmacy or pharmacist obtained adjudication by fraud or misrepresentation of claims elements.

(j) The provisions of this section shall not apply to a pharmacy audit if:

(1) Fraud, waste, abuse or other intentional misconduct is indicated by physical review or review of claims data or statements; or

(2) other investigative methods indicate that the pharmacy is or has been engaged in criminal wrongdoing, fraud or other intentional or willful misrepresentation.

(k) This section shall be a part of and supplemental to the Kansas consumer prescription protection and accountability act.

New Sec. 2. (a) No person shall act or operate as an auditing entity without first registering with the commissioner.

(b) Each person seeking to register as an auditing entity shall file with the commissioner an application upon a form prescribed by the commissioner accompanied by a nonrefundable registration fee in an amount of not to exceed \$500. At a minimum, the application form shall include the following:

(1) Identity, address and telephone number of the applicant;

(2) name, business address and telephone number of the contact person for the applicant; and

(3) federal employer identification number for the applicant, if applicable.

(c) The commissioner shall issue a certificate of registration to an applicant if the commissioner determines that the applicant has submitted a completed application and paid the required registration fee.

(d) The certificate of registration is nontransferable and shall prominently list the expiration date of the registration.

(e) Each auditing entity registration shall expire on March 31 of each year and may be renewed annually at the request of the pharmacy auditing entity on or before March 31 of each year. The application for renewal shall be submitted by the auditing entity on a form prescribed by the commissioner and accompanied by a renewal fee in an amount of not to exceed \$250.

(f) If a registered auditing entity fails to provide a completed application for renewal by March 31 or if the renewal fee is not paid by March 31, then a penalty fee shall be assessed in an amount of not to exceed \$250. The auditing entity shall remit the renewal fee plus penalty fee before the commissioner shall issue such auditing entity's registration renewal.

(g) An auditing entity's registration may be suspended by the commissioner until the renewal application has been received and the renewal fee and any penalty assessed has been paid.

(h) 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.

(i) This section shall be a part of and supplemental to the Kansas consumer prescription protection and accountability act.

New Sec. 3. (a) Each pharmacy benefits manager shall:

(1) For each health plan or covered entity for which such pharmacy benefits manager provides pharmacy benefits management services, annually or more frequently upon the commissioner's request, report to the commissioner the aggregate:

(A) Amount of rebates received by the pharmacy benefits manager;

(B) amount of rebates distributed to each health plan or covered entity contracted with the pharmacy benefits manager;

(C) and individual amount paid by the health plan or covered entity to the pharmacy benefits manager for pharmacist services itemized by pharmacy, product and goods and services; and

(D) and individual amount that a pharmacy benefits manager paid for pharmacist services itemized by pharmacy, product and goods and services;

(2) annually, report to the commissioner and each contracted health plan or covered entity the aggregate difference between the amount that the pharmacy benefits manager reimbursed pharmacies and the amount that the pharmacy benefits manager charged such health plan; and

(3) (A) quarterly, report to the commissioner on all drugs appearing on the national average drug acquisition cost list that are reimbursed at 10% and below the national average drug acquisition cost and all drugs that are reimbursed at 10% and above the national average drug acquisition cost and the net acquisition cost for each class of drug appearing on the national average acquisition cost list that the pharmacy benefits manager charged each health benefit plan.

(B) For each drug in the report, the pharmacy benefits manager shall include:

(i) The month that the drug was dispensed;

(ii) the quantity of the drug dispensed;

(iii) the amount that the pharmacy was reimbursed;

(iv) whether the dispensing pharmacy was an affiliate of the pharmacy benefits manager;

(v) whether the drug was dispensed pursuant to a government health plan; and

(vi) the average national drug acquisition cost for the month that the drug was dispensed.

(C) The pharmacy benefits manager shall publish a copy of this report on the pharmacy benefits manager's publicly available website for at least 24 months.

(D) This report shall be exempt from the confidentiality provisions of subsection (d).

(b) (1) Annually, each health benefit plan or covered entity shall report to the commissioner the aggregate amount of credits, rebates, discounts or other such payments received by the health benefit plan or covered entity from a pharmacy benefits manager or drug manufacturer.

(2) Use of annual reporting provided pursuant to this subsection by health benefit plans and covered entities shall be limited to verification of data pursuant to this subsection for compliance purposes.

(c) No report provided to the commissioner shall include the protected health information of any individual.

(d) The reports required by this section shall be filed electronically on a form and in a manner prescribed by the commissioner.

(e) With the exception of the report described in subsection (a)(3), all data and information provided by the pharmacy benefits manager, health plan or covered entity, pursuant to the reporting requirements established by this section, shall:

(1) Be considered proprietary and confidential; and

(2) not be subject to disclosure under the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(f) This section shall be a part of and supplemental to the Kansas consumer prescription protection and accountability act.

New Sec. 4. (a) The commissioner may examine the affairs of a pharmacy benefits manager for compliance with the requirements of this act.

(b) Every examination conducted under this section shall follow the examination procedures and requirements provided in K.S.A. 40-222, and amendments thereto. The commissioner may assess the costs of the examination to the pharmacy benefits manager.

(c) (1) A pharmacy benefits manager shall not be subject to the provisions of K.S.A. 40-222(a), and amendments thereto, pertaining to the frequency of financial examinations of insurers.

(2) The commissioner may examine a pharmacy benefits manager, pursuant to this section, whenever the commissioner believes it is reasonably necessary to ensure compliance with this act.

(d) (1) No protected health information shall be provided to the commissioner pursuant to this section.

(2) The information and data obtained by the commissioner from a pharmacy benefits manager under this section shall be considered confidential by law and exempt from disclosure in accordance with K.S.A. 40-222, and amendments thereto, and shall not be subject to disclosure

under the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(e) This section shall be a part of and supplemental to the Kansas consumer prescription protection and accountability act.

New Sec. 5. (a) A pharmacy benefits manager shall not:

(1) Collect from a pharmacy, pharmacist or pharmacy technician any cost share charged to a covered person that exceeds the total submitted charges by the pharmacy or pharmacist to the pharmacy benefits manager;

(2) (A) reimburse a pharmacy, pharmacist or pharmacy technician for a prescription drug or pharmacy service any amount that is less than the national average drug acquisition cost for the prescription drug or pharmacy service at the time that the drug is administered or dispensed, plus a professional dispensing fee that is the greater of \$10.50 or the dispensing fee calculated pursuant to K.A.R. 30-5-94; or

(B) if the national average drug acquisition cost is not available at the time that a drug is administered or dispensed, a pharmacy benefits manager shall not reimburse a pharmacy, pharmacist or pharmacy technician an amount that is less than the wholesale acquisition cost of the drug as defined in 42 U.S.C. § 1395w-3a(c)(6)(B) plus a professional dispensing fee that is the greater of \$10.50 or the dispensing fee calculated pursuant to K.A.R. 30-5-94;

(3) reimburse a pharmacy or pharmacist for a prescription drug or pharmacy service any amount less than the amount that the pharmacy benefits manager would reimburse itself or an affiliate for the same prescription drug or pharmacy service; and

(4) engage in any practice that:

(A) Includes imposing a point-of-sale fee or retroactive fee; or

(B) derives any revenue from a pharmacy or covered person in connection with performing pharmacy benefits management services. The provisions of this section shall not be construed to prohibit pharmacy benefits managers from processing deductibles or copayments approved by a covered person's health benefit plan.

(b) A pharmacy benefits manager shall:

(1) Charge a health benefit plan the same price for a prescription drug as such pharmacy benefits manager pays a pharmacy for the prescription drug; and

(2) for purposes of complying with the provisions of subsection (a) (2), utilize the most recently published monthly national average drug acquisition cost as a point of reference for the ingredient drug product component of a pharmacy's reimbursement for drugs appearing on the national average drug acquisition cost list.

(c) (1) Any methodology utilized by a pharmacy benefits manager in connection with reimbursement shall be filed with the commissioner at

the time of initial licensure and at any time thereafter that any methodology is changed by the pharmacy benefits manager.

(2) A methodology shall not be subject to disclosure and shall be treated as confidential and exempt from disclosure under the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(3) Every filed methodology shall comply with the provisions of subsection (a)(2), and no pharmacy benefits manager shall enter into a contract with a pharmacy that provides for reimbursement methodology that is impermissible under the provisions of subsection (a)(2).

(d) Any rebate not applied to reduce a covered individual's defined cost sharing by the insurer shall be passed on to the health plan. Nothing in this act shall be deemed to require or preclude an insurer from decreasing a covered individual's defined cost sharing by the application of rebates.

(e) The provisions of this section shall not apply to self-funded health plans subject to the provisions of ERISA, the federal employee retirement income security act of 1974.

(f) The commissioner may order reimbursement to a covered person, pharmacy or dispenser who has incurred a monetary loss as a result of a violation of this act.

(g) This section shall be a part of and supplemental to the Kansas consumer prescription protection and accountability act.

New Sec. 6. (a) Every pharmacy benefits manager contract between a pharmacy benefits manager and a pharmacy shall include a requirement that the pharmacy benefits manager provide to the pharmacy a copy of any contract, amendment, payment schedule or reimbursement rate within 10 calendar days after the execution or amendment to such contract.

(b) This section shall be a part of and supplemental to the Kansas consumer prescription protection and accountability act.

New Sec. 7. (a) If any provision 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.

(b) This section shall be a part of and supplemental to the Kansas consumer prescription protection and accountability act.

Sec. 8. K.S.A. 2025 Supp. 40-202 is hereby amended to read as follows: 40-202. *Except as provided in the Kansas consumer prescription protection and accountability act*, nothing contained in this code shall apply to:

(a) Grand or subordinate lodges of any fraternal benefit society that admits to membership only persons engaged in one or more hazardous

occupations in the same or similar line of business or to fraternal benefit societies as defined in and organized under article 7 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, unless they be expressly designated;

- (b) the employees of a particular person, firm, or corporation;
- (c) mercantile associations that simply guarantee insurance to each other in the same lines of trade and do not solicit insurance from the general public;
- (d) the Swedish mutual aid association of Rapp, Osage county, Kansas;
- (e) the Scandia mutual protective insurance company of Chanute, Kansas;
- (f) the Seneca and St. Benedict mutual fire insurance company of Nemaha county, Kansas;
- (g) the mutual insurance system practiced in the Mennonite church, in accordance with an old custom, either by the congregation themselves or by special associations, of its members in Kansas;
- (h) the Kansas state high-school activities association;
- (i) the mutual aid association of the church of the brethren;
- (j) a voluntary noncontractual mutual aid arrangement whereby the needs of participants are announced and accommodated through subscriptions to a monthly publication;
- (k) a self-funded health plan established or maintained for its employees by the state or a subdivision of the state, a school district, any public authority or by a county or city government or any political subdivision, agency or instrumentality thereof; or
- (l) a self-funded health plan established or maintained for its employees by a church or by a convention or association of churches that is exempt from tax under section 501 of the internal revenue code.

Sec. 9. K.S.A. 40-222 is hereby amended to read as follows: 40-222. (a) Whenever the commissioner of insurance deems it necessary but at least once every five years, the commissioner may make, or direct to be made, a financial examination of any insurance company in the process of organization, or applying for admission or doing business in this state. In addition, at the commissioner's discretion the commissioner may make, or direct to be made, a market regulation examination of any insurance company doing business in this state.

(b) *Whenever the commissioner deems it necessary, the commissioner may make or direct to be made a financial examination or market regulation examination of any pharmacy benefits manager that conducts business in Kansas.*

(c) In scheduling and determining the nature, scope and frequency of examinations of financial condition, the commissioner shall consider such matters as the results of financial statement analyses and ratios, changes

in management or ownership, actuarial opinions, reports of independent certified public accountants and other criteria as set forth in the examiner's handbook adopted by the national association of insurance commissioners and in effect *at the time of such examination as announced by the commissioner pursuant to K.S.A. 40-2,256, and amendments thereto*, when the commissioner exercises discretion under this subsection.

~~(c)~~(d) For the purpose of such ~~examination~~ *examinations*, the commissioner of insurance or the persons appointed by the commissioner, ~~for the purpose of making such examination~~ shall have free access *at no cost* to the books and papers of any such *insurance company or pharmacy benefits manager* that ~~relate~~ *relates* to ~~its~~ *such insurance company's or pharmacy benefits manager's* business and to the books and papers kept by any of its agents and may examine under oath, which the commissioner or the persons appointed by the commissioner are empowered to administer, the directors, officers, agents or employees of any such *insurance company or pharmacy benefits manager* in relation to ~~its~~ *such insurance company's or pharmacy benefits manager's* affairs, transactions and condition.

~~(d)~~(e) The commissioner may also examine or investigate any person, or the business of any person, in so far as such examination or investigation is, in the sole discretion of the commissioner, necessary or material to the examination of the *insurance company or pharmacy benefits manager*, but such examination or investigation shall not infringe upon or extend to any communications or information accorded privileged or confidential status under any other laws of this state.

~~(e)~~(f) In lieu of examining the financial condition of a foreign or alien insurance company or *pharmacy benefits manager*, the commissioner of insurance may accept the report of ~~the~~ *an* examination made by or upon the authority of the company's state of domicile or port-of-entry state ~~until January 1, 1994. Thereafter, such reports as they relate to financial condition may only be accepted if:~~

(1) *At the time of the examination*, the insurance department conducting the examination ~~was at the time of the examination~~ accredited under the national association of insurance commissioners' financial regulation standards and accreditation program; or

(2) the examination ~~is~~ *was* performed under the supervision of an accredited insurance department, or with the participation of one or more examiners who are employed by such an accredited insurance department and who, after a review of the examination work papers and report, state under oath that the examination was performed in a manner consistent with the standards and procedures required by ~~their~~ *such insurance company's* insurance department.

~~(f)~~(g) Upon determining that an examination should be conducted, the commissioner or the commissioner's designee shall appoint one or

more examiners to perform the examination and instruct ~~them~~ *such examiner* as to the scope of the examination. In conducting an examination of financial condition, the examiner shall observe those guidelines and procedures set forth in the *version of the* examiners' handbook ~~adopted promulgated~~ by the national association of insurance commissioners *in effect at the time of such examination as announced by the commissioner pursuant to K.S.A. 40-2,256, and amendments thereto*. The commissioner may also employ such other guidelines or procedures as the commissioner may deem appropriate.

~~(g)~~(h) The refusal of any *insurance company or pharmacy benefits manager*, by its officers, directors, employees or agents, to submit to examination or to comply with any reasonable written request of the examiners shall be grounds for suspension or refusal of, or nonrenewal of any license or authority held by the company to engage in an insurance or other business subject to the commissioner's jurisdiction. Any such proceedings for suspension, revocation or refusal of any license or authority shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

~~(h)~~(i) When making an examination under this act, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants or other professionals and specialists as examiners, the reasonable cost of which shall be borne by the *insurance company which or pharmacy benefits manager that* is the subject of the examination.

~~(i)~~(j) Nothing contained in this act shall be construed to limit the commissioner's authority to:

(1) Terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this state;

~~(j)~~ Nothing contained in this act shall be construed to limit the commissioner's authority to; or

(2) use and, if appropriate, to make public any final or preliminary examination report in the furtherance of any legal or regulatory action which the commissioner may, in the commissioner's sole discretion, deem appropriate.

(k) (1) No later than 30 days following completion of the examination or at such earlier time as the commissioner shall prescribe, the examiner in charge shall file with the department a verified written report of examination under oath. No later than 30 days following receipt of the verified report, the department shall transmit the report to the *insurance company or pharmacy benefits manager* examined, together with a notice which shall afford such *insurance company or pharmacy benefits manager* examined a reasonable opportunity of not more than 30 days to make a written submission or rebuttal with respect to any matters contained in the examination report.

(2) Within 30 days of the end of the period allowed for the receipt of written submissions or rebuttals, the commissioner shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiners workpapers and enter an order:

(A) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the *insurance company or pharmacy benefits manager* is operating in violation of any law, regulation or prior order of the commissioner, the commissioner may order the *insurance company or pharmacy benefits manager* to take any action the commissioner considers necessary and appropriate to cure such violations; or

(B) rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation or information, and refiling pursuant to subsection (k); or

(C) call and conduct a fact-finding hearing in accordance with K.S.A. 40-281, and amendments thereto, for purposes of obtaining additional documentation, data, information and testimony.

(3) All orders entered as a result of revelations contained in the examination report shall be accompanied by findings and conclusions resulting from the commissioner's consideration and review of the examination report, relevant examiner workpapers and any written submissions or rebuttals. Within 30 days of the issuance of the adopted report, the *insurance company or pharmacy benefits manager* shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders.

(4) Upon the adoption of the examination report, the commissioner shall hold the content of the examination report as private and confidential information for a period of 30 days except to the extent provided in paragraph (5). Thereafter, the commissioner may open the report for public inspection so long as no court of competent jurisdiction has stayed its publication.

(5) (A) Except as provided in paragraph (B), nothing contained in this act shall prevent or be construed as prohibiting the commissioner from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, at any time to:

- (i) The insurance department of this or any other state or country;
- (ii) law enforcement officials of this or any other state or agency of the federal government or any other country; or
- (iii) officials of any agency of another country.

(B) The commissioner shall not share any information listed in paragraph (A) unless the agency or office receiving the report or matters relating thereto agrees in writing to hold it confidential and in a manner consistent with this act.

(6) In the event the commissioner determines that regulatory action is appropriate as a result of any examination, the commissioner may initiate any proceedings or actions as provided by law.

(7) All working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the commissioner or any other person in the course of an examination made under this act including analysis by the commissioner pertaining to either the financial condition or the market regulation of ~~a~~ *an insurance company or pharmacy benefits manager* must be given confidential treatment and are not subject to subpoena and may not be made public by the commissioner or any other person, except to the extent otherwise specifically provided in K.S.A. 45-215 et seq., and amendments thereto. Access may also be granted to the national association of insurance commissioners and its affiliates. Such parties must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the *insurance company or pharmacy benefits manager* to which it pertains has been obtained.

(8) Whenever it appears to the commissioner of insurance from such examination or other satisfactory evidence that the solvency of any such insurance company is impaired, or that it is doing business in violation of any of the laws of this state, or that its affairs are in an unsound condition so as to endanger its policyholders, the commissioner of insurance shall give the company a notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act. If the hearing confirms the report of the examination, the commissioner shall suspend the certificate of authority of such company until its solvency shall have been fully restored and the laws of the state fully complied with. The commissioner may, if there is an unreasonable delay in restoring the solvency of such company and in complying with the law, revoke the certificate of authority of such company to do business in this state. Upon revoking any such certificate the commissioner shall commence an action to dissolve such company or to enjoin the same from doing or transacting business in this state.

Sec. 10. K.S.A. 2025 Supp. 40-3821 is hereby amended to read as follows: 40-3821. (a) ~~K.S.A. 40-3821 through 40-3828, and amendments thereto, and K.S.A. 2025 Supp. 40-3828a et seq., and amendments thereto, shall be known and may be cited as the pharmacy benefits manager licensure~~ *Kansas consumer prescription protection and accountability act*.

(b) ~~On and after January 1, 2023, a~~ *No* person shall ~~not~~ perform, act or do business in this state as a pharmacy benefits manager unless such person has a valid license issued by the commissioner pursuant to this act.

(c) This act shall apply to any pharmacy benefits manager that provides claims processing services, other prescription drug or device services, or both, to covered persons who are residents of this state.

(d) ~~This act shall not apply to any pharmacy benefits manager that holds a certificate of registration as an administrator pursuant to K.S.A. 40-3810, and amendments thereto.~~ *This act shall also apply to any audit of the records of a pharmacy conducted by a managed care company, third-party payer, pharmacy benefits manager or any entity that represents a covered entity or health benefit plan and the registration of auditing entities.*

(e) A license issued in accordance with the ~~pharmacy benefits manager licensure~~ *Kansas consumer prescription protection and accountability act* shall be nontransferable.

Sec. 11. K.S.A. 2025 Supp. 40-3822 is hereby amended to read as follows: 40-3822. As used in this act:

(a) ~~“Act” means the pharmacy benefits manager licensure Kansas consumer prescription protection and accountability act.~~

(b) ~~“Affiliate” means a pharmacy, pharmacist or pharmacy technician which, either directly or indirectly through one or more intermediaries:~~

(1) ~~Has an investment or ownership interest in a pharmacy benefits manager licensed under this chapter;~~

(2) ~~shares common ownership with a pharmacy benefits manager licensed under this chapter; or~~

(3) ~~has an investor or ownership interest holder that is a pharmacy benefits manager licensed under this article.~~

(c) ~~“Auditing entity” means a person that performs a pharmacy audit, including a pharmacy benefits manager, managed care organization or third-party payer.~~

~~(b)~~(d) ~~“Commissioner” means the commissioner of insurance as defined by K.S.A. 40-102, and amendments thereto.~~

~~(e)~~(e) (1) ~~“Covered entity” means:~~

~~(A) A nonprofit hospital or medical service corporation, health insurer, health benefit plan or health maintenance organization;~~

~~(B) a health program administered by a department or the state in the capacity of provider of health coverage; or~~

~~(C) an employer, labor union or other group of persons organized in the state that provides health coverage to covered individuals who are employed or reside in the state a health insurance company, health maintenance organization, hospital, medical or dental corporation, healthcare corporation, any entity that provides, administers or manages a self-funded health benefit plan including a governmental plan or any other entity that provides prescription drug coverages unless specifically excluded in paragraph (2).~~

(2) ~~“Covered entity” does not include any:~~

~~(A) Self-funded plan that is exempt from state regulation pursuant to ERISA;~~

~~(B)~~ plan issued for coverage for federal employees; or
~~(C)~~ health plan that provides coverage only for accidental injury, specified disease, hospital indemnity, medicare supplement, disability income, long term care or other limited benefit health insurance policies and contracts insurers that provide coverage under a policy of property or casualty insurance or workers compensation insurance.

~~(d)~~(f) “Covered person” means a member, policyholder, subscriber, enrollee, beneficiary, dependent or other individual participating in a health benefit plan.

(g) “Defined cost sharing” means a deductible payment, copayment or coinsurance amount imposed on an enrollee for a covered prescription drug under the enrollee’s health plan.

~~(e)~~(h) “Department” means the ~~insurance department~~ Kansas department of insurance.

~~(f)~~(i) “ERISA” means the federal employee retirement income security act of 1974.

~~(g)~~(j) “Health benefit plan” ~~means the same as defined in K.S.A. 40-4602, and amendments thereto~~ or “health plan” means any hospital or medical expense policy, health, hospital or medical service corporation contract, a plan provided by a municipal group-funded pool, a policy or agreement entered into by a health insurer or a health maintenance organization contract offered by an employer or any certificate issued under any such policies, contracts or plans. “Health benefit plan” or “health plan” does not include policies or certificates covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, vision care, coverage issued as a supplement to liability insurance, insurance arising out of a workers compensation or similar law, automobile medical-payment insurance or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

~~(h)~~(k) “Health insurer” means the same as defined in K.S.A. 40-4602, and amendments thereto.

(i) “Maximum allowable cost” or “MAC” means any term or methodology that a pharmacy benefits manager or a healthcare insurer may use to establish the maximum amount that a pharmacy benefits manager will reimburse a pharmacy or a pharmacist for generic drugs(l) “Misfill” means a prescription:

- (1) That was not dispensed;
- (2) error;
- (3) that had a request by the pharmacy to authorize the filling of such prescription that was denied by the prescriber; or
- (4) that had an extra dispensing fee charged.

(m) “National average drug acquisition cost” means the monthly survey of retail pharmacies conducted by the federal centers for medicare and medicaid services to determine the average acquisition cost for medicaid-covered outpatient drugs.

(n) “Nonproprietary drug” means a drug containing any quantity of any controlled substance or any drug that is required by any applicable federal or state law to be dispensed only by prescription.

(o) “Person” means an individual, partnership, corporation, organization or other business entity.

(p) “Pharmacy audit” means an audit conducted by or on behalf of an auditing entity of any records of a pharmacy for prescription or nonproprietary drugs dispensed by a pharmacy to a covered person.

~~(j)~~(q) “Pharmacy benefits management” means:

(1) Any of the following services provided with regard to the administration of the following pharmacy benefits:

(A) Mail service pharmacy;

(B) claims processing, retail network management and payment of claims to pharmacies for prescription drugs dispensed to covered individuals;

(C) clinical formulary development and management services;

(D) rebate contracting and administration;

(E) certain patient compliance, therapeutic intervention and generic substitution programs; or

(F) disease management programs involving prescription drug utilization; and

(2) (A) the procurement of prescription drugs by a prescription benefits manager at a negotiated rate for dispensation to covered individuals within this state; or

(B) the administration or management of prescription drug benefits provided by a covered insurance entity for the benefit of covered individuals.

~~(k)~~(r) “Pharmacy benefits manager” means a person, business or other entity that performs pharmacy benefits management. “Pharmacy benefits manager” includes any person or entity acting in a contractual or employment relationship for a pharmacy benefits manager in the performance of pharmacy benefits management for a covered entity. “Pharmacy benefits manager” does not include a covered insurance entity.

~~(l)~~ “Person” means an individual, partnership, corporation, organization or other business entity(s) “Pharmacy record” means any record stored electronically or as a hard copy by a pharmacy relating to the provision of prescription or nonproprietary drugs, pharmacy services or other component of pharmacist care that is included in the practice of pharmacy as defined in K.S.A. 65-1626a, and amendments thereto.

(t) *“Pharmacy services administration organization” means any entity that contracts with a pharmacy to assist with covered entity interactions and that may provide a variety of other administrative services, including contracting with pharmacy benefits managers on behalf of pharmacies and managing pharmacies’ claims payments from covered entities.*

(u) *“Rebate” means any and all payments that accrue to a pharmacy benefits manager or such pharmacy benefits manager’s health plan client, directly or indirectly, from a pharmaceutical manufacturer, including, but not limited to, discounts, administration fees, credits, incentives or penalties associated directly or indirectly in any way with claims administered on behalf of a health plan client. “Rebate” does not include any discount or payment that may be provided to or made to any 340B entity through such program.*

Sec. 12. K.S.A. 2025 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 *any* template contract 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) *an affidavit, executed by an officer or director of the pharmacy benefits manager affirming that any template contract submitted pursuant to this subsection is the accurate and complete contract used; and*

(8) a network adequacy report on a form prescribed by the department through rules and regulations.

(c) A nonrefundable application fee *in an amount 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~~ *an amount of not to exceed \$2,000 per occurrence*.

(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. 13. K.S.A. 2025 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) (1) *Within 90 days after receipt of a completed renewal application, the commissioner shall review the application and any relevant information received pursuant to the provisions of this act, including*

quarterly and annual reports. If the commissioner determines the application is incomplete or the pharmacy benefits manager is not in compliance with the act, the commissioner shall notify the applicant and shall specify the reason for the denial of the renewal application.

(2) If a registered auditing entity fails to provide a completed application for renewal by March 31, or if the license renewal fee is not paid by March 31, then a penalty fee shall be assessed in an amount of not to exceed \$250. The auditing entity shall remit the renewal fee plus the penalty fee before the commissioner issues such auditing entity's registration renewal.

(c) If a pharmacy benefits manager fails to provide a completed application for renewal by March 31, or if a license renewal fee is not paid by the prescribed date March 31, then the amount of the fee, plus a penalty fee shall be assessed in an amount 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. The pharmacy benefits manager shall remit the renewal fee plus the penalty fee before the commissioner issues such pharmacy benefits manager's license renewal.

(d) 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.

(d)(e) 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. 14. K.S.A. 2025 Supp. 40-3825 is hereby amended to read as follows: 40-3825. ~~(a)~~ In accordance with the provisions of the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto, the commissioner may adopt, amend and revoke rules and regulations governing the administration and enforcement of this act, limited to:

- ~~(1)(a)~~ The content of the application form;
- ~~(2)(b)~~ the content of any other form or report required to implement this act; and
- ~~(3)(c)~~ such other rules and regulations as the commissioner may deem necessary to carry out the provisions of this act.

~~(b) The commissioner shall adopt, amend and revoke all such necessary rules and regulations not later than July 1, 2023.~~

Sec. 15. K.S.A. 2025 Supp. 40-3826 is hereby amended to read as follows: 40-3826. (a) If the commissioner has reason to believe that a

pharmacy benefits manager has been engaged in this state or is engaging in this state in activity that violates the ~~pharmacy benefits manager license~~ *Kansas consumer prescription protection and accountability act*, the commissioner shall issue and serve upon such pharmacy benefits manager a statement of the charges of any such violation and conduct a hearing thereon in accordance with the provisions of the Kansas administrative procedure act.

(b) If, after such a hearing, the commissioner determines that the pharmacy benefits manager charged has violated the act, the commissioner may, in the exercise of discretion, order any one or more of the following:

(1) (A) Payment of a monetary penalty *in an amount of not more than to exceed* \$1,000 for each and every act or violation. ~~The total of the monetary penalties for such violations shall not exceed \$10,000;~~

(B) if the pharmacy benefits manager knew or reasonably should have known that such manager was in violation of this act, payment of a monetary penalty *in an amount of not more than to exceed* \$5,000 for each and every act or violation. ~~The total of the monetary penalties for such violations shall not exceed \$50,000 in any six-month period;~~

(2) if such manager knew or reasonably should have known such person was in violation of this act, the suspension or revocation of the pharmacy benefits manager's license; or

(3) the assessment of any costs incurred as a result of conducting the administrative hearing authorized by the provisions of this section against the pharmacy benefits manager.

(c) As used in this section, "costs" includes witness fees, mileage allowances, any costs associated with reproduction of documents that become a part of the hearing record and expenses of making a record of the hearing.

(d) (1) If the deadline for filing a petition for review has expired and no such petition has been filed, the commissioner may reopen and modify or set aside any portion or the entirety of any administrative order issued under this section.

(2) The reopening of any such order may occur if, in the commissioner's opinion, the conditions of fact or law have changed to warrant such an action or if such an action is warranted in the public interest.

(e) *In addition to any other penalty provided by this act*, any person who acts as a pharmacy benefits manager without being licensed as required by this act shall be subject to a fine of ~~\$5,000~~ *not to exceed \$100,000* for the period in which the pharmacy benefits manager is found to be in violation.

Sec. 16. K.S.A. 2025 Supp. 40-3827 is hereby amended to read as follows: 40-3827. (a) There is hereby established in the state treasury

the pharmacy benefits manager licensure fund. Such fund shall be administered by the commissioner for costs related to administering the ~~pharmacy benefits manager licensing~~ *Kansas consumer prescription protection and accountability* act. All expenditures from the pharmacy benefits manager licensure 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 commissioner or by the commissioner's designee.

(b) The commissioner shall remit all moneys received by or for the commissioner under the provisions of this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and such amount shall be credited to the pharmacy benefits manager licensure fund.

Sec. 17. K.S.A. 2025 Supp. 40-3828a is hereby amended to read as follows: 40-3828a. (a) A pharmacy benefits manager's license may be revoked, suspended or limited, the licensee may be censured or placed under probationary conditions or an application for a license or for reinstatement of a license may be denied upon a finding that the:

(1) Applicant or licensee committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license;

(2) licensee has violated any lawful rule or regulation promulgated by the commissioner or violated any lawful order or directive of the commissioner previously entered by the commissioner;

(3) pharmacy benefits manager has engaged in fraudulent activity that constitutes a violation of state or federal law;

(4) licensee has failed to furnish any information legally requested by the commissioner to the commissioner or the commissioner's investigators or representatives, *including information requested during an examination pursuant to section 4, and amendments thereto*;

(5) pharmacy benefits manager has been determined by the commissioner to be in violation of or noncompliance with state or federal law; ~~or~~

(6) pharmacy benefits manager has failed to timely submit a renewal application and the information required under K.S.A. 40-3824, and amendments thereto. In lieu of a denial of a renewal application, the commissioner may permit the pharmacy benefits manager to submit to the commissioner a corrective action plan to correct or cure any deficiencies; *or*

(7) *pharmacy benefits manager has failed to timely submit the reporting required by section 3, and amendments thereto.*

(b) This section shall be a part of and supplemental to the ~~pharmacy benefits manager licensure~~ *Kansas prescription protection and accountability* act.

Sec. 18. K.S.A. 40-3831 is hereby amended to read as follows: 40-3831. (a) ~~This section shall be known and may be cited as the Kansas pharmacy patients fair practices act.~~

~~(b) As used in this section:~~

~~(1) “Covered person” means the same as defined in K.S.A. 40-3822, and amendments thereto.~~

~~(2) “Health carrier” means the same as defined in K.S.A. 40-2,195, and amendments thereto.~~

~~(3) “Pharmacy benefits manager” means the same as defined in K.S.A. 40-3822, and amendments thereto.~~

~~(c)~~(1) ~~Co-payments~~ *Copayments* applied by a health carrier for a prescription drug ~~may~~ *shall* not exceed the total submitted charges by the network pharmacy.

(2) A pharmacy or pharmacist shall have the right to provide a covered person with information regarding the amount of the covered person’s cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by a pharmacy benefits manager from discussing any such information or for selling a more affordable alternative to the covered person if such an alternative is available.

~~(d)~~(b) (1) This section applies to any contract between a pharmacy benefits manager and a pharmacy, a pharmacy services administration organization or a group purchasing organization ~~that is entered into or renewed on and after January 1, 2019.~~

(2) The provisions of this section shall not apply to any policy or certificate that provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, any coverage issued as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

Sec. 19. K.S.A. 40-222, 40-3828, 40-3831, 65-16,121, 65-16,122, 65-16,123, 65-16,124, 65-16,125 and 65-16,126 and K.S.A. 2025 Supp. 40-202, 40-3821, 40-3822, 40-3823, 40-3824, 40-3825, 40-3826, 40-3827, 40-3828a, 40-3829 and 40-3830 are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its publication in the statute book.

CHAPTER 82

HOUSE BILL No. 2615

AN ACT concerning roads and highways; designating a portion of United States highway 75 as the Brig Gen George H Wark memorial highway; designating a portion of United States highway 56 as the Bill Tucker memorial highway; redesignating a current portion of the purple heart/combat wounded veterans highway for United States highway 75; amending K.S.A. 2025 Supp. 68-1051 and repealing the existing section.

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

New Section 1. The portion of United States highway 75 from its southern junction with United States highway 166 in Montgomery county then south to the Kansas-Oklahoma border is hereby designated as the Brig Gen George H Wark memorial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs along the highway right-of-way at proper intervals to indicate that the highway is the Brig Gen George H Wark memorial highway.

New Sec. 2. The portion of United States highway 56 in Morton county from its junction with county road 14, then northeast to its junction with county road 16 is hereby designated as the Bill Tucker memorial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the Bill Tucker memorial highway.

Sec. 3. K.S.A. 2025 Supp. 68-1051 is hereby amended to read as follows: 68-1051. The portion of United States highway 75 where it enters the state on the Kansas-Nebraska border on the north then south to the junction with K-9, then south from the junction of K-9 with K-62 to the junction of K-62 with K-16 then east to the junction with United States highway 75 then south on United States highway 75 to the southern city limits of Holton, then from the junction of United States highway 75 and interstate highway 70 in Shawnee county then south on United States highway 75 to the southern boundary of Osage county, then from the northern city limits of the city of Yates Center south on United States highway 75 to the northern interchange with United States highway 400, then south from the southern interchange with United States highway 400 to the ~~Kansas-Oklahoma border, the southern junction with United States highway 166~~ is hereby designated as the purple heart/combat wounded veterans highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the purple heart/combat wounded veterans highway. The secretary of transportation may accept and administer gifts and do-

nations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 4. K.S.A. 2025 Supp. 68-1051 is hereby repealed.

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

Approved April 9, 2026.

CHAPTER 83

HOUSE BILL No. 2647*

AN ACT concerning communications services; relating to the Kansas department of transportation; authorizing the Kansas department of transportation to establish a statewide conduit system for fiber optic transmissions of broadband connections; establishing the Kansas broadband revolving fund for the receipt and disbursement of moneys related to such system; requiring the secretary of transportation to prepare and submit a report to the legislature regarding such system.

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

Section 1. As used in this act:

- (a) “Department” means the Kansas department of transportation.
- (b) “Equipment” means optical fibers and ancillary equipment used to support fiber optic transmission systems, including, but not limited to, transmitters, receivers, connectors, vaults and ducts.
- (c) “Revenues” means any receipts, fees, revenues or other payments received or to be received by the department under this act.
- (d) “Secretary” means the secretary of the Kansas department of transportation.
- (e) “System” means a physical infrastructure of conduit and microduct used to house optical fibers that enable the transmission of broadband connections.

Sec. 2. (a) The secretary is hereby authorized and empowered to plan, administer, construct, reconstruct, rehabilitate and maintain a system in accordance with this act. The secretary may:

- (1) Enter into agreements with governmental and nongovernmental entities to install equipment in the system or use the system to the extent that the system is not needed by the department; and
 - (2) require entities that install equipment in the system or use the system to obtain a highway right-of-way use permit.
- (b) The secretary shall:
- (1) Establish a schedule of fees to be charged to entities that install equipment in the system or use the system. Such fees shall be set at an amount that is sufficient to recover the actual incremental cost incurred by the department for the administration, construction, reconstruction, rehabilitation and maintenance of the system;
 - (2) adopt a policy to prioritize the available space within the system; and
 - (3) establish standard terms and conditions that shall be included in any agreement that authorizes an entity to install equipment in the system or use the system.
- (c) Nothing in this act shall require any entity to use the department’s system. The department shall not require any entity to use the depart-

ment's system in lieu of obtaining a highway use permit and installing such entity's own system within the state highway right-of-way. Only entities using the department's system shall be required to pay fees or costs associated with the department's system.

(d) It is the intent of the legislature that the department shall not compete with the private sector in the provision of broadband infrastructure or services.

Sec. 3. (a) There is hereby established in the state treasury the Kansas broadband revolving fund. Such fund shall be administered by the secretary. All expenditures from the Kansas broadband revolving 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 secretary's designee. All moneys received by the secretary pursuant to this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount to the credit of the Kansas broadband revolving fund.

(b) The Kansas broadband revolving fund shall consist of:

- (1) Any fees paid to the secretary pursuant to section 2, and amendments thereto;
- (2) amounts appropriated or otherwise made available by the legislature for the purpose of the fund;
- (3) interest earned on moneys in the fund pursuant to subsection (d);
- (4) amounts contributed or otherwise made available by any public or private entity, including the federal government, for use in effectuating the purposes of the fund; and
- (5) amounts transferred from the state highway fund by order of the secretary.

(c) The secretary or the secretary's designee may make expenditures from the Kansas broadband revolving fund to:

- (1) Plan, administer, construct, reconstruct, rehabilitate and maintain the system;
- (2) pay for the administrative costs to carry out the provisions of this act; and
- (3) transfer moneys from the Kansas broadband revolving fund to the state highway fund.

(d) On or before the 10th day of each month commencing on July 1, 2026, the director of accounts and reports shall transfer from the state general fund to the Kansas broadband revolving fund interest earnings based on:

- (1) The average daily balance of moneys in the Kansas broadband revolving fund for the preceding month; and

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

(e) To carry out the provisions of this act, the secretary is hereby authorized to order the director of accounts and reports to transfer moneys from the state highway fund to the Kansas broadband revolving fund or from the Kansas broadband revolving fund to the state highway fund.

Sec. 4. (a) Prior to the 10th day of the regular session of the legislature each year, the secretary shall submit a written report to the governor, and the senate committee on utilities, the senate committee on transportation, the house of representatives committee on energy, utilities and telecommunications, the house of representatives committee on transportation and the house of representatives committee on transportation and public safety budget, that provides:

(1) The amount of the system constructed, reconstructed or rehabilitated during the preceding fiscal year;

(2) the costs associated with the planning, administration, construction, reconstruction, rehabilitation and maintenance of the system during the preceding fiscal year, which shall be set out for each individual category of cost;

(3) the payments made by governmental and nongovernmental entities that have entered into agreements with the secretary to install equipment in the system or use the system;

(4) a listing of the governmental and nongovernmental entities that have entered into agreements with the secretary to install equipment in the system or use the system;

(5) a listing of the governmental and nongovernmental entities that have terminated agreements with the secretary to install equipment in the system or use the system;

(6) a listing of all governmental and nongovernmental entities that have applied to install equipment in the system or use the system but have not been allowed to install equipment in the system or use the system and why such entities were denied;

(7) a listing of projects that are anticipated to be performed in the subsequent five years and the anticipated timeline for the projects;

(8) information concerning the condition and performance of the system; and

(9) an explanation of any material changes from the previous annual report.

(b) The secretary shall post such report on the official internet page of the department and provide notice of the online posting to all persons or entities requesting such notice. The secretary shall establish a virtual method for a person or entity to request such notice.

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

Approved April 9, 2026.

CHAPTER 84

HOUSE BILL No. 2158

AN ACT concerning agriculture; relating to food; requiring beekeepers who meet certain requirements to sell packaged honey and honeycombs without holding a food establishment or food processing plant license under the Kansas food, drug and cosmetic act; providing that beekeepers who meet certain requirements are not required to acquire or maintain certain facilities or equipment under such act; amending K.S.A. 65-689 and repealing the existing section.

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

New Section 1. (a) As used in this section:

(1) “Honey” means the nectar and saccharine exudations of plants that are gathered, modified and stored in the comb by honey bees.

(2) “Honeycomb” means a structure of cells composed of beeswax in which bees store honey.

(3) “Unaltered” means left raw and in the original state after harvesting and, if applicable, straining. “Unaltered” does not include honey or honeycombs that have been pasteurized.

(b) Any beekeeper who wishes to sell honey or honeycombs for sale or resale at a retailer shall be exempt from the requirement to hold a license pursuant to K.S.A. 65-689, and amendments thereto, if such beekeeper meets the following requirements:

(1) Honey and honeycombs are packaged on the property of the beekeeper harvesting and selling such products;

(2) packaged honey and honeycombs are labeled with the following information in legible English and otherwise be in accordance with state and federal law:

(A) A “honey” or “honeycomb” designation. The floral source may be part of the name if the product contains a significant amount of pollen from that flower;

(B) the name, address and zip code of the beekeeper packaging the honey or honeycomb;

(C) the net weight of the contents; and

(D) a disclaimer stating the following: “Product not subject to routine inspection by the Kansas department of agriculture.”;

(3) the beekeeper keeps such honey and honeycombs unaltered and free from additional additives;

(4) the hive or hives from which the honey or honeycombs originated were located in the state of Kansas when such honey or honeycombs were harvested;

(5) the beekeeper’s annual gross sales from honey and honeycombs does not exceed \$35,000;

(6) the beekeeper follows the minimum sanitary standards adopted by the department for packaging the honey and honeycombs; and

(7) the beekeeper harvesting and selling the honey or honeycombs maintains a record of sales of such products. The record shall be available to the Kansas department of agriculture when requested. The record of sales shall include, but not be limited to:

- (A) The amount of honey or honeycombs sold by container size;
- (B) where such honey or honeycombs were sold; and
- (C) the date of such sales.

(c) Any beekeeper who meets the requirements of subsection (b) (1), (2), (3), (4), (6) and (7) shall not be required to acquire or maintain facilities or equipment required for temperature-controlled food items, including a kitchen permitted for commercial food preparation.

(d) Nothing in this section shall be construed to prohibit a beekeeper from applying for and holding a license pursuant to K.S.A. 65-689, and amendments thereto.

(e) This section shall be a part of and supplemental to the Kansas food, drug and cosmetic act.

Sec. 2. K.S.A. 65-689 is hereby amended to read as follows: 65-689.

(a) It shall be unlawful for any person to engage in the business of conducting a food establishment or food processing plant unless such person shall have in effect a valid license therefor issued by the secretary.

(b) Applications for such licenses shall be made on forms prescribed by the secretary, and each such application shall be accompanied by an application fee and by a license fee. Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the food establishment or food processing plant designated in the application, to determine that it complies with rules and regulations adopted pursuant to the food, drug and cosmetic act, ~~and amendments thereto~~. If the food establishment or food processing plant is found to be in compliance, and the completed application and accompanying fees have been submitted, the secretary shall issue the license. If the food establishment or food processing plant is found not to be in compliance, the secretary shall deny the application for a license after providing notice and opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(c) Every license issued hereunder shall be displayed conspicuously in the food establishment or food processing plant for which it is issued, and no such license shall be transferable to any other person or location. Whenever any such license is lost, destroyed or mutilated, a duplicate license shall be issued to any otherwise qualified licensee upon application therefor and the payment of a fee in the amount of \$5.

(d) A license shall not be required ~~by for~~:

(1) A plant or facility registered or licensed by the department of agriculture pursuant to article 7 of chapter 65 of the Kansas Statutes

Annotated, and amendments thereto, or licensed or registered by the department of agriculture pursuant to article 6a of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall not be required to obtain a separate license pursuant to this section if the inspections conducted under the respective acts encompass all operations of the facility.

(2) A registered nonprofit organization that provides food without charge solely to people who are food insecure, including, but not limited to, soup kitchens and food pantries.

(3) A location where prepackaged individual meals are distributed to persons eligible under the federal older Americans act.

(4) A person who produces food for distribution directly to the end consumer, if such food does not require time and temperature control for safety or specialized processing, as determined by the secretary.

(5) A person who serves food exclusively on interstate conveyances or common carriers.

(6) A person operating a food establishment for less than seven days in any calendar year.

(7) A person who prepares, serves or sells food for the sole purpose of soliciting funds to be used for community or humanitarian purposes or educational or youth activities.

(8) A person operating a food vending machine, if the food vending machine company:

(A) Is licensed as a food establishment, or if located in another state, licensed according to the laws of such state;

(B) maintains, and makes available to the secretary, a current record of the location of each food vending machine it operates or services; and

(C) conspicuously displays the company name, phone number and any additional information the secretary may require on each such vending machine.

(9) A person providing only complimentary coffee to its patrons whose primary business is unrelated to operating a food establishment or food processing plant.

(10) A person operating a farm winery, as defined in K.S.A. 41-102, and amendments thereto, who does not produce or offer any food products other than wine produced at such farm winery.

(11) A retailer, as defined in K.S.A. 41-102, and amendments thereto, that sells only alcoholic liquors and cereal malt beverages.

(12) A food establishment that sells or offers for sale only packaged foods that are non-hazardous and are received directly from a licensed food production facility in packaged form, if such food establishment contains less than 200 cubic feet as measured pursuant to K.S.A. 65-688(e), and amendments thereto.

(13) A person who provides food samples, without charge, to pro-

mote, advertise or compliment the sale of food or associated food preparation equipment.

(14) A guest house, as defined in K.S.A. 36-501, and amendments thereto.

(15) *A beekeeper who meets the requirements of section 1(b), and amendments thereto.*

(e) The exemption provided to those entities provided in subsection (d) shall not be exempt from inspection or regulation when a violation is observed or reported to the secretary.

(f) A food establishment operated in connection with any premises licensed, registered or permitted by the secretary of health and environment, the secretary for children and families, the secretary of corrections or the secretary for aging and disability services that is inspected and regulated pursuant to the respective law or rule and regulation of such secretary, shall not require a license, and the secretary of agriculture shall not be authorized to inspect or cause such premises to be inspected. This subsection shall not apply to a food establishment whose primary function is not in connection with any premises licensed, registered or permitted pursuant to the respective law or rule and regulation of such secretary.

Sec. 3. K.S.A. 65-689 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 9, 2026.

CHAPTER 85

SENATE BILL No. 325

AN ACT concerning motor vehicles; relating to vehicle registrations; creating the vehicle services modernization task force; directing such task force to study, evaluate and recommend improvements for vehicle services provided by state agencies or entities on behalf of the state; providing certain limitations on the expenditure of county treasurer motor vehicle fee funds; authorizing county treasurers to charge certain increased fees for vehicle registration transactions; amending K.S.A. 8-145d and K.S.A. 2025 Supp. 8-145 and repealing the existing sections.

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

New Section 1. (a) There is hereby established the vehicle services modernization task force. The task force shall consist of:

(1) The following nine voting members:

(A) The chairperson of the senate committee on transportation or the chairperson's designee;

(B) the chairperson of the house of representatives committee on transportation or the chairperson's designee;

(C) the ranking minority member of the senate committee on transportation or the ranking member's designee;

(D) the ranking minority member of the house of representatives committee on transportation or the ranking member's designee;

(E) one member of the senate appointed by the president of the senate;

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

(G) one member of the house of representatives appointed by the speaker of the house of representatives;

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

(I) one member of the senate or the house of representatives jointly appointed by the minority leaders of the senate and the house of representatives; and

(2) the following six nonvoting members:

(A) The director of vehicles;

(B) one county treasurer from a county with a population under 15,000 people appointed by the Kansas county treasurers association;

(C) one county treasurer from a county with a population between 15,000 and 100,000 people appointed by the Kansas county treasurers association;

(D) one county treasurer from a county with a population over 100,000 people appointed by the Kansas county treasurers association;

(E) one member appointed by the Kansas automobile dealers association; and

(F) one member appointed by the Kansas motor carriers association.

(b) Members of the task force shall be appointed by September 1, 2026. 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.

(c) The chairperson of the senate committee on transportation or the chairperson's designee and the chairperson of the house of representatives committee on transportation or the chairperson's designee shall serve as co-chairpersons of the task force.

(d) (1) Meetings of the task force shall be held in Topeka. The task force may meet at any time upon call of either co-chairperson of the task force. The first meeting of the task force shall be held on or before December 15, 2026.

(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) Members of the task force shall not receive compensation, except that members of the legislature attending task force meetings shall be paid compensation, travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, 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.

(e) The vehicle services modernization task force shall:

(1) Evaluate vehicle services related to vehicle registrations and titling provided by the division of vehicles, county treasurers and contractors of the division of vehicles;

(2) make recommendations for methods to modernize such vehicle services, including improvements to fee structures and payments, procedures for such services and the technology needed to administer such services;

(3) make recommendations for any statutory or regulatory changes necessary for implementation of such modernization methods; and

(4) study, evaluate or make any other recommendations related to vehicle services provided by state agencies or other entities on behalf of the state.

(f) The task force shall prepare and submit a report on or before January 10, 2028, to the senate committee on transportation and the house of representatives committee on transportation concerning the findings and recommendations of the task force pursuant to subsection (e).

(g) The provisions of this section shall expire on January 31, 2028.

Sec. 2. K.S.A. 2025 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) (1) 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.

(2) 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.

(3) *The special fund created for county treasurers pursuant to this subsection shall be expended in accordance with any policies related to expenditures for personnel or pay plans and other purchasing policies approved by the board of county commissioners.*

(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. 3. K.S.A. 8-145d is hereby amended to read as follows: 8-145d. (a) (1) In addition to the annual vehicle registration fees prescribed by K.S.A. 8-143, 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143l, 8-167, 8-172, 8-195, 8-1,103 and 8-1,108, and amendments thereto, ~~and K.S.A. 8-143l, and amendments thereto,~~ any applicant for vehicle registration or renewal thereof ~~for registration~~ shall pay a service fee in the amount of \$5 to the county treasurer, the division of vehicles or a contractor of the division at the time of making such application.

(2)(A) In addition to such service fee, the county treasurer may charge any applicant for vehicle registration or renewal thereof ~~for registration,~~ a registration transaction fee as follows: (1) In an amount not to exceed \$5 per vehicle registration or renewal thereof for registration, when such application is made at a registration facility in a county with multiple vehicle registration facilities as established by the county treasurer; and (2) in an amount not to exceed \$2.50 per vehicle registration or renewal thereof for registration, when such application is made at a registration facility in a county with a single vehicle registration facility as established by the county treasurer in an amount of not to exceed \$5.

(B) *From January 1, 2027, through December 31, 2029, upon recommendation of a county treasurer and subject to approval by the board of county commissioners, such transaction fee provided by subparagraph (A) may be increased to an amount greater than \$5 but not more than \$10. Any recommendation by a county treasurer for an increased transaction fee shall be approved, rejected or modified by the board of county commissioners on or before October 1 of the year before such increased transaction fee shall take effect. All increases in transaction fees approved by the board of county commissioners pursuant to this subsection shall*

take effect on January 1 and remain in effect for the entire calendar year. The provisions of this subparagraph shall expire on January 1, 2030.

(C) On and after January 1, 2030, such transaction fee shall not exceed \$5 as provided in subparagraph (A).

(D) On or before January 10, 2028, the Kansas county treasurers association shall submit a report to the senate committee on transportation and the house of representatives committee on transportation detailing the implementation of any transaction fee increases pursuant to this subsection, the impact on county treasurer budgets and the budget of the entire county, and the usage of any increased transaction fees implemented by county treasurers, including any improvements or achievements for customer service in vehicle services transactions resulting from the increased revenue.

(b) The county treasurer, division or contractor shall deposit all amounts received under this section in the special fund created pursuant to K.S.A. 8-145, and amendments thereto, and such amounts shall be used by the county treasurer, division or contractor for all purposes for which such fund has been appropriated by law, and such additional amounts are hereby appropriated as other amounts deposited in such fund.

Sec. 4. K.S.A. 8-145d and K.S.A. 2025 Supp. 8-145 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 9, 2026.

CHAPTER 86

SENATE BILL No. 23

AN ACT concerning insurance; relating to the regulation thereof; reorganizing certain provisions that apply to foreign insurance companies seeking authorization to do business in Kansas; authorizing the suspension or revocation of a nonresident agent's license without notice and opportunity for a hearing after 30 days following notification to the commissioner that such nonresident agent no longer holds a home state license; requiring the commissioner of insurance to notify certain nonresident agents in writing of the revocation of such nonresident's license; requiring agents and public adjusters to respond to inquiries from the commissioner of insurance within 14 calendar days; amending K.S.A. 40-209 and K.S.A. 2025 Supp. 40-4906, 40-4909 and 40-5510 and repealing the existing sections.

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

Section 1. K.S.A. 40-209 is hereby amended to read as follows: 40-209. (a) Any insurance company organized under the laws of any other country, state or territory, upon application, may be authorized to transact business in this state, when possessed of the required amount of paid-up capital and surplus, or surplus only if a mutual company, and:

(1) Has made the deposit required by this code with the department of insurance of this or any other state in the United States;

(2) participates to the extent possible in the insurance regulatory information system administered by the national association of insurance commissioners;

(3) has submitted an examination report of its financial condition and affairs—~~which~~ *that* has been conducted by the insurance department of the state of domicile within five years of the date of application unless the commissioner determines that an earlier report will satisfy the purpose of this provision;

(4) demonstrates that any majority ownership interests are in sound financial condition;

(5) is not owned, managed or controlled by persons previously convicted of criminal activity involving fraud or embezzlement or offenses of a similar nature;

(6) has been in operation *for* at least three years and has been the subject of an examination of its affairs and financial condition other than its organizational examination. ~~This requirement does not apply to subsidiary or affiliate companies with substantially the same management of an admitted company, a continuing corporation resulting from merger or consolidation or a company whose admission is determined by the commissioner to be in the best public interest;~~

(7) the company will not require immediate regulatory attention by the department upon admission pursuant to K.S.A. 40-222b, and amendments thereto.

(b) *The requirements of subsection (a)(3) and (6) shall not apply to subsidiary or affiliate companies with substantially the same management as an admitted company, a continuing corporation resulting from a merger or consolidation or a company whose admission is determined by the commissioner to be in the best public interest.*

(c) The authority shall not be granted, continued or renewed to any insurance company ~~which~~ *that* is controlled, as such word is defined in ~~subsection (e) of K.S.A. 40-3302~~, and amendments thereto, by another state of the United States ~~or by~~, a foreign government, or by any political subdivision of either.

~~(e)~~(d) Every such company shall file a certified copy of its charter or deed of settlement with the commissioner of insurance, together with a statement, under oath of the president, vice-president or other chief officer and the secretary of the company for which they act, stating the name of the company, the place where located, and the amount of its capital, with a detailed statement of the facts and items required from companies organized under the laws of this state and a copy of the last annual report, if any was made, under any law of the state or country in which such company was incorporated.

~~(d)~~(e) Upon the application of any such insurance company for a certificate of authority to transact business in this state, the commissioner of insurance shall be satisfied that the company is possessed of money and other admitted assets in excess of its liabilities, as herein provided, and that it has otherwise complied with all the other requirements of this code. The commissioner shall thereupon issue a certificate of authority to such company authorizing it to transact the classes of insurance permitted under its articles of incorporation and by the provisions of this code.

~~(e)~~(f) The funds of any such insurance company, in excess of the minimum paid-up capital required by this code, may at all times be invested in such securities as are or may be authorized by the laws of the state in which such company is organized or in which it has and maintains its United States deposit.

~~(f)~~(g) (1) Except as provided in paragraph (2), the commissioner of insurance may, upon renewal of a certificate of authority waive any of the above requirements except those relating to assets, capital and surplus.

(2) The commissioner of insurance may, at the commissioner's discretion, waive any of the above requirements for prescription drug plan sponsors as defined by 42 U.S.C. § 1395w-151, as in effect on January 1, 2006.

~~(g)~~(h) Whenever any insurance company organized under the laws of any other country, state or territory is issued a certificate of authority to transact insurance in this state by the commissioner of insurance pursuant to this section, such company shall not be required to comply with the

provisions of the general corporation code relating to foreign corporations, nor shall any such company be required to file with the secretary of state its articles of incorporation, charter, bylaws or other documents, or any amendments thereof, unless specifically required to do so by law.

Sec. 2. K.S.A. 2025 Supp. 40-4906 is hereby amended to read as follows: 40-4906. (a) Unless denied licensure pursuant to K.S.A. 40-4909, and amendments thereto, a nonresident person shall receive a nonresident agent license if:

(1) Such person is currently licensed as a resident and in good standing in such person's home state;

(2) such person has submitted the proper request for licensure and has paid to the commissioner a nonrefundable application fee not to exceed \$30 and a biennial fee not to exceed \$50;

(3) such person has submitted or transmitted to the commissioner of insurance a copy of the application for licensure that such person submitted to such person's home state, or in lieu of the same, a completed application on a form prescribed by the commissioner; and

(4) such person's home state awards a nonresident agent license to residents of this state on the same basis.

(b) The commissioner may verify the insurance agent's licensing status through the producer database maintained by the NAIC, its affiliates or subsidiaries.

(c) (1) Any nonresident agent who is licensed in this state and who moves from one state to another state or a resident agent who moves from this state to another state shall file with the commissioner within 30 days a change of address and provide certification from the new resident state.

(2) Any insurance agent who resides in this state and who moves from this state to another state shall file with the commissioner within 30 days a change of address and provide certification from the new resident state.

(3) No fee or license application shall be required for any filing required by this subsection.

(d) Subject to the provisions of subsection (a), any person licensed as a surplus lines agent in such person's home state shall receive a nonresident surplus lines agent license. Except as provided in subsection (a), nothing in this section shall be construed to amend or supersede any provision of K.S.A. 40-246b, and amendments thereto.

(e) Subject to the provisions of subsection (a), any person licensed as a limited line credit insurance or other type of limited lines agent in such person's home state shall receive a nonresident limited lines agent license in this state granting the same scope of authority as granted under the license issued by such insurance agent's home state.

(f) (1) *Notwithstanding any other provision of the uniform insurance agents licensing act, a nonresident license issued pursuant to the act may*

be revoked without notice and a hearing 30 days after the commissioner receives notification that a nonresident licensee no longer holds a license in such nonresident licensee's home state.

(2) *Not later than 30 days following the date of revocation of such nonresident's license, the commissioner shall inform the nonresident of such revocation.*

(3) *Nothing in this subsection shall be deemed to confer the right of a hearing for any nonresident whose license has been revoked.*

(g) Not later than December 1 of each year, the commissioner shall set and publish in the Kansas register the application fee required pursuant to subsection (a) for the next calendar year.

Sec. 3. K.S.A. 2025 Supp. 40-4909 is hereby amended to read as follows: 40-4909. (a) The commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the applicant or license holder has:

(1) Provided incorrect, misleading, incomplete or untrue information in the license application-;

(2) violated *any*;

(A) ~~Any~~ Provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations promulgated thereunder;

(B) ~~any~~ subpoena or order of the commissioner;

(C) ~~any~~ insurance law or regulation of another state; or

(D) ~~any~~ subpoena or order issued by the regulatory official for insurance in another state-;

(3) obtained or attempted to obtain a license under this act through misrepresentation or fraud-;

(4) improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business-;

(5) intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance-;

(6) been convicted of a misdemeanor or felony-;

(7) admitted to or been found to have committed any insurance unfair trade practice or fraud in violation of K.S.A. 40-2404, and amendments thereto-;

(8) used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere-;

(9) had an insurance agent license, public adjuster license, securities registration, or their equivalent, denied, suspended or revoked in any state, district or territory-;

(10) forged another person's name to an application for insurance or to any document related to an insurance transaction-;

(11) improperly used notes or any other reference material to complete an examination for an insurance license issued under this act;

(12) knowingly accepted insurance business from an individual who is not licensed;

(13) failed to comply with any administrative or court order imposing a child support obligation upon the applicant or license holder;

(14) failed to pay any state income tax or comply with any administrative or court order directing payment of state income tax;

(15) except as otherwise permitted by law, rebated the whole or any part of any insurance premium or offered in connection with the presentation of any contract of insurance any other inducement not contained in the contract of insurance;

(16) made any misleading representation or incomplete comparison of policies to any person for the purposes of inducing or tending to induce such person to lapse, forfeit or surrender such person's insurance then in force; or

(17) failed to respond to an inquiry from the commissioner within 15 business days *or failed to respond to an inquiry from the commissioner within 14 calendar days concerning a complaint as defined in K.S.A. 40-2404, and amendments thereto, or an inquiry related to a particular matter.*

(b) In addition, the commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under such license.

(c) (1) When considering whether to deny, suspend, revoke or refuse to renew the application of an individual who has been convicted of a misdemeanor or felony, the commissioner shall consider the:

- (A) Applicant's age at the time of the conduct;
- (B) recency of the conduct;
- (C) reliability of the information concerning the conduct;
- (D) seriousness of the conduct;
- (E) factors underlying the conduct;
- (F) cumulative effect of the conduct or information;
- (G) evidence of rehabilitation;
- (H) applicant's social contributions since the conduct;
- (I) applicant's candor in the application process; and
- (J) materiality of any omissions or misrepresentations.

(2) In determining whether to reinstate or grant to an applicant a license that has been revoked, the commissioner shall consider the:

- (A) Present moral fitness of the applicant;
- (B) demonstrated consciousness by the applicant of the wrongful conduct and disrepute that the conduct has brought to the insurance profession;
- (C) extent of the applicant's rehabilitation;

(D) seriousness of the original conduct;
(E) applicant's conduct subsequent to discipline;
(F) amount of time that has elapsed since the original discipline;
(G) applicant's character, maturity and experience at the time of revocation; and

(H) applicant's present competence and skills in the insurance industry.

(d) Any action taken under this section that affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the provisions of the Kansas administrative procedure act.

(e) The license of any business entity may be suspended, revoked or refused renewal if the insurance commissioner finds that any violation committed by an individual licensee employed by or acting on behalf of such business entity was known by or should have been known by one or more of the partners, officers or managers acting on behalf of the business entity and:

(1) Such violation was not reported to the insurance commissioner by such business entity; or

(2) such business entity failed to take any corrective action.

(f) None of the following actions shall deprive the commissioner of any jurisdiction or right to institute or proceed with any disciplinary proceeding against such license, ~~to~~ render a decision suspending, revoking or refusing to renew such license; ~~or to~~ establish and make a record of the facts of any violation of law for any *of the following* lawful ~~purpose~~ *purposes*:

(1) The imposition of an administrative penalty under this section;

(2) the lapse or suspension of any license issued under this act by operation of law;

(3) the licensee's failure to renew any license issued under this act; or

(4) the licensee's voluntary surrender of any license issued under this act. No such disciplinary proceeding shall be instituted against any licensee after the expiration of two years from the termination of the license.

(g) Whenever the commissioner imposes any administrative penalty or denies, suspends, revokes or refuses renewal of any license pursuant to subsection (a), any costs incurred as a result of conducting an administrative hearing authorized under the provisions of this section shall be assessed against the person who is the subject of the hearing or any business entity represented by such person who is the party to the matters giving rise to the hearing. As used in this subsection, "costs" includes witness fees, mileage allowances, any costs associated with the reproduction of documents that become a part of the hearing record and the expense of making a record of the hearing.

(h) No person whose license as an agent or broker had been suspended or revoked shall be employed by any insurance company do-

ing business in this state either directly, indirectly, as an independent contractor or otherwise to negotiate or effect contracts of insurance, suretyship or indemnity or perform any act toward the solicitation or transaction of any business of insurance during the period of such suspension or revocation.

(i) In lieu of taking any action under subsection (a), the commissioner may:

(1) Censure the person; or

(2) issue an order imposing an administrative penalty *of* up to a maximum of \$500 for each violation but not to exceed \$2,500 for the same violation occurring within any six consecutive calendar months from the date of the original violation unless such person knew or should have known that the violative act could give rise to disciplinary action under subsection (a). If such person knew or reasonably should have known the violative act could give rise to any disciplinary proceeding authorized by subsection (a), the commissioner may impose a penalty *of* up to a maximum of \$1,000 for each violation but not to exceed \$5,000 for the same violation occurring within any six consecutive calendar months from the date of the imposition of the original administrative penalty.

(j) (1) An applicant to whom a license has been denied after a hearing shall not apply again for a license until after the expiration of a period of one year from the date of the commissioner's order.

(2) A licensee whose license was revoked shall not apply again for a license until after the expiration of a period of two years from the date of the commissioner's order. *The commissioner may waive this requirement for a nonresident licensee whose license was revoked pursuant to K.S.A. 40-4906(f), and amendments thereto.*

Sec. 4. K.S.A. 2025 Supp. 40-5510 is hereby amended to read as follows: 40-5510. (a) The commissioner may suspend, revoke or refuse to issue or renew a public adjuster's license for any of the following causes:

(1) Providing incorrect, misleading, incomplete or materially untrue information in the license application;

(2) violating *any*;

(A) ~~Any~~ Provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;

(B) ~~any~~ subpoena or order of the commissioner;

(C) ~~any~~ insurance law or regulation of another state; or

(D) ~~any~~ subpoena or order issued by the regulatory official for insurance in another state;

(3) obtaining or attempting to obtain a license through misrepresentation or fraud;

(4) misappropriating, converting or improperly withholding any monies or properties received in the course of doing insurance business;

(5) intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

(6) having been convicted of a misdemeanor or felony;

(7) having admitted or committed any insurance unfair trade practice or insurance fraud;

(8) using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

(9) having an insurance *agent* license, public adjuster license, securities registration or their equivalent, denied, suspended or revoked in any other state, province, district or territory;

(10) forging another's name to an application for insurance or to any document related to an insurance transaction;

(11) cheating, including improperly using notes or any other reference material, to complete an examination for an insurance license;

(12) knowingly accepting insurance business from an individual who is not licensed but who is required to be licensed by the commissioner;

(13) failing to comply with an administrative or court order imposing a child support obligation upon the applicant or license holder;

(14) failing to pay state income tax or comply with any administrative or court order directing payment of state income tax; or

(15) failing to respond to an inquiry from the commissioner within 15 business days *or failing to respond to an inquiry from the commissioner within 14 calendar days concerning a complaint as defined in K.S.A. 40-2404, and amendments thereto, or an inquiry related to a particular matter.*

(b) In addition, the commissioner may deny, suspend, revoke or refuse renewal of a public adjuster's license if the commissioner finds that the interests of the public are not properly served under such license. Any action taken under this section ~~which~~ *that* affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the Kansas administrative procedure act.

(c) In lieu of any action under subsection (a), the commissioner may:

(1) Censure the individual; or

(2) issue an order imposing an administrative penalty *of* up to a maximum of \$500 for each violation; but not to exceed \$2,500 for the same violation occurring within any six consecutive calendar months from the date of the original violation, unless such person knew or should have known that the violative act could give rise to disciplinary action under subsection (a). If such person knew or reasonably should have known the violative act could give rise to any disciplinary proceeding authorized by subsection (a), the commissioner may impose a penalty *of* up to a maximum of \$1,000 for each violation; but not to exceed \$5,000 for the same

violation occurring within any six consecutive calendar months from the date of the original violation.

(d) (1) When considering whether to deny, suspend, revoke or refuse to renew the application of an individual who has been convicted of a misdemeanor or felony, the commissioner shall consider the:

- (A) Applicant's age at the time of the conduct;
- (B) recency of the conduct;
- (C) reliability of the information concerning the conduct;
- (D) seriousness of the conduct;
- (E) factors underlying the conduct;
- (F) cumulative effect of the conduct or the information;
- (G) evidence of rehabilitation;
- (H) applicant's social contributions since the conduct;
- (I) applicant's candor in the application process; and
- (J) materiality of any omissions or misrepresentations.

(2) In determining whether to reinstate or grant to an applicant a license that has been revoked, the commissioner shall consider the:

- (A) Present moral fitness of the applicant;
- (B) demonstrated consciousness by the applicant of the wrongful conduct and disrepute that the conduct has brought to the insurance profession;
- (C) extent of the applicant's rehabilitation;
- (D) seriousness of the original conduct;
- (E) applicant's conduct subsequent to discipline;
- (F) amount of time that has elapsed since the original discipline;
- (G) applicant's character, maturity and experience at the time of revocation; and
- (H) applicant's present competence and skills in the insurance industry.

(e) Any action taken under this section that affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the provisions of the Kansas administrative procedure act.

(f) The commissioner shall remit all such fines collected under subsection (c) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(g) Whenever the commissioner imposes any administrative penalty or denies, suspends, revokes or refuses renewal of any license pursuant to subsection (a), any costs incurred as a result of conducting an administrative hearing authorized under the provisions of this section shall be assessed against the person who is the subject of the hearing or any business entity represented by such person who is the party to the matters giving

rise to the hearing. As used in this subsection, “costs” includes witness fees, mileage allowances, any costs associated with the reproduction of documents that become a part of the hearing record and the expense of making a record of the hearing.

(h) No person whose license as a public adjuster had been suspended or revoked shall be employed by any insurance company doing business in this state either directly, indirectly, as an independent contractor or otherwise to negotiate or effect contracts of insurance, suretyship or indemnity or perform any act toward the solicitation or transaction of any business of insurance during the period of such suspension or revocation.

(i) The commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by this act against any individual who is under investigation for or charged with a violation of this act, even if the individual’s license or registration has been surrendered or has lapsed by operation of law.

(j) (1) An applicant to whom a license has been denied after a hearing shall not apply again for a license until after the expiration of a period of one year from the date of the commissioner’s order.

(2) A licensee whose license was revoked shall not apply again for a license until after the expiration of a period of two years from the date of the commissioner’s order.

Sec. 5. K.S.A. 40-209 and K.S.A. 2025 Supp. 40-4906, 40-4909 and 40-5510 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 9, 2026.

CHAPTER 87

HOUSE BILL No. 2124

AN ACT concerning traffic regulations; providing cities the authority to allow the driving of golf carts upon sidewalks; permitting local authorities with jurisdiction over residence districts to reduce the maximum speed limit from 30 miles per hour to 25 miles per hour in their respective residence districts without an engineering and traffic investigation; amending K.S.A. 8-1560 and 8-1575 and repealing the existing sections.

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

Section 1. K.S.A. 8-1560 is hereby amended to read as follows: 8-1560. (a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon ~~which that~~:

- (1) Decreases the limit at intersections;
- (2) increases the limit within an urban district but ~~does not to~~ exceed the maximum speed of 65 miles per hour;
- (3) decreases the limit outside an urban district, ~~but not to~~ not less than 20 miles per hour, except as authorized by K.S.A. 8-1560a, and amendments thereto;
- (4) decreases the limit within an urban district in a school zone to not less than 20 miles per hour, except that any such decreased limit shall apply only during the hours in which students are normally en route to or from school. Such zones and hours ~~to shall~~ be determined by ordinance or resolution of such local authority; or
- (5) decreases the limit within any residence district, ~~but not to~~ not less than 20 miles per hour.

(b) Except as provided in subsection (h), local authorities in their respective jurisdictions may determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon ~~which that~~ may be greater or less than the maximum speed permitted under this act for an urban district or other location in which the arterial street is situated, except that in no event shall any local authority establish any such maximum limit in excess of 65 miles per hour.

(c) Except as otherwise provided in ~~paragraph (4) of subsection (a)(4)~~, any altered limit established as authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on city connecting links shall

not be effective until such alteration has been approved by the secretary of transportation.

(e) If local authorities in their respective jurisdictions have established a speed limit within any residence district ~~which~~ *that* is less than 30 miles per hour, prior to the effective date of this act, such speed limit shall be deemed valid and shall not require an engineering and traffic investigation.

(f) Local authorities in their respective jurisdictions may establish the speed limit within a road construction zone, as defined in K.S.A. 8-1458a, and amendments thereto, upon any highway under the jurisdiction of such local authorities.

(g) The provisions of K.S.A. 8-1560b, and amendments thereto, shall apply to the limitations on speed limits provided by subsection (a) ~~of this section~~.

(h) Local authorities who have jurisdiction over county or township highways may determine, based on an engineering and traffic investigation or without an engineering and traffic investigation, the proper maximum speed for such county or township highways and shall declare a reasonable and safe maximum limit thereon ~~which~~ *that* may be greater or less than the maximum speed permitted under this act, except that in no event shall any local authority establish any such maximum limit in excess of 65 miles per hour.

(i) *Local authorities who have jurisdiction over city residence districts may reduce the maximum speed limit in their respective residence districts from 30 miles per hour to 25 miles per hour without the engineering and traffic investigation required by subsection (a).*

Sec. 2. K.S.A. 8-1575 is hereby amended to read as follows: 8-1575. (a) *Except as otherwise provided in subsection (b), no person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.*

(b) *The governing body of any city is hereby authorized, by ordinance duly passed, to allow for the driving of a golf cart upon a sidewalk, as defined in K.S.A. 8-1495, and amendments thereto, if the driver of the golf cart is a person 16 years of age or older and holds a valid class C driver's license and the street or highway adjacent to the sidewalk prohibits the operation of golf carts pursuant to K.S.A. 8-15,108, and amendments thereto.*

Sec. 3. K.S.A. 8-1560 and 8-1575 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 9, 2026.

CHAPTER 88

SENATE BILL No. 408
(Amended by Chapter 155)

AN ACT concerning children and minors; relating to acknowledgment and claims of paternity; authorizing a challenge to a voluntary acknowledgment of paternity as soon as practicable after discovery of fraud, duress or mistake of fact; specifying that certain genetic testing results shall constitute a change of circumstances that warrants a court finding of material mistake of fact; providing for recovery of actual damages in exceptional circumstances; relating to the revised Kansas code for care of children; creating a referral process for cases involving children of military personnel to provide families with services that a military family advocacy program offers; requiring the secretary for children and families to enter into a memorandum of understanding with military organizations; amending the definition of child in need of care to exclude a child engaging in age-appropriate independent activities; excluding a child engaging in independent activities from the crime of endangering a child; amending K.S.A. 23-2204, 23-2209, 23-2215, 23-3207, 38-2230, 38-2232, 38-2242, 38-2260 and 38-2271 and K.S.A. 2025 Supp. 21-5601, 38-2202 and 38-2243 and repealing the existing sections.

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

New Section 1. (a) When the secretary for children and families makes an investigation pursuant to K.S.A. 38-2230, and amendments thereto, and the child who is the subject of the investigation has a parent or legal guardian who is a military personnel, the secretary shall make a referral to the appropriate military organization to provide the family with services that a military advocacy program offers.

(b) The secretary shall enter into a memorandum of understanding with each of the following military organizations for the purpose of referring cases involving children with a parent or legal guardian who is a military personnel to a military family advocacy program for services: United States Army Garrison, Fort Riley; McConnell Air Force Base; United States Army Garrison, Fort Leavenworth, including Munson Army Health Center; and the Kansas National Guard. The memorandum of understanding shall include:

(1) A method for identifying whether a child has a parent or legal guardian who is a military personnel;

(2) the process for referring identified cases to the military family advocacy program;

(3) a requirement that the secretary notify the military family advocacy program when the secretary has referred a case involving a child with a parent or legal guardian who is a military personnel to the county or district attorney for the purpose of filing a petition pursuant to K.S.A. 38-2233, and amendments thereto; and

(4) provisions that require compliance with confidentiality requirements in state and federal law.

(c) Nothing in this section shall prevent the secretary for children

and families from taking action to protect the health and welfare of the child as necessary, including recommending to the county or district attorney that a petition be filed pursuant to K.S.A. 38-2233, and amendments thereto.

(d) As used in this section, “military family advocacy program” means a program established by the United States department of defense and provided at a military installation to address child abuse and neglect in military families.

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

Sec. 2. K.S.A. 2025 Supp. 21-5601 is hereby amended to read as follows: 21-5601. (a) Endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which the child’s life, body or health may be endangered.

(b) Aggravated endangering a child is:

(1) Recklessly causing or permitting a child under the age of 18 years to be placed in a situation in which the child’s life, body or health is endangered;

(2) causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or attempting to manufacture any methamphetamine or any fentanyl-related controlled substance; or

(3) causing or permitting such child to be in an environment where the person knows or reasonably should know that:

(A) Drug paraphernalia or volatile, toxic or flammable chemicals are stored or used for the purpose of manufacturing or attempting to manufacture any methamphetamine; or

(B) drug paraphernalia or toxic materials, compounds or mixtures are stored or used for the purpose of manufacturing or attempting to manufacture any fentanyl-related controlled substance.

(c) (1) Endangering a child is a class A person misdemeanor.

(2) Aggravated endangering a child is a:

(A) Severity level 9, person felony except as provided in subsection (c)(2)(B); and

(B) severity level 6, person felony when bodily harm is inflicted upon the child.

(3) The sentence for a violation of aggravated endangering a child shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(d) Nothing in subsection (a) shall be construed to mean a child is endangered for the sole reason the child’s parent or guardian;

(1) In good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child; or

(2) *permits or fails to prohibit a child from engaging in independent activity as described in K.S.A. 38-2202, and amendments thereto, unless such parent or guardian has knowingly or recklessly disregarded an obvious danger to the child given the child's age, maturity and physical or mental abilities.*

(e) As used in this section:

(1) “Drug paraphernalia,” “fentanyl-related controlled substance” and “manufacture” mean the same as defined in K.S.A. 21-5701, and amendments thereto; and

(2) “methamphetamine” means any substance designated in K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or any analog thereof.

Sec. 3. K.S.A. 23-2204 is hereby amended to read as follows: 23-2204. (a) *The father of a child born to an unmarried mother may complete an acknowledgment of paternity that shall include the consent of such mother and the written descriptions required by subsection (b).*

(b) The state registrar of vital statistics, in conjunction with the secretary for children and families, shall review and, as needed, revise the acknowledgment of paternity forms for use under K.S.A. 23-2223 and ~~K.S.A. 65-2409a~~, and amendments thereto. The acknowledgment of paternity forms shall include or have attached a written description ~~pursuant to subsection (b) of the rights and responsibilities of acknowledging paternity.~~ *(b) — A Such written description of the rights and responsibilities of acknowledging paternity shall state the following:*

(1) An acknowledgment of paternity creates a permanent father and child relationship ~~which that~~ can only be ended by court order. A person who wants to revoke the acknowledgment of paternity ~~must shall~~ file the request with the court ~~before the child is one year old, unless the person was under age 18 when the acknowledgment of paternity was signed.~~ A person ~~under age 18 years of age~~ when the acknowledgment was signed has until one year after ~~his or her~~ such person's 18th birthday to file a request, but if the child is more than one year old ~~then~~, the judge ~~will shall~~ first consider the child's best interests. ~~The person will have to show that the acknowledgment was based on fraud, duress (threat) or an important mistake of fact, unless the request is filed within~~ A person over 18 years of age when the acknowledgment was signed has until 60 days ~~of after~~ signing the acknowledgment or ~~before any court hearing about the child prior to the date of any administrative or judicial proceeding relating to the child to establish a support order, whichever is earlier, to file a request.~~ After these deadlines, the person will have to show that the acknowledged-

ment was based on fraud, duress or a material mistake of fact and the judge shall first consider the child's best interests;

(2) both the father and the mother are responsible for the care and support of the child. If necessary, this duty may be enforced through legal action such as a child support order, an order to pay birth or other medical expenses of the child or an order to repay government assistance payments for the child's care. A parent's willful failure to support the parent's child is a crime;

(3) both the father and the mother have rights of custody and parenting time with the child unless a court order changes their rights. Custody, residency and parenting time may be spelled out in a court order and enforced;

(4) both the father and the mother have the right to consent to medical treatment for the child unless a court order changes those rights;

(5) the child may inherit from the father and the father's family or from the mother and the mother's family. The child may receive public benefits, including, but not limited to, social security or private benefits, including, but not limited to, insurance or workers compensation because of the father-child or mother-child relationship;

(6) the father or the mother may be entitled to claim the child as a dependent for tax or other purposes. The father or the mother may inherit from the child or the child's descendants; and

(7) each parent has the right to sign or not sign an acknowledgment of paternity. Each parent has the right to talk with an attorney before signing an acknowledgment of paternity. Each parent has the right to be represented by an attorney in any legal action involving paternity or their rights or duties as a parent. Usually, each person is responsible for hiring the person's own attorney.

(c) Any duty to disclose rights or responsibilities related to signing an acknowledgment of paternity shall have been met by furnishing the written disclosures of subsection (b). Any duty to disclose orally the rights or responsibilities related to signing an acknowledgment of paternity may be met by means of an audio recording of the disclosures of subsection (b).

(d) An acknowledgment of paternity completed *prior to July 1, 1994*, without the written disclosures of subsection (b) is not invalid solely for that reason and may create a presumption of paternity pursuant to K.S.A. 23-2208, and amendments thereto. Nothing in K.S.A. 23-2202 through 23-2204, and amendments thereto, shall decrease the validity, force or effect of an acknowledgment of paternity executed in this state prior to ~~the effective date of this act~~ *July 1, 1994*.

(e) Upon request, the state registrar of vital statistics shall provide a certified copy of the acknowledgment of paternity to an office providing IV-D program services.

(f) *An acknowledgment of paternity described in subsection (a) creates a permanent father and child relationship without the requirement of further adjudication.*

Sec. 4. K.S.A. 23-2209 is hereby amended to read as follows: 23-2209. (a) A child or any person on behalf of such a child, may bring an action:

(1) At any time to determine the existence of a father and child relationship presumed under K.S.A. 23-2208, and amendments thereto; or

(2) at any time until three years after the child reaches the age of majority to determine the existence of a father and child relationship which is not presumed under K.S.A. 23-2208, and amendments thereto.

(b) When authorized under K.S.A. 39-755 or 39-756, and amendments thereto, the secretary for children and families may bring an action at any time during a child's minority to determine the existence of the father and child relationship.

(c) This section does not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to the probate of estates or determination of heirship.

(d) Any agreement between an alleged or presumed father and the mother or child does not bar an action under this section.

(e) ~~Except as otherwise provided in this subsection, if an acknowledgment of paternity pursuant to K.S.A. 23-2204, and amendments thereto, has been completed the man named as the father, the mother or the child may bring an action to revoke the acknowledgment of paternity at any time until one year after the child's date of birth (1) Except as provided in paragraph (2), a signed and witnessed voluntary acknowledgment of paternity pursuant to K.S.A. 23-2204, and amendments thereto, shall be considered a legal finding of paternity subject to the right of any signatory to revoke the acknowledgment within the earlier of the following:~~

(A) 60 days after completion of such acknowledgment; or

(B) prior to the date of any administrative or judicial proceeding relating to the child in which the signatory is a party, including, but not limited to, a proceeding to establish a support order.

(2) A person who was under 18 years of age when such person signed an acknowledgment of paternity may challenge such acknowledgment until such person turns 19 years of age. If the child is more than one year of age at the time of such challenge, the court shall first consider the child's best interests before revoking such acknowledgment of paternity.

(3) (A) After the deadline to revoke an acknowledgment of paternity pursuant to paragraph (1) or (2), such acknowledgment may be challenged only on the basis of fraud, duress or material mistake of fact. For the purposes of this subsection, genetic test results with a verifiable chain of custody that exclude a signatory father or that rebuttably identify an-

other man as the father in accordance with K.S.A. 23-2208, and amendments thereto, shall constitute a change of circumstances that warrants a material mistake of fact finding by the court.

(B) Notwithstanding any other provision of law to the contrary, a person seeking to revoke an acknowledgment of paternity on the basis of fraud, duress or material mistake of fact may file such request in an appropriate district court after the fraud, duress or material mistake of fact becomes known to such person and shall file such request as soon as practicable after such fraud, duress or material mistake of fact becomes known. Such person shall have the burden of proving the fraud, duress or material mistake of fact, and the court shall first consider the child's best interests before revoking an acknowledgment of paternity.

(4) The legal responsibilities, including any child support obligation, of any signatory arising from the acknowledgment of paternity shall not be suspended during the action, except for good cause shown. ~~If the person bringing the action was a minor at the time the acknowledgment of paternity was completed, the action to revoke the acknowledgment of paternity may be brought at any time until one year after that person attains age 18, unless the court finds that the child is more than one year of age and that revocation of the acknowledgment of paternity is not in the child's best interest.~~

~~The person requesting revocation must show, and shall have the burden of proving, that the acknowledgment of paternity was based upon fraud, duress or material mistake of fact unless the action to revoke the acknowledgment of paternity is filed before the earlier of 60 days after completion of the acknowledgment of paternity or the date of a proceeding relating to the child in which the signatory is a party, including, but not limited to, a proceeding to establish a support order.~~

(5) If a court of this state has assumed jurisdiction over the matter of the child's paternity or the duty of a man to support the child, that court shall have exclusive jurisdiction to determine whether an acknowledgment of paternity may be revoked under this subsection.

(6) ~~If an acknowledgment of paternity has been revoked under is revoked pursuant to this subsection, it~~ *such revocation shall not give rise to a presumption of paternity pursuant to K.S.A. 23-2208, and amendments thereto. Nothing in this subsection shall prevent a court from admitting a revoked acknowledgment of paternity into evidence for any other purpose.*

(7) If there has been an assignment of the child's support rights pursuant to K.S.A. 39-709, and amendments thereto, the secretary for children and families shall be a necessary party to any action under this subsection.

(8) *If a court orders revocation of an acknowledgment of paternity pursuant to this subsection and the party seeking revocation has a child support obligation or has paid child support, any support paid prior to*

the entry of such order shall not be recoverable in any action. The court that orders such revocation may make a written finding that exceptional circumstances warrant the award of actual damages sustained by the party seeking revocation. In determining such actual damages, the court may consider all of the facts and circumstances of the case, including, but not limited to, the amount of support paid prior to the entry of such order.

(f) The amendments to this section by this act shall be construed and applied retroactively.

Sec. 5. K.S.A. 23-3207 is hereby amended to read as follows: 23-3207. After making a determination of the legal custodial arrangements, the court shall determine the residency of the child from the following options, which arrangement the court must find to be in the best interest of the child. The parties shall submit to the court either an agreed parenting plan or, in the case of dispute, proposed parenting plans for the court's consideration. Such options are:

(a) *Residency.* The court may order a residential arrangement in which the child resides with one or both parents on a basis consistent with the best interests of the child.

(b) *Divided residency.* In an exceptional case, the court may order a residential arrangement in which one or more children reside with each parent and have parenting time with the other.

(c) *Nonparental residency.* If during the proceedings the court determines that there is probable cause to believe that the child is a child in need of care as defined by ~~subsections K.S.A. 38-2202(d)(1)(A), (d)(2)(d)(1)(B), (d)(3)(D)(1)(C) or (d)(11) of K.S.A. 38-2202(d)(1)(K), and amendments thereto,~~ or that neither parent is fit to have residency, the court may award temporary residency of the child to a grandparent, aunt, uncle or adult sibling, or, another person or agency if the court finds by written order that:

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

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

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

(2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists ~~which~~ *that* threatens the safety of the child. In making such a residency order, the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to awarding such residency to a relative of the child by blood, marriage or adoption and second to awarding such residency to another person with whom the child has close emotional ties. The court may make temporary orders for care, support,

education and visitation that it considers appropriate. Temporary residency orders are to be entered in lieu of temporary orders provided for in K.S.A. 38-2243 and 38-2244, and amendments thereto, and shall remain in effect until there is a final determination under the revised Kansas code for care of children. An award of temporary residency under this paragraph shall not terminate parental rights nor give the court the authority to consent to the adoption of the child. When the court enters orders awarding temporary residency of the child to an agency or a person other than the parent, the court shall refer a transcript of the proceedings to the county or district attorney. The county or district attorney shall file a petition as provided in K.S.A. 38-2234, and amendments thereto, and may request termination of parental rights pursuant to K.S.A. 38-2266, and amendments thereto. The costs of the proceedings shall be paid from the general fund of the county. When a final determination is made that the child is not a child in need of care, the county or district attorney shall notify the court in writing and the court, after a hearing, shall enter appropriate custody orders pursuant to this article. If the same judge presides over both proceedings, the notice is not required. Any order pursuant to the revised Kansas code for care of children shall take precedence over any order under this article.

Sec. 6. K.S.A. 23-2215 is hereby amended to read as follows: 23-2215. (a) The judgment or order of the court determining the existence or non-existence of the parent and child relationship is determinative for all purposes, but if any person necessary to determine the existence of a father and child relationship for all purposes has not been joined as a party, a determination of the paternity of the child shall have only the force and effect of a finding of fact necessary to determine a party's duty of support. (b) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued, but only if any man named as the father on the birth certificate is a party to the action.

(c) Upon adjudging that a party is the parent of a minor child, the court shall make provision for support and education of the child under article 30 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto. The court may order the payment of all or a portion of the necessary medical expenses incident to the child's birth. The court may order the support and education expenses to be paid by either or both parents for the minor child.

(d) If both parents are parties to the action, the court shall enter such orders regarding custody, residency and parenting time as the court considers to be in the best interest of the child.

If the parties have an agreed parenting plan it shall be presumed the agreed parenting plan is in the best interest of the child. This presumption may be overcome and the court may make a different order if the

court makes specific findings of fact stating why the agreed parenting plan is not in the best interest of the child. If the parties are not in agreement on a parenting plan, each party shall submit a proposed parenting plan to the court for consideration at such time before the final hearing as may be directed by the court.

(e) If during the proceedings the court determines that there is probable cause to believe that the child is a child in need of care, as defined by ~~subsections (d)(1), (d)(2), (d)(3) or (d)(11) of K.S.A. 38-2202(d)(1)~~ (A), (d)(1)(B), (d)(1)(C) or (d)(1)(K), and amendments thereto, or that neither parent is fit to have residency, the court may award temporary residency of the child to a grandparent, aunt, uncle or adult sibling, or another person or agency if the court finds by written order that: (1) (A) The child is likely to sustain harm if not immediately removed from the home; (B) allowing the child to remain in home is contrary to the welfare of the child; or (C) immediate placement of the child is in the best interest of the child; and (2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists ~~which~~ *that* threatens the safety of the child. In making such a residency order, the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to awarding such residency to a relative of the child by blood, marriage or adoption and second to awarding such residency to another person with whom the child has close emotional ties. The court may make temporary orders for care, support, education and visitation that it considers appropriate. Temporary residency orders are to be entered in lieu of temporary orders provided for in K.S.A. 38-2243 and 38-2244, and amendments thereto, and shall remain in effect until there is a final determination under the revised Kansas code for care of children. An award of temporary residency under this subsection shall not terminate parental rights nor give the court the authority to consent to the adoption of the child. When the court enters orders awarding temporary residency of the child to an agency or a person other than the parent, the court shall refer a transcript of the proceedings to the county or district attorney. The county or district attorney shall file a petition as provided in K.S.A. 38-2234, and amendments thereto, and may request termination of parental rights pursuant to K.S.A. 38-2266, and amendments thereto. The costs of the proceedings shall be paid from the general fund of the county. If a final determination is made that the child is not a child in need of care, the county or district attorney shall notify the court in writing and the court, after a hearing, shall enter appropriate custody orders pursuant to this section. If the same judge presides over both proceedings, the notice is not required. Any order pursuant to the revised Kansas code for care of children shall take precedence over any similar order under this section.

(f) (1) In entering an original order for support of a child under this section, the court may award an additional judgment to the mother or any other party who made expenditures for support and education of the child from the date of birth to the date the order is entered. If the determination of paternity is based upon a presumption arising under K.S.A. 23-2208, and amendments thereto, the court shall award an additional judgment to reimburse all or part of the expenses of support and education of the child from at least the date the presumption first arose to the date the order is entered, except that no additional judgment need be awarded for amounts accrued under a previous order for the child's support.

(2) The court may consider any affirmative defenses pled and proved in making an award under this subsection.

(3) The amount of any award made under this subsection shall be determined by application of the Kansas child support guidelines. For any period occurring five years or less before or after commencement of the action, there is a rebuttable presumption that such child support guidelines amount reflects the actual expenditures made on the child's behalf during that period. For any period occurring more than five years before commencement of the action, the person seeking the award has the burden of proving that the total amount requested for that period does not exceed expenditures actually made on the child's behalf during that period.

Sec. 7. K.S.A. 2025 Supp. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

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

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

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

(d) (1) "Child in need of care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 38-2242, and amendments thereto, who:

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

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

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

(4)(D) has been placed for care or adoption in violation of law;
(5)(E) has been abandoned or does not have a known living parent;
(6)(F) is not attending school as required by K.S.A. 72-3421 or 72-3120, and amendments thereto;

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

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

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

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

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

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

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

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

(2) (A) *“Child in need of care” does not mean a person less than 18 years of age at the time of the filing of the petition or issuance of the ex parte protective custody order pursuant to K.S.A. 38-2242, and amendments thereto, who is engaging in independent activities without adult supervision when a parent allows such child to engage in such independent activities, if:*

(i) *Such independent activities are appropriate based on the child's age, maturity and mental abilities; and*

(ii) *such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child.*

(B) *As used in this paragraph, “independent activities” includes, but is not limited to, traveling to or from school or nearby locations on foot or by bicycle, playing outdoors, remaining at home for a reasonable amount of time or remaining in a vehicle that is not dangerously hot or cold for a reasonable amount of time.*

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

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

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

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

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

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

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

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

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

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

and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

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

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

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

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

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

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

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

(s) “Jail” means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no hazardous or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, ~~health care~~ *healthcare*, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

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

(u) “Juvenile intake and assessment worker” means a responsible adult authorized to perform intake and assessment services as part of the

intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

(cc) “Permanency goal” means the outcome of the permanency planning process, which may be reintegration, adoption, appointment of a

permanent custodian, establishment of SOUL family legal permanency or another planned permanent living arrangement.

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

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

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

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

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

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

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

(kk) “Secretary” means the secretary for children and families or the secretary’s designee.

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

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

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

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

55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 21-6419 or 21-6422, and amendments thereto.

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

(oo) “Support, opportunity, unity, legal relationships family legal permanency” or “SOUL family legal permanency” means the appointment of one or more adults, approved by a child who is 16 years of age or older and the subject of a child in need of care proceeding, pursuant to K.S.A. 38-2272a, and amendments thereto.

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

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

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

(ss) “Behavioral health crisis” means behavioral and conduct issues that impact the safety or health of a child, members of the child’s household or family or members of the community, including, but not limited to, non-life threatening mental health and substance abuse concerns.

Sec. 8. K.S.A. 38-2230 is hereby amended to read as follows: 38-2230. Whenever any person furnishes information to the secretary that a child appears to be a child in need of care, the department shall make a preliminary inquiry to determine whether the interests of the child require further action be taken. Whenever practicable, the inquiry shall include a preliminary investigation of the circumstances which were the subject of the information, including the home and environmental situation ~~and,~~

the previous history of the child *and the military status of a parent or legal guardian of the child pursuant to section 1, and amendments thereto*. If reasonable grounds to believe abuse or neglect exist, immediate steps shall be taken to protect the health and welfare of the abused or neglected child as well as that of any other child under the same care who may be harmed by abuse or neglect. After the inquiry, if the secretary determines it is not otherwise possible to provide those services necessary to protect the interests of the child, the secretary shall recommend to the county or district attorney that a petition be filed.

Sec. 9. K.S.A. 38-2232 is hereby amended to read as follows: 38-2232. (a) (1) To the extent possible, when any law enforcement officer takes into custody a child under the age of 18 years without a court order, the child shall promptly be delivered to the custody of the child's parent or other custodian unless there are reasonable grounds to believe that such action would not be in the best interests of the child.

(2) Except as provided in subsection (b), if the child is not delivered to the custody of the child's parent or other custodian, the child shall promptly be delivered to a:

- (A) (i) Shelter facility designated by the court;
- (ii) court services officer;
- (iii) juvenile intake and assessment worker;
- (iv) licensed attendant care center;
- (v) juvenile crisis intervention center after written authorization by a community mental health center; or
- (vi) other person;
- (B) if the child is 15 years of age or younger, to a facility or person designated by the secretary; or
- (C) if the child is 16 or 17 years of age and the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to a facility or person designated by the secretary.

(3) If, after delivery of the child to a shelter facility, the person in charge of the shelter facility at that time and the law enforcement officer determine that the child will not remain in the shelter facility and if the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to K.S.A. 38-2202(d)(9)(I)(I) or (d)(10)(I)(J), and amendments thereto, the law enforcement officer shall deliver the child to a secure facility, designated by the court, where the child shall be detained for not more than 24 hours, excluding Saturdays, Sundays, legal holidays, and days ~~on which~~ *when* the office of the clerk of the court is not accessible.

(4) No child taken into custody pursuant to this code shall be placed in a secure facility, except as authorized by this section and by K.S.A. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(5) It shall be the duty of the law enforcement officer to furnish to the county or district attorney, without unnecessary delay, all the information in the possession of the officer pertaining to the child, the child's parents or other persons interested in or likely to be interested in the child and all other facts and circumstances ~~which~~ *that* caused the child to be taken into custody.

(b) (1) When any law enforcement officer takes into custody any child as provided in K.S.A. 38-2231(b)(2), and amendments thereto, proceedings shall be initiated in accordance with the provisions of the interstate compact on juveniles, K.S.A. 38-1001 et seq., and amendments thereto, or K.S.A. 38-1008, and amendments thereto, when effective. Any child taken into custody pursuant to the interstate compact on juveniles may be detained in a juvenile detention facility or other secure facility.

(2) When any law enforcement officer takes into custody any child as provided in K.S.A. 38-2231(b)(3), and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a staff secure facility. The law enforcement officer shall contact the department for children and families to begin an assessment to determine safety, placement and treatment needs for the child. Such child shall not be placed in a secure facility, except as authorized by this section and by K.S.A. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(3) When any law enforcement officer takes into custody any child as provided in K.S.A. 38-2231(b)(4), and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a juvenile crisis intervention center after written authorization by a community mental health center. Such child shall not be placed in a juvenile detention facility or other secure facility.

(c) Whenever a child under the age of 18 years is taken into custody by a law enforcement officer without a court order and is thereafter placed as authorized by subsection (a), the facility or person shall, upon written application of the law enforcement officer, have physical custody and provide care and supervision for the child. The application shall state:

- (1) The name and address of the child, if known;
- (2) the names and addresses of the child's parents or nearest relatives and persons with whom the child has been residing, if known; and
- (3) the officer's belief that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that the child would be harmed unless placed in the immediate custody of the shelter facility or other person.

(d) A copy of the application shall be furnished by the facility or person receiving the child to the county or district attorney without unnecessary delay.

(e) The shelter facility or other person designated by the court who has custody of the child pursuant to this section shall discharge the child not later than 72 hours following admission, excluding Saturdays, Sundays, legal holidays, and days ~~on which~~ *when* the office of the clerk of the court is not accessible, unless a court has entered an order pertaining to temporary custody or release.

(f) In absence of a court order to the contrary, the county or district attorney or the placing law enforcement agency shall have the authority to direct the release of the child at any time.

(g) When any law enforcement officer takes into custody any child as provided in K.S.A. 38-2231(d), and amendments thereto, the child shall promptly be delivered to the school ~~in which~~ *where* the child is enrolled, any location designated by the school ~~in which~~ *where* the child is enrolled or the child's parent or other custodian.

Sec. 10. K.S.A. 38-2242 is hereby amended to read as follows: 38-2242. (a) The court, upon verified application, may issue ex parte an order directing that a child be held in protective custody and, if the child has not been taken into custody, an order directing that the child be taken into custody. The application shall state for each child:

- (1) The applicant's belief that the child is a child in need of care;
- (2) that the child is likely to sustain harm if not immediately removed from the home;
- (3) that allowing the child to remain in the home is contrary to the welfare of the child; and
- (4) the facts relied upon to support the application, including efforts known to the applicant to maintain the family unit and prevent the unnecessary removal of the child from the child's home, or the specific facts supporting that an emergency exists ~~which~~ *that* threatens the safety of the child.

(b) (1) The order of protective custody may be issued only after the court has determined there is probable cause to believe the allegations in the application are true. The order shall remain in effect until the temporary custody hearing provided for in K.S.A. 38-2243, and amendments thereto, unless earlier rescinded by the court.

(2) No child shall be held in protective custody for more than 72 hours, excluding Saturdays, Sundays, legal holidays, and days ~~on which~~ *when* the office of the clerk of the court is not accessible, unless within the 72-hour period a determination is made as to the necessity for temporary custody in a temporary custody hearing. The time spent in custody pursuant to K.S.A. 38-2232, and amendments thereto, shall be included in calculating the 72-hour period. Nothing in this subsection shall be construed to mean that the child must remain in protective custody for 72 hours. If a child is in the protective custody of the secretary, the secretary

shall allow at least one supervised visit between the child and the parent or parents within such time period as the child is in protective custody. The court may prohibit such supervised visit if the court determines it is not in the best interest of the child.

(c) (1) Whenever the court determines the necessity for an order of protective custody, the court may place the child in the protective custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (e);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility;

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 21-6419, and amendments thereto;

(F) after written authorization by a community mental health center, a juvenile crisis intervention center as described in K.S.A. 65-536, and amendments thereto; or

(G) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family ~~which~~ *that* the court finds will assure the safety of the child, the court may only place the child in the protective custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the protective custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwith-

standing any other provision of law. When the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to K.S.A. 38-2202(d)(9)(I)(I) or (d)(10)(I)(J), and amendments thereto, the child may be placed in a secure facility pursuant to an order of protective custody for a period of not to exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which when the office of the clerk of the court is not accessible.

(d) The order of protective custody shall be served pursuant to K.S.A. 38-2237(a), and amendments thereto, on the child's parents and any other person having legal custody of the child. The order shall prohibit the removal of the child from the court's jurisdiction without the court's permission.

(e) If the court issues an order of protective custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to K.S.A. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

(f) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that:

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

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

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

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

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered upon making the order.

Sec. 11. K.S.A. 2025 Supp. 38-2243 is hereby amended to read as follows: 38-2243. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

(b) A hearing pursuant to this section shall be held within 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which when the

office of the clerk of the court is not accessible, following a child having been taken into protective custody.

(c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be given to all parties and interested parties.

(d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of the party or interested party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.

(e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice.

(f) The court may enter an order of temporary custody after determining there is probable cause to believe that the:

- (1) Child is dangerous to self or to others;
- (2) child is not likely to be available within the jurisdiction of the court for future proceedings;
- (3) health or welfare of the child may be endangered without further care;
- (4) child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto;
- (5) child is experiencing a behavioral health crisis and is in need of treatment; or

(6) child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 21-6419, and amendments thereto.

(g) (1) Whenever the court determines the necessity for an order of temporary custody the court may place the child in the temporary custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (h);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility;

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human

trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 21-6419, and amendments thereto;

(F) after written authorization by a community mental health center, a juvenile crisis intervention center, as described in K.S.A. 65-536, and amendments thereto; or

(G) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family ~~which~~ *that* the court finds will assure the safety of the child, the court may only place the child in the temporary custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the temporary custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated to be a child in need of care solely pursuant to K.S.A. 38-2202(d)(9)(I)(I) or (d)(10)(I)(J), and amendments thereto, the child may be placed in a secure facility, but the total amount of time that the child may be held in such facility under this section and K.S.A. 38-2242, and amendments thereto, shall not exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days ~~on which~~ *when* the office of the clerk of the court is not accessible. The order of temporary custody shall remain in effect until modified or rescinded by the court or an adjudication order is entered but not exceeding 60 days, unless good cause is shown and stated on the record.

(h) If the court issues an order of temporary custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child, other family members

or witnesses. Such restraining order shall be served by personal service pursuant to K.S.A. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

(i) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that:

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

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

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

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

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, upon making the order the court shall provide the secretary with a written copy.

(j) If the court enters an order of temporary custody that provides for placement of the child with a person other than the parent, the court shall make a child support determination pursuant to K.S.A. 38-2277, and amendments thereto.

(k) For the purposes of this section, "harassing or intimidating" and "harass or intimidate" includes, but is not limited to, utilizing any electronic tracking system or acquiring tracking information to determine the targeted person's location, movement or travel patterns.

Sec. 12. K.S.A. 38-2260 is hereby amended to read as follows: 38-2260. (a) *Valid court order*. During proceedings under this code, the court may enter an order directing a child who is the subject of the proceedings to remain in a present or future placement if:

(1) The child and the child's guardian ad litem are present in court when the order is entered;

(2) the court finds that the child has been adjudicated a child in need of care pursuant to K.S.A. 38-2202~~(d)(6), (d)(7), (d)(8), (d)(9), (d)(10)~~(d)(1)(F), (d)(1)(G), (d)(1)(H), (d)(1)(I), (d)(1)(J) or ~~(d)(12)~~(d)(1)(L), and amendments thereto, and that the child is not likely to be available within the jurisdiction of the court for future proceedings;

(3) the child and the guardian ad litem receive oral and written notice of the consequences of violation of the order; and

(4) a copy of the written notice is filed in the official case file.

(b) *Application*. Any person may file a verified application for determination that a child has violated an order entered pursuant to subsection (a) and for an order authorizing holding the child in a secure facility. The

application shall state the applicant's belief that the child has violated the order entered pursuant to subsection (a) without good cause and the specific facts supporting the allegation.

(c) *Ex parte order.* After reviewing the application filed pursuant to subsection (b), the court may enter an ex parte order directing that the child be taken into custody and held in a secure facility designated by the court, if the court finds probable cause that the child violated the court's order to remain in placement without good cause. Pursuant to K.S.A. 38-2237, and amendments thereto, the order shall be served on the child's parents, the child's legal custodian and the child's guardian ad litem.

(d) *Preliminary hearing.* Within 24 hours following a child's being taken into custody pursuant to an order issued under subsection (c), the court shall hold a preliminary hearing to determine whether the child admits or denies the allegations of the application and, if the child denies the allegations, to determine whether probable cause exists to support the allegations.

(1) Notice of the time and place of the preliminary hearing shall be given orally or in writing to the child's parents, the child's legal custodian and the child's guardian ad litem.

(2) At the hearing, the child shall have the right to a guardian ad litem and shall be served with a copy of the application.

(3) If the child admits the allegations or enters a no contest statement and if the court finds that the admission or no contest statement is knowledgeable and voluntary, the court shall proceed without delay to the placement hearing pursuant to subsection (f).

(4) If the child denies the allegations, the court shall determine whether probable cause exists to hold the child in a secure facility pending an evidentiary hearing pursuant to subsection (e). After hearing the evidence, if the court finds that: (A) There is probable cause to believe that the child has violated an order entered pursuant to subsection (a) without good cause; and (B) placement in a secure facility is necessary for the protection of the child or to assure the presence of the child at the evidentiary hearing pursuant to subsection (e), the court may order the child held in a secure facility pending the evidentiary hearing.

(e) *Evidentiary hearing.* The court shall hold an evidentiary hearing on an application within 72 hours of the child's being taken into custody. Notice of the time and place of the hearing shall be given orally or in writing to the child's parents, the child's legal custodian and the child's guardian ad litem. At the evidentiary hearing, the court shall determine by a clear and convincing evidence whether the child has:

(1) Violated a court order entered pursuant to subsection (a) without good cause;

(2) been provided at the hearing with the rights enumerated in subsection (d)(2); and

(3) been informed of:

(A) The nature and consequences of the proceeding;

(B) the right to confront and cross-examine witnesses and present evidence;

(C) the right to have a transcript or recording of the proceedings; and

(D) the right to appeal.

(f) *Placement.* (1) If the child admits violating the order entered pursuant to subsection (a) or if, after an evidentiary hearing, the court finds that the child has violated such an order, the court shall immediately proceed to a placement hearing. The court may enter an order awarding custody of the child to:

(A) A parent or other legal custodian;

(B) a person other than a parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility; or

(D) the secretary, if the secretary does not already have legal custody of the child.

(2) The court may authorize the custodian to place the child in a secure facility, if the court determines that all other placement options have been exhausted or are inappropriate, based upon a written report submitted by the secretary, if the child is in the secretary's custody, or submitted by a public agency independent of the court and law enforcement, if the child is in the custody of someone other than the secretary. The report shall detail the behavior of the child and the circumstances under which the child was brought before the court and made subject to the order entered pursuant to subsection (a).

(3) The authorization to place the child in a secure facility pursuant to this subsection shall expire 60 days, inclusive of weekend and legal holidays, after its issue. The court may grant extensions of such authorization for two additional periods, each not to exceed 60 days, upon rehearing pursuant to K.S.A. 38-2256, and amendments thereto.

(g) *Payment.* The secretary shall only pay for placement and services for a child placed in a secure facility pursuant to subsection (f) upon receipt of a valid court order authorizing secure care placement.

(h) *Limitations on facilities used.* Nothing in this section shall authorize placement of a child in an adult jail or lockup.

(i) *Time limits, computation.* Except as otherwise specifically provided by subsection (f), Saturdays, Sundays, legal holidays, and days ~~on~~ ^{when} the office of the clerk of the court is not accessible shall not be counted in computing any time limit imposed by this section.

Sec. 13. K.S.A. 38-2271 is hereby amended to read as follows: 38-2271. (a) It is presumed in the manner provided in K.S.A. 60-414, and amendments thereto, that a parent is unfit by reason of conduct or condition ~~which~~ *that* renders the parent unable to fully care for a child, if the state establishes, by clear and convincing evidence, that:

(1) A parent has previously been found to be an unfit parent in proceedings under K.S.A. 38-2266 et seq., and amendments thereto, or comparable proceedings under the laws of another jurisdiction;

(2) a parent has twice before been convicted of a crime specified in article 34, 35, or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or comparable offenses under the laws of another jurisdiction, or an attempt or attempts to commit such crimes and the victim was under the age of 18 years;

(3) on two or more prior occasions a child in the physical custody of the parent has been adjudicated a child in need of care as defined by K.S.A. 38-2202~~(d)(1), (d)(3), (d)(5)~~*(d)(1)(A), (d)(1)(C), (d)(1)(E) or (d)(1)(K)*, and amendments thereto, or comparable proceedings under the laws of another jurisdiction;

(4) the parent has been convicted of causing the death of another child or stepchild of the parent;

(5) the child has been in an out-of-home placement, under court order for a cumulative total period of one year or longer and the parent has substantially neglected or willfully refused to carry out a reasonable plan, approved by the court, directed toward reintegration of the child into the parental home;

(6) (A) the child has been in an out-of-home placement, under court order for a cumulative total period of two years or longer; (B) the parent has failed to carry out a reasonable plan, approved by the court, directed toward reintegration of the child into the parental home; and (C) there is a substantial probability that the parent will not carry out such plan in the near future;

(7) a parent has been convicted of capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A. 21-5401, and amendments thereto, murder in the first degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and amendments thereto, murder in the second degree, K.S.A. 21-3402, prior to its repeal, or K.S.A. 21-5403, and amendments thereto, voluntary manslaughter, K.S.A. 21-3403, prior to its repeal, or K.S.A. 21-5404, and amendments thereto, human trafficking or aggravated human trafficking, K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, K.S.A. 21-6422, and amendments thereto, or comparable proceedings under the laws of an-

other jurisdiction or, has been adjudicated a juvenile offender because of an act which, if committed by an adult, would be an offense as provided in this subsection, and the victim of such murder was the other parent of the child;

(8) a parent abandoned or neglected the child after having knowledge of the child's birth or either parent has been granted immunity from prosecution for abandonment of the child under K.S.A. 21-3604(b), prior to its repeal, or K.S.A. 21-5605(d), and amendments thereto; or

(9) a parent has made no reasonable efforts to support or communicate with the child after having knowledge of the child's birth;

(10) a father, after having knowledge of the pregnancy, failed without reasonable cause to provide support for the mother during the six months prior to the child's birth;

(11) a father abandoned the mother after having knowledge of the pregnancy;

(12) a parent has been convicted of rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto, or comparable proceedings under the laws of another jurisdiction resulting in the conception of the child; or

(13) a parent has failed or refused to assume the duties of a parent for two consecutive years next preceding the filing of the petition. In making this determination the court may disregard incidental visitations, contacts, communications or contributions.

(b) The burden of proof is on the parent to rebut the presumption of unfitness by a preponderance of the evidence. In the absence of proof that the parent is presently fit and able to care for the child or that the parent will be fit and able to care for the child in the foreseeable future, the court shall terminate parental rights in proceedings pursuant to K.S.A. 38-2266 et seq., and amendments thereto.

Sec. 14. K.S.A. 23-2204, 23-2209, 23-2215, 23-3207, 38-2230, 38-2232, 38-2242, 38-2260 and 38-2271 and K.S.A. 2025 Supp. 21-5601, 38-2202 and 38-2243 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 9, 2026.

CHAPTER 89

SENATE BILL No. 480

AN ACT concerning probate; requiring nonresident fiduciaries to appoint an agent residing in this state; relating to estates of absentees; amending K.S.A. 59-1706 and repealing the existing section; reviving and amending K.S.A. 59-2701, 59-2702, 59-2703, 59-2704, 59-2705, 59-2707 and 59-2708 and repealing the revived sections.

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

Section 1. K.S.A. 59-1706 is hereby amended to read as follows: 59-1706. Every nonresident appointed *as* a fiduciary in this state, before entering upon the duties of the trust, shall appoint in writing an agent residing in ~~the county where the appointment is made~~ *this state*. By such writing, the nonresident fiduciary consents that the service of any notice or process upon such agent shall have the same force and effect as personal service upon the fiduciary within ~~such county and~~ *this state*. Such writing shall state the correct address of such agent and shall be filed in the district court where such appointment is made. Such writing shall include written acceptance of such appointment by the designated agent. Service of notice or process upon such agent shall have the same force and effect as personal service upon the fiduciary.

Sec. 2. K.S.A. 59-2701 is hereby revived and amended to read as follows: 59-2701. (a) The district courts shall have jurisdiction to administer, in accordance with the provisions of ~~this act~~ *K.S.A. 59-2701 through 59-2705 and 59-2707, and amendments thereto*, the property within this state of ~~(a):~~

(1) Any person who has disappeared and remains unheard from by the persons most likely to hear from ~~him or her~~, *such person*; or ~~(b)~~

(2) any person who is reported by the United States department of defense to be a prisoner of war or missing in action.

(b) The word "absentee" as used in ~~this act~~ *K.S.A. 59-2701 through 59-2705 and 59-2707, and amendments thereto*, shall refer to such a person.

Sec. 3. K.S.A. 59-2702 is hereby revived and amended to read as follows: 59-2702. (a) A trustee may be appointed for the estate of any ~~such~~ absentee to administer ~~the same such estate~~ until such time as ~~he or she~~ *absentee* returns or is found to be dead in accordance with ~~the subsequent provisions hereof~~ *K.S.A. 59-2701 through 59-2705 and 59-2707, and amendments thereto*. A petition for the appointment of such trustee may be filed by any person. Venue for the proceedings ~~thereon~~ *on such petition* shall be in accordance with the laws applicable to the appointment of conservators for nonresident's proposed conservatees. The petition shall include:

(1) The name, age, and the last known residence of the absentee;

(2) the fact of the absentee's disappearance and all known circumstances pertaining thereto, including the date and place of ~~his or her~~ *the absentee's* last known whereabouts;

(3) the names and addresses of ~~his or her~~ *the absentee's* known next of kin and spouse, if any;

(4) the names and addresses of any other known persons who are likely to hear from the absentee; and

(5) the general nature and probable value of ~~his or her~~ *the absentee's* real and personal property.

(b) Notice of the filing of the petition and of the hearing ~~thereon on such petition~~ shall be given in accordance with K.S.A. 59-2209 ~~to through 59-2211, inclusive and amendments thereto~~, and copies ~~thereof of such petition shall be~~ mailed to ~~said the~~ next of kin, spouse if any, and the ~~said~~ other persons likely to hear from the absentee as shown by the petition. Upon the hearing the court shall appoint a trustee if satisfied of the truth of the allegations of the petition and that there is property of the absentee within the state subject to being lost or dissipated unless a trustee is appointed to manage and conserve ~~the same~~ *such property*.

Sec. 4. K.S.A. 59-2703 is hereby revived and amended to read as follows: 59-2703. The provisions of the laws applicable to the oath, bond, inventory, accountings, debts, liabilities, powers, duties and discharge of conservators shall govern in the administration and management of the estates of such absentees and the trustees ~~thereof of such estates~~.

Sec. 5. K.S.A. 59-2704 is hereby revived and amended to read as follows: 59-2704. (a) An absentee shall be presumed to be dead for the purposes of ~~this act~~ K.S.A. 59-2701 ~~through 59-2705 and 59-2707, and amendments thereto~~, if:

(1) The absentee ~~shall remain~~ *remains* unheard from by those persons most likely to hear from such absentee for a period of not less than five years; and

(2) one or more persons who had a bona fide motive for locating the absentee have conducted a diligent search for the absentee in all places where such absentee's presence could reasonably be expected.

(b) If no such search has been made with reference to an absentee who has been unheard from for more than five years and for whose estate a trustee has been appointed in accordance with ~~this act~~ K.S.A. 59-2701 ~~through 59-2705 and 59-2707, and amendments thereto~~, the district court may on the court's own motion order the trustee to conduct such search under the direction of the court and pay the reasonable expenses ~~thereof for such search~~ out of the estate.

(c) Absentees missing as a result of a catastrophic event or disaster shall be presumed dead under K.S.A. 59-2708, and amendments thereto.

Sec. 6. K.S.A. 59-2705 is hereby revived and amended to read as follows: 59-2705. (a) At any time, upon petition signed by the absentee or on a petition of an attorney-in-fact acting upon an adequate power of attorney granted by the absentee, the court shall declare the absentee alive and order the state registrar to rescind the presumptive death certificate and direct the termination of the trust estate and the transfer of all property held ~~thereunder~~ *under such trust estate* to the absentee or to the designated attorney-in-fact.

(b) Upon the petition of any person interested in the estate of an absentee presumed to be dead, and on proof thereof in addition to all other matters required by law to be proved for the appointment of an administrator or executor, the district court shall proceed to administer the estate of such absentee as if such absentee was known to have died on the date of the filing of such petition.

(c) Upon petition of any person interested in the estate of any person reported by the United States department of defense as missing in action for over three years, the district court, upon proof that such person has been reported as missing in action for over three years, shall proceed to terminate the trust estate of such absentee in the same manner as the final settlement of a decedent's estate. The district court shall proceed to administer the estate of such absentee as if such absentee was known to have died on the date of the filing of such petition, but the district court shall not declare the absentee to be deceased.

(d) All laws now or hereafter enacted for the administration of estates of known decedents shall be applicable to absentees declared presumptively dead under K.S.A. 59-2708, and amendments thereto, and subsection (b) of this section, except:

(1) No administrator, executor or personal representative of such absentee shall make a final distribution of the assets of such estate until the expiration of three years after the date of presumptive death, ~~provided~~ *except* that assets in the estate of such absentee ~~which that~~ are exempt from attachment by creditors, including moneys paid by the United States of such nature and other assets of any such estate ~~which that~~ would otherwise be available for the support of the spouse, children and other dependents of such absentee, if such absentee were alive, after allowance for debts and costs of administration, may be paid for the support of the spouse and children and dependents of such absentee upon order of the court until such time as distribution may be made or administration terminated. If the absentee has not appeared after the period of three years the court's finding shall become effective to permit final distribution of such person's estate.

(2) Upon final settlement of the absentee's estate the provisions of subsection (e) shall apply.

(e) All laws now or hereafter enacted for the administration of estates of known decedents shall be applicable to the settlement of estates authorized by subsections (b), (c) and (d) except:

(1) If such absentee ~~should return~~ *returns* within five years after entry of the order of final settlement, any order made during such administration shall be subject to being set aside on such absentee's application for good cause shown and filed within three months after such absentee learned, or reasonably could have learned of such order; ~~but~~. Setting aside any such order shall not prejudice the rights of any person who has acquired an interest in any property for value, or of any trustee, executor or administrator who has acted in good faith in accordance with the provisions of ~~this act~~ *K.S.A. 59-2701 through 59-2705 and 59-2707, and amendments thereto.*

(2) No distributee of a share or interest in the estate shall receive or be assigned ~~the same such share or interest~~ on final settlement until such distributee ~~shall have~~ *has* filed a bond conditioned that if such absentee ~~shall return~~ *returns* within five years ~~from~~ *after* receipt or assignment of ~~the same and make such share or interest and makes a claim~~ thereto, such property, or the reasonable value thereof if it has been disposed of, together with the net income therefrom, shall be returned to the absentee. The court may require sureties on such bond, ~~which and such~~ sureties shall be subject to the approval of the court. No action shall be brought on such bond more than one year after the absentee learned of such distribution nor in any event more than six years after the date of such distribution.

Sec. 7. K.S.A. 59-2707 is hereby revived and amended to read as follows: 59-2707. ~~This act~~ *K.S.A. 59-2701 through 59-2705 and 59-2707, and amendments thereto,* shall be ~~and construed as~~ a part of and supplemental to the Kansas probate code.

Sec. 8. K.S.A. 59-2708 is hereby revived and amended to read as follows: 59-2708. (a) In cases of catastrophic events, disasters, states of emergency or states of war emergency, the death of persons whose bodies could not be found or identified shall be established according to the following procedure:

(1) The governor or president of the United States or both shall have declared a state of emergency or state of war emergency.

(2) An absentee shall be presumed dead immediately after the catastrophic event if:

(A) The absentee's body could not be recovered due to the nature of the catastrophic event; and

(B) evidence presented to a court of proper jurisdiction places the absentee at the site of the catastrophic event on the date and at the time of the event.

(3) Upon a finding of presumptive death, the district court shall order the coroner in the county ~~in which~~ *where* death occurred to prepare a death certificate with the cause of death identified as due to the catastrophic event in accordance with K.S.A. 65-2412(c) and 65-2414, and amendments thereto.

(4) Upon receipt of the death certificate the office of vital statistics shall register and make available for issuance certified copies of the death certificate in accordance with K.S.A. 65-2401 et seq., *and amendments thereto*.

(5) If pertinent new information is received by the court, pursuant to a court order, the presumptive death certificate may be amended in accordance with K.S.A. 65-2422c, *and amendments thereto*. In a case where the absentee is found to be alive, the presumptive death certificate shall be rescinded.

(6) The secretary of the department of health and environment may by rule and regulation prescribe forms and procedures to implement the provisions of this ~~act~~ *section and K.S.A. 59-2704 and 59-2705, and amendments thereto*.

(b) For the purposes of this ~~act~~ *section and K.S.A. 59-2704 and 59-2705, and amendments thereto*:

(1) “Catastrophic event” means a disaster that will require massive state or federal assistance, or both, including immediate military involvement.

(2) “Disaster” means any natural, technological or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by the governor or president of the United States or a state of war emergency by the president of the United States.

(3) “State of emergency” means the declaration of the existence of conditions of disaster, catastrophe or extreme peril to the safety of persons or property within the state caused by air or water pollution, fire, flood, storm, epidemic, earthquake, resource shortages or other natural or man-made conditions other than conditions causing a “state of war emergency”, which conditions by reasons of their magnitude are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county or municipality, or both, and requires combined forces of the state to combat.

(4) “State of war emergency” means the condition which exists immediately, with or without a declaration by the governor, whenever this state or nation is attacked by an enemy of the United States or upon receipt by the state of a warning from the federal government indicating an action against persons or society including but not limited to, emergency attack, sabotage, terrorism, civil unrest or other action impairing the orderly administration of government is probable or imminent.

Sec. 9. K.S.A. 59-1706, 59-2701, as revived by section 1 of this act, 59-2702, as revived by section 2 of this act, 59-2703, as revived by section 3 of this act, 59-2704, as revived by section 4 of this act, 59-2705, as revived by section 5 of this act, 59-2707, as revived by section 6 of this act, and 59-2708, as revived by section 7 of this act, are hereby repealed.

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

Approved April 9, 2026.

Published in the *Kansas Register* April 23, 2026.

CHAPTER 90

HOUSE BILL No. 2482
(Amended by Chapter 155)

AN ACT concerning education; relating to the state board of education; removing the requirement that the state board of education use a certain exam provider to deliver state-funded college entrance and career readiness exams; requiring the board to provide for such exams using any provider; amending K.S.A. 2025 Supp. 72-5178 and 72-5179 and repealing the existing sections.

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

Section 1. K.S.A. 2025 Supp. 72-5178 is hereby amended to read as follows: 72-5178. (a) On or before January 15 of each year, the state department of education shall prepare and digitally update on the website of the state department of education the performance accountability reports and longitudinal achievement reports upon all students enrolled in any public school or accredited nonpublic school in the state, each school district, each school operated by a school district and each accredited nonpublic school.

(b) Each performance accountability report shall be prepared in a single-page format containing the information that is required to be reported under the federal elementary and secondary education act, as amended by the federal every student succeeds act, public law 114-95, or any successor federal acts, and the college and career readiness metrics developed and implemented by the state board. The report shall use the categories for achievement identified under the federal every student succeeds act, public law 114-95, or any successor achievement categories. All categories and metrics included in the report shall be clearly defined.

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

(d) On or before January 15 of each year, the state department of education shall prepare written academic achievement reports to provide a summary of student achievement in this state and shall submit such reports to the governor and the legislature. Such written academic achievement reports shall:

(1) Provide a statewide summary of the performance accountability reports and longitudinal achievement reports prepared pursuant to this section. Such summary report shall provide:

(A) Achievement data from the English language arts assessments and math assessments over the preceding five years for all students and stu-

dent subgroups to show whether there are statewide trends in academic improvement or learning loss among all students and student subgroups;

(B) a comparison to any other evaluation metric used by the state board of education to evaluate student achievement such as college and career readiness measurements or graduation rates;

(C) a comparison to other educational assessments that measure academic performance such as the national assessment of educational progress;

(D) an analysis of the trends in student achievement outcomes and a review of conditions that are impacting recent student achievement outcomes;

(E) a review of the academic interventions that school districts are using to improve student performance, whether the state board of education has any specific recommendations regarding academic interventions to improve academic achievement and an estimation of the academic achievement gains that can be expected from such interventions; and

(F) a summary of the performance levels and the scale and cut scores for the statewide assessments and how such information should be used to draw conclusions about student achievement; and

(2) provide a student-focused longitudinal achievement report that provides information on the academic achievement of certain student cohort groups to show the achievement gains or learning losses that are occurring for such students. Such report shall begin with the students who are entering grade three and grade eight in school year 2022-2023. The report shall summarize the longitudinal achievement of such students over a three-year period and shall be repeated every three years for the students entering such grade levels. The longitudinal report shall provide:

(A) A summary of the improvement or learning loss that is occurring within such student cohort groups over such three-year period for all such students and the student subgroups;

(B) an analysis of the evaluations and metrics that are used to measure the year-over-year achievement of such student cohort groups;

(C) a review of the academic interventions that school districts are using to improve student performance within such student cohort groups, whether the state board of education has any specific recommendations regarding academic interventions to improve academic achievement and an estimate of the academic achievement gains that can be expected from such interventions; and

(D) the achievement results from the English language arts assessments and math assessments for such student cohort groups and any other assessment data pertaining to such student cohort groups, including, but not limited to, the national assessment for educational progress;

~~the ACT college entrance exam and the pre-*ACT* assessment and any nationally recognized college readiness assessment or associated preparatory assessment.~~

~~(d)~~(e) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2025 Supp. 72-1181, and amendments thereto.

Sec. 2. K.S.A. 2025 Supp. 72-5179 is hereby amended to read as follows: 72-5179. (a) ~~(1)~~ The state board of education shall provide ~~the ACT college entrance exam and the three ACT workkeys assessments that are required to earn a national career readiness certificate:~~

~~(A)~~ A nationally recognized college entrance exam ~~to~~ that measures the math, science and reading and writing skills of each student enrolled in grades 11 and 12; ~~and;~~

~~(B)~~ the ~~pre-*ACT* college pre-college~~ entrance exam that is aligned with such nationally recognized college entrance exam to each student enrolled in grade nine; ~~and~~

~~(C)~~ a career readiness assessment or a series of career readiness assessments that lead to a nationally recognized credential to each student enrolled in grade 11.

(2) No student shall be required to pay any fees or costs to take any such exam or assessments. The state board shall not be required to provide more than one exam and three assessments for each student. The state board of education may enter into any contracts that are necessary to promote statewide cost savings to administer such exams and assessments.

(b) The Kansas department of education and each school district shall annually publish on their websites the times, dates and locations of the ~~pre-*ACT* college pre-college~~ entrance exam, the ~~ACT~~ college entrance exam and the ~~ACT workkeys~~ career readiness assessments that are offered in Kansas and information for students on how to register for such exams or assessments.

(c) Participation in the ~~pre-*ACT* college pre-college~~ entrance exam, the ~~ACT~~ college entrance exam or the ~~ACT workkeys~~ career readiness assessment shall be optional. Nothing in this section shall be construed to require any student to participate in such exams or assessments.

(d) On or before the first day of each regular legislative session, the state board of education shall prepare and submit a report to the senate standing committee on education and the house standing committee or any successor committees on education that includes the aggregate exam and assessment data for all students who were provided the exams and assessments pursuant to this section.

(e) As used in this section, “student” means any person who is regularly enrolled in any public school or accredited nonpublic school located in Kansas.

Sec. 3. K.S.A. 2025 Supp. 72-5178 and 72-5179 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after July 1, 2027, and its publication in the statute book.

Approved April 9, 2026.

CHAPTER 91

HOUSE BILL No. 2596

AN ACT concerning the secretary of corrections; relating to the prison-made goods act of Kansas; permitting certain contracts for the production of manufactured or modular homes for a pilot program at the Hutchinson correctional facility; requiring that the secretary charge average rates for rent and wages and require the private individual, corporation, partnership or association to pay all costs related to the project for such contracts; providing for a nationally recognized construction education certification program for participants of such pilot program; providing for an annual report by the secretary of corrections; amending K.S.A. 75-5275a and repealing the existing section.

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

Section 1. K.S.A. 75-5275a is hereby amended to read as follows: 75-5275a. (a) ~~Notwithstanding any provision of the prison-made goods act of Kansas to the contrary~~ *Except as provided in subsection (b),* the secretary shall not establish or maintain a home building program ~~which manufacturers that manufactures or produces housing units which that~~ would compete with the:

(1) (A) Manufactured homes or modular homes manufactured, assembled or sold by manufactured home manufacturers; or

(B) manufactured homes or modular homes sold by manufactured home dealers; or

(2) (A) modular homes manufactured, assembled or sold by modular home manufacturers; or

(B) modular homes sold by modular home dealers.

(b) *The provisions of subsection (a) shall not apply to:*

(1) *The vocational building program; or*

(2) *any contract authorized by K.S.A. 75-5275(c), and amendments thereto, for a pilot program at the Hutchinson correctional facility as provided in subsection (c).*

(c) (1) *The secretary may establish and maintain a pilot program that manufactures or produces housing units at the Hutchinson correctional facility. Any private individual, corporation, partnership or association contracting with the secretary as a part of such pilot program shall provide a nationally recognized construction education certification program for participants and evaluate program success after participation and release.*

(2) *Such pilot program shall expire on December 31, 2031. The secretary or the secretary's designee shall make an oral presentation before the house committee on commerce, labor and economic development and the senate committee on commerce at mutually agreed times during the 2030 regular legislative session and provide a report to each such committee with respect to the pilot program and such program's effectiveness.*

(3) *For any such contract, the secretary shall charge the regional average commercial rate for rent for the square footage used for the project and the regional average wage for labor, without allowance for any lesser training wage, for the skill level or levels used for the project.*

(4) *For any such contract, the secretary shall require that the private individual, corporation, partnership or association pay all costs associated with the project including, but not limited to, utilities, project start-up costs, project training costs and project administrative costs. For any such contract with a nonprofit organization, the secretary shall also require that the nonprofit organization not request a property tax exemption for such housing units and agree to pay property or ad valorem taxes on such housing units if such housing units are retained and owned by such nonprofit organization.*

(5) *During each regular session of the legislature, the secretary of corrections shall submit a report to the committee on ways and means of the senate and the committee on appropriations of the house of representatives relating to any such contracts.*

(d) As used in this section:

(1) ~~“Manufactured home,” has the meaning ascribed to such term by “manufactured home dealer,” “manufactured home manufacturer” and “modular home” mean the same as defined in K.S.A. 58-4202, and amendments thereto;~~

(2) ~~“manufactured home dealer” has the meaning ascribed to such term by K.S.A. 58-4202, and amendments thereto;~~

(3) ~~“manufactured home manufacturer” has the meaning ascribed to such term by K.S.A. 58-4202, and amendments thereto;~~

(4) ~~“modular home” has the meaning ascribed to such term by K.S.A. 58-4202, and amendments thereto; and~~

(5) ~~“secretary” means the secretary of corrections; and~~

(6)(3) ~~“vocational building program” means the vocational building program operated by the secretary to provide individual, freestanding buildings, not to exceed 1,000 square feet in size, to state agencies for use by such agencies.~~

(c) ~~The provisions of this section shall not apply to a vocational building program.~~

(d)(e) This section shall be a part of and supplemental to the prison-made goods act of Kansas.

Sec. 2. K.S.A. 75-5275a 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 9, 2026.

Published in the *Kansas Register* April 23, 2026.

CHAPTER 92

Substitute for HOUSE BILL No. 2250

AN ACT concerning health and healthcare; relating to certain medications; relating to treatment of sexually transmitted infection treatment; permitting the use of expedited partner therapy for the treatment thereof; authorizing a licensed private psychiatric hospital to maintain a stock supply of emergency medication kits for pharmaceutical emergencies; allowing for the use of expired emergency opioid antagonists to treat an opioid overdose; permitting first responders to distribute and administer expired emergency opioid antagonists; permitting a pharmacist to distribute epinephrine delivery systems to a school for emergency medication kits; amending definitions related to medication in schools to allow for use of epinephrine delivery systems; amending K.S.A. 72-6282 and K.S.A. 2025 Supp. 22-2312, 65-1680, 65-16,127 and 72-6283 and repealing the existing sections.

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

New Section 1. (a) As used in this section:

- (1) “Department” means the department of health and environment.
- (2) “Expedited partner therapy” means to prescribe, administer, dispense or otherwise provide antimicrobial drugs to a sexual partner of a patient clinically diagnosed by a healthcare provider as infected with a sexually transmitted disease without a physical examination of such sexual partner.
- (3) “Healthcare provider” means a practitioner or mid-level practitioner as those terms are defined in K.S.A. 65-1626, and amendments thereto.
- (4) “Pharmacist” means a person licensed by the state board of pharmacy to practice pharmacy.
- (5) “Secretary” means the secretary of health and environment or the secretary’s designee.
- (6) “Sexually transmitted disease” means any disease transmitted through sexual contact, defined by rules and regulations adopted by the secretary as a reportable infectious disease under K.S.A. 65-118, and amendments thereto, and designated as appropriate for expedited partner therapy by rules and regulations adopted by the secretary.

(b) (1) A healthcare provider who clinically diagnoses a patient with a sexually transmitted disease may provide expedited partner therapy if, in the professional judgment of the healthcare provider, the patient’s sexual partner is unlikely or unable to present for examination, testing and treatment.

(2) A healthcare provider who provides expedited partner therapy shall provide counseling to the patient, including distributing written materials developed and provided by the department to be given by the patient to the patient’s sexual partner.

(3) A healthcare provider shall use expedited partner therapy only for a patient’s sexual partner who may have been exposed to a sexually trans-

mitted disease within 60 days immediately prior to the patient's clinical diagnosis and who is able to be contacted and identified by the patient.

(4) A child who is 16 years of age or older may consent to receive expedited partner therapy when no parent or guardian is immediately available.

(c) (1) No healthcare provider or pharmacist shall be liable for civil damages resulting from any act or omission in good faith compliance with the provisions of this section, including civil damages for refusing to provide expedited partner therapy, other than an act or omission constituting gross negligence or intentional or reckless misconduct.

(2) No healthcare provider or pharmacist shall be subject to disciplinary action by the state board of healing arts, the board of nursing or the state board of pharmacy, as applicable, on the basis of an act or omission in good faith compliance with the provisions of this section, other than an act or omission constituting gross negligence or intentional or reckless misconduct.

(d) The department shall include the following information in written materials developed and provided for distribution as required by subsection (b)(2):

(1) A warning that a woman who is pregnant or might be pregnant should not take certain antibiotics and should immediately contact a healthcare provider for an examination;

(2) information about the antimicrobial drug and dosage provided or prescribed, including a warning that a sexual partner who has a history of allergy to the drug or the pharmaceutical class of drug should not take the drug and should immediately contact a healthcare provider for examination;

(3) information about the treatment and prevention of sexually transmitted diseases;

(4) the requirement of sexual abstinence until a period of time after treatment to prevent infecting other sexual partners;

(5) notification of the importance of the sexual partners receiving examination and testing for human immunodeficiency virus and other sexually transmitted diseases and information about available resources;

(6) notification of the risk to the patient, the patient's sexual partner and the general public if the sexually transmitted disease is not completely and successfully treated;

(7) the responsibility of the sexual partner to inform the sexual partner's own sexual partners of the risk of sexually transmitted disease and the importance of prompt examination and treatment by a healthcare provider; and

(8) such other information deemed necessary by the secretary.

(e) The secretary shall adopt rules and regulations as necessary to implement and administer this section.

New Sec. 2. (a) A licensed private psychiatric hospital that utilizes the services of a pharmacist may stock and maintain an emergency medication kit approved by such hospital's medical staff and pharmacist.

(b) The emergency medication kit shall be used only in emergency cases under the supervision and direction of a prescriber and a pharmacist who shall have supervisory responsibility of maintaining such kit.

(c) Drugs in an emergency medication kit shall be maintained under the control of the pharmacist-in-charge of the pharmacy from which the kit came until administered to the patient upon the proper order of a practitioner.

(d) Drugs contained within the emergency medication kit may include controlled substances, but in such a case, a pharmaceutical services committee shall be responsible for specifically limiting the type and quantity of controlled substance to be placed in each emergency kit.

(e) Administration of controlled substances contained within the emergency medication kit shall be in compliance with the provisions of the uniform controlled substances act.

(f) The pharmacist-in-charge of the licensed private psychiatric hospital shall be responsible for developing procedures, proper control and accountability for the emergency kit and maintain complete and accurate records.

(g) The secretary and the state board of pharmacy shall jointly adopt such rules and regulations that are necessary to effectuate the provisions of this act. Such rules and regulations shall include, but not be limited to, the contents of the emergency medication kit, procedures for the control and accountability of the emergency medication kit, recordkeeping and storage of the emergency medication kit.

(h) As used in this section:

(1) "Emergency medication kit" means a stock supply of such drugs as are required to meet the immediate therapeutic needs of patients when the drug is not available from another source in sufficient time to prevent harm;

(2) "licensed private psychiatric hospital" means an institution, excluding state institutions as defined in K.S.A. 76-12a01, and amendments thereto, that is primarily engaged in providing services, by and under the supervision of qualified professionals, for the diagnosis and treatment of mentally ill individuals that is licensed pursuant to K.S.A. 39-2008, and amendments thereto;

(3) "pharmacist" means the same as defined in K.S.A. 65-1626, and amendments thereto;

(4) "pharmacist-in-charge" means the same as defined in K.S.A. 65-1626, and amendments thereto;

(5) "practitioner" means the same as defined in K.S.A. 65-1626, and amendments thereto;

(6) “prescriber” means the same as defined in K.S.A. 65-1626, and amendments thereto; and

(7) “secretary” means the secretary of health and environment.

Sec. 3 K.S.A. 2025 Supp. 22-2312 is hereby amended to read as follows: 22-2312. (a) A law enforcement officer shall not take a person into custody based solely on the commission of an offense described in subsection (b) if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that the person:

(1) (A) Initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance on the person’s own behalf because the person reasonably believed they needed medical assistance as a result of the use of a controlled substance; and

(B) cooperated with law enforcement officers and emergency medical services personnel in providing such medical assistance;

(2) (A) was a person who rendered aid, *including administering an emergency opioid antagonist*, to another person who reasonably appeared to need medical assistance as a result of the use of a controlled substance or initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance for another person who reasonably appeared to need medical assistance as a result of the use of a controlled substance;

(B) provided such person’s full name and any other relevant information that is necessary to provide the medical assistance described in paragraph (2)(A) as requested by law enforcement or emergency medical services;

(C) remained at the scene with the person who reasonably appeared to need medical assistance until emergency medical services personnel and law enforcement officers arrived; and

(D) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance; or

(3) (A) was the person who reasonably appeared to need medical assistance as a result of the use of a controlled substance as described in subsection (a)(2)(A); and

(B) cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance.

(b) (1) Except as provided in paragraph (2), each person who meets the criteria in subsection (a) is immune from criminal prosecution for a violation of K.S.A. 21-5706 or 21-5709(b)(2), and amendments thereto, and any city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 21-5706 or 21-5709(b)(2), and amendments thereto.

(2) No person is immune from criminal prosecution as provided in paragraph (1) if the quantity of controlled substances found at the scene

of the encounter with law enforcement would be sufficient to create a rebuttable presumption of an intent to distribute as described in K.S.A. 21-5705(e), and amendments thereto.

(c) The provisions of this section shall not apply to a person seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.

(d) Nothing in this section shall be construed to preclude a person who is immune from criminal prosecution pursuant to this section from being prosecuted based on evidence obtained from an independent source.

(e) A person shall not be allowed to initiate or maintain an action against a law enforcement officer, or the officer's employer, based on the officer's compliance or failure to comply with this section. Except in cases of reckless or intentional misconduct, a law enforcement officer shall be immune from liability for arresting a person who is later determined to be immune from prosecution pursuant to this section.

(f) As used in this section:

(1) "Controlled substance" means the same as defined in K.S.A. 21-5701, and amendments thereto; ~~and~~.

(2) *"Emergency opioid antagonist" means an intranasal form of a drug that inhibits the effects of opioids and that is approved by the federal food and drug administration for the treatment of an opioid overdose. "Emergency opioid antagonist" includes an expired emergency opioid antagonist up to 10 years past such emergency opioid antagonist's expiration date.*

~~(2)~~(3) "Law enforcement officer" means the same as defined in K.S.A. 21-5111, and amendments thereto.

Sec. 4. K.S.A. 2025 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. *Except as provided in subsection (h), "emergency opioid antagonist" includes an expired emergency opioid antagonist up to 10 years past such emergency opioid antagonist's expiration date.*

(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, distrib-

ute 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 procedures that comply with this section and any rules and regulations adopted thereunder;
- (C) training personnel; and
- (D) coordinating agency activities with local emergency ambulance services and medical directors to provide quality assurance activities.

(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) *Pharmacists, healthcare providers and school nurses shall not prescribe, dispense, distribute or furnish an expired emergency opioid antagonist.*

(i) 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)~~(j) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 5. K.S.A. 2025 Supp. 65-1680 is hereby amended to read as follows: 65-1680. (a) A pharmacist may distribute a stock supply of standard-dose and pediatric-dose epinephrine ~~auto-injectors~~ *delivery systems* to a school pursuant to a prescription made pursuant to K.S.A. 72-6283, and amendments thereto, from a physician or mid-level practitioner in the name of the school. A pharmacist who distributes a stock supply of standard-dose or pediatric-dose epinephrine ~~auto-injectors~~ *delivery systems* to a school shall not be liable for civil damages resulting from the administration of such medication pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments thereto.

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

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

Sec. 6. K.S.A. 72-6282 is hereby amended to read as follows: 72-6282.

(a) As used in this section:

(1) “Medication” means a medicine prescribed by a ~~health care~~ *healthcare* provider for the treatment of anaphylaxis or asthma, including, but not limited to, any medicine defined in section 201 of the federal food, drug and cosmetic act, inhaled bronchodilators and ~~auto-injectible~~ *epinephrine delivery systems*.

(2) “~~Health care~~ *Healthcare* provider” means:

(A) A physician licensed *by the state board of healing arts* to practice medicine and surgery; or

~~(B) an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs as provided by K.S.A. 65-1130, and amendments thereto; or (C) a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs prior to January 11, 2016, pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto, and on and after January 11, 2016, pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto a mid-level practitioner as such term is defined in K.S.A. 65-1626, and amendments thereto.~~

(3) “School” means any public or accredited nonpublic school.

(4) “Self-administration” means a student’s discretionary use of such student’s medication pursuant to a prescription or written direction from a ~~health care~~ *healthcare* provider.

(b) Each school district shall adopt a policy authorizing the self-administration of medication by students enrolled in kindergarten or any of the grades one through 12. A student shall meet all requirements of a policy adopted pursuant to this subsection. Such policy shall include:

(1) A requirement of a written statement from the student’s ~~health care~~ *healthcare* provider stating the name and purpose of the medication, the prescribed dosage, the time the medication is to be regularly administered, ~~and any additional special circumstances under which the medication is to be administered,~~ and the length of time for which the medication is prescribed;

(2) a requirement that the student has demonstrated to the ~~health care~~ *healthcare* provider or such provider’s designee and the school nurse or such nurse’s designee the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed. If there is no school nurse, the school shall designate a person for the purposes of this subsection;

(3) a requirement that the ~~health care~~ *healthcare* provider has prepared a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours;

(4) a requirement that the student’s parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan prepared as required by paragraph (3) and documents related to liability;

(5) a requirement that all teachers responsible for the student’s supervision shall be notified that permission to carry medications and self-medicate has been granted; and

(6) any other requirement imposed by the school district pursuant to this section and K.S.A. 72-1138(e), and amendments thereto.

(c) A school district shall require annual renewal of parental authorization for the self-administration of medication.

(d) A school district, and its officers, employees and agents, ~~which~~ *that* authorizes the self-administration of medication in compliance with the provisions of this section shall not be held liable in any action for damage, injury or death resulting directly or indirectly from the self-administration of medication.

(e) A school district shall provide written notification to the parent or guardian of a student that the school district and its officers, employees and agents are not liable for damage, injury or death resulting directly or indirectly from the self-administration of medication. The parent or guardian of the student shall sign a statement acknowledging that the school district and its officers, employees or agents incur no liability for damage, injury or death resulting directly or indirectly from the self-administration of medication and agreeing to release, indemnify and hold the school and its officers, employees and agents; harmless from and against any claims relating to the self-administration of such medication.

(f) A school district shall require that any back-up medication provided by the student's parent or guardian be kept at the student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(g) A school district shall require that information described in subsection (b)(3) and (4) be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

(h) An authorization granted pursuant to subsection (b) shall allow a student to possess and use such student's medication at any place where a student is subject to the jurisdiction or supervision of the school district or its officers, employees or agents.

(i) A board of education may adopt a policy pursuant to K.S.A. 72-1138(e), and amendments thereto, ~~which that~~:

(1) Imposes requirements relating to the self-administration of medication ~~which that~~ are in addition to those required by this section; and

(2) establishes a procedure for; and the conditions under which; the authorization for the self-administration of medication may be revoked.

Sec. 7. K.S.A. 2025 Supp. 72-6283 is hereby amended to read as follows: 72-6283. (a) As used in this section, K.S.A. 65-1680 and 65-2872b, and amendments thereto:

(1) "Albuterol" means a short-acting beta-2 agonist-inhaled medication, otherwise known as a bronchodilator, that is prescribed by a physician or mid-level practitioner for the treatment of respiratory distress.

(2) “Albuterol metered-dose inhaler” means a portable drug delivery system containing a canister of multiple premeasured doses of albuterol in a device actuator.

(3) “Albuterol solution” means a liquid form of albuterol for use with a nebulizer.

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

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

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

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

(8) “Epinephrine ~~auto-injector~~ *delivery system*” means a device that ~~automatically injects~~ *is approved by the federal food and drug administration, contains a premeasured dose of epinephrine and is used to administer epinephrine into the human body.*

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

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

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

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

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

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

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

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

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

(b) (1) A school may maintain a stock supply of emergency medication upon obtaining a prescription from a physician or mid-level practi-

tioner in the name of the school. A physician or mid-level practitioner shall review the school's policies and procedures established pursuant to subsection (c) prior to prescribing such emergency medication.

(2) A stock supply of epinephrine may consist of one or more standard-dose or pediatric-dose epinephrine ~~auto-injectors~~ *delivery systems*. A school nurse or designated school personnel may administer such epinephrine in an emergency situation to any individual who displays the signs and symptoms of anaphylaxis at school, on school property or at a school-sponsored event if such school nurse or designated school personnel reasonably believes that an individual is exhibiting the signs and symptoms of an anaphylactic reaction.

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

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

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

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

(B) in accordance with manufacturer temperature recommendations;

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

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

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

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

(B) administration of emergency medication;

(C) calling for emergency medical system responders;

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

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

(F) safe disposal and sanitation of used equipment.

(d) A school shall publish information related to the school's emer-

gency medication policies and procedures and shall maintain records of the training provided to designated school personnel.

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

Sec. 8. K.S.A. 72-6282 and K.S.A. 2025 Supp. 22-2312, 65-1680, 65-16,127 and 72-6283 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 9, 2026.

CHAPTER 93

HOUSE BILL No. 2533*

AN ACT concerning health professions and practices; relating to occupational therapy, respiratory therapy, esthetics and athletic training; enacting the occupational therapy licensure compact, respiratory care interstate compact, esthetics licensure compact and athletic trainer 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 occupational therapy licensure compact.

ARTICLE 1 – PURPOSE

(a) The purpose of this compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The practice of occupational therapy occurs in the state where the patient or client is located at the time of the occupational therapy encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(b) This compact is designed to achieve the following objectives:

- (1) Increase public access to occupational therapy services by providing for the mutual recognition of other member state licenses;
- (2) enhance the states' ability to protect the public's health and safety;
- (3) encourage the cooperation of member states in regulating multi-state occupational therapy practice;
- (4) support spouses of relocating military members;
- (5) enhance the exchange of licensure, investigative and disciplinary information between member states;
- (6) allow a remote state to hold a provider of services with a compact privilege in that state that is accountable to that state's practice standards; and
- (7) facilitate the use of telehealth technology in order to increase access to occupational therapy services.

ARTICLE 2 – DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

(a) "Active duty military" 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. chapter 1209 and 10 U.S.C. chapter 1211.

(b) "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 an occupational therapist or occupational therapy assistant, including actions against an individual's license or compact privilege such as censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice.

(c) "Alternative program" means a non-disciplinary monitoring process approved by an occupational therapy licensing board.

(d) "Compact privilege" means the authorization, equivalent to a license, granted by a remote state to allow a licensee from another member state to practice as an occupational therapist or an occupational therapy assistant in the remote state under its laws and rules. The practice of occupational therapy occurs in the member state where the patient or client is located at the time of the occupational therapy encounter.

(e) "Continuing competence or education" means a requirement, as a condition of license renewal, to provide evidence of participation in or completion of, educational and professional activities relevant to practice or area of work.

(f) "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the occupational therapist or occupational therapy assistant 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.

(g) "Data system" means a repository of information concerning licensees, including, but not limited to, license status, investigative information, compact privileges and adverse actions.

(h) "Encumbered license" means a license in which an adverse action restricts the practice of occupational therapy by the licensee or such adverse action has been reported to the national practitioner data bank (NPDB).

(i) "Executive committee" means a group of directors elected or appointed to act on behalf of and within the powers granted to them by the commission.

(j) "Home state" means the member state that is the licensee's primary state of residence.

(k) "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction or other health-related conditions.

(l) "Investigative information" means information, records or documents received or generated by an occupational therapy licensing board pursuant to an investigation.

(m) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of occupational therapy in a state.

(n) “Licensee” means an individual who currently holds an authorization from the state to practice as an occupational therapist or as an occupational therapy assistant.

(o) “Member state” means a state that has enacted the compact.

(p) “Occupational therapist” means an individual who is licensed by a state to practice occupational therapy.

(q) “Occupational therapy assistant” means an individual who is licensed by a state to assist in the practice of occupational therapy.

(r) “Occupational therapy,” “occupational therapy practice” and the “practice of occupational therapy” mean the care and services provided by an occupational therapist or an occupational therapy assistant as set forth in the member state’s statutes and regulations.

(s) “Occupational therapy compact commission” or “commission” means the national administrative body whose membership consists of all states that have enacted the compact.

(t) “Occupational therapy licensing board” or “licensing board” means the agency of a state that is authorized to license and regulate occupational therapists and occupational therapy assistants.

(u) “Primary state of residence” means the state, also known as the home state, where an occupational therapist or occupational therapy assistant who is not active-duty military declares a primary residence for legal purposes as verified by driver’s license, federal income tax return, lease, deed, mortgage, voter registration or other verifying documentation as further defined by commission rules.

(v) “Remote state” means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(w) “Rule” means a regulation promulgated by the commission that has the force of law.

(x) “State” means any state, commonwealth, district or territory of the United States that regulates the practice of occupational therapy.

(y) “Single-state license” means an occupational therapist or occupational therapy assistant license issued by a member state that authorizes practice only within the issuing state and does not include a compact privilege in any other member state.

(z) “Telehealth” means the application of telecommunication technology to deliver occupational therapy services for assessment, intervention or consultation.

ARTICLE 3 – STATE PARTICIPATION IN THE COMPACT

(a) To participate in the compact, a member state shall:

(1) License occupational therapists and occupational therapy assistants;

(2) participate fully in the commission’s data system, including, but not limited to, using the commission’s unique identifier as defined in rules of the commission;

(3) have a mechanism in place for receiving and investigating complaints concerning licensees;

(4) notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(5) implement or utilize procedures for considering the criminal history records 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, within a time frame established by the commission, require a criminal background check for a licensee seeking or applying for a compact privilege whose primary state of residence is in that member state, by receiving the results of the federal bureau of investigation criminal record search and shall use the results in making licensure decisions.

(B) Communication between a member state, the commission and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under public law 92-544;

(6) comply with the rules of the commission;

(7) utilize only a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

(8) have continuing competence or education requirements as a condition for license renewal.

(b) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

(c) Member states may charge a fee for granting the compact privilege.

(d) A member state shall provide for the state's delegate to attend all occupational therapy compact commission meetings.

(e) 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. However, the single-state license granted to these individuals shall not be recognized as granting the compact privilege in any other member state.

(f) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

ARTICLE 4 – COMPACT PRIVILEGE

(a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

- (1) Hold a license in the home state;
 - (2) have a valid United States social security number or national practitioner identification number;
 - (3) have no encumbrance on any state license;
 - (4) be eligible for a compact privilege in any member state in accordance with article 4(d), (f), (g) and (h);
 - (5) have paid all fines and completed all requirements resulting from any adverse action against any license or compact privilege and two years have elapsed from the date of such completion;
 - (6) notify the commission that the licensee is seeking the compact privilege within a remote state;
 - (7) pay any applicable fees, including any state fee, for the compact privilege;
 - (8) complete a criminal background check in accordance with article 3(a)(5), for which the licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check;
 - (9) meet any jurisprudence requirements established by the remote state where the licensee is seeking a compact privilege; and
 - (10) report to the commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.
- (b) The compact privilege is valid until the expiration date of the home state license. The licensee shall comply with the requirements of article 4(a) in order to maintain the compact privilege in the remote state.
- (c) A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.
- (d) Occupational therapy assistants practicing in a remote state shall be supervised by an occupational therapist licensed or holding a compact privilege in that remote state.
- (e) A licensee providing occupational therapy in a remote state shall be subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for the compact privilege in any state until the specific time for removal has passed and all fines have been paid.
- (f) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:
- (1) The home state license is no longer encumbered; and
 - (2) two years have elapsed from the date that the home state license is no longer encumbered in accordance with article 4(f)(1).

(g) Once an encumbered license in the home state is restored to good standing, the licensee shall meet the requirements of article 4(a) to obtain a compact privilege in any remote state.

(h) If a licensee's compact privilege in any remote state is removed, the individual may lose the compact privilege in any other remote state until the following occur:

(1) The specific period of time when the compact privilege was removed has ended;

(2) all fines have been paid and all conditions have been met;

(3) two years have elapsed from the date of completing requirements for paragraphs (1) and (2);

(4) the compact privileges are reinstated by the commission; and

(5) the compact data system is updated to reflect reinstatement.

(i) If a licensee's compact privilege in any remote state is removed due to an erroneous charge, privileges shall be restored through the compact data system.

(j) Once the requirements of article 4(h) have been met, the licensee shall meet the requirements in article 4(a) to obtain a compact privilege in a remote state.

ARTICLE 5 – OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

(a) An occupational therapist or occupational therapy assistant may hold a home state license that allows for compact privileges in member states in only one member state at a time.

(b) If an occupational therapist or occupational therapy assistant changes primary state of residence by moving between two member states:

(1) The occupational therapist or occupational therapy assistant shall file an application for obtaining a new home state license by virtue of a compact privilege, pay all applicable fees and notify the current and new home state in accordance with applicable rules adopted by the commission;

(2) upon receipt of an application for obtaining a new home state license by virtue of compact privilege, the new home state shall verify that the occupational therapist or occupational therapy assistant meets the pertinent criteria outlined in article 4 via the data system without need for primary source verification, except for:

(A) A federal bureau of investigation fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with public law 92-544; and

(B) other criminal background check as required by the new home state;

(3) the occupational therapist or occupational therapy assistant shall submit to any requisite jurisprudence requirements of the new home state;

(4) 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 commission;

(5) notwithstanding any other provision of this compact, if the occupational therapist or occupational therapy assistant cannot meet the criteria in article 4, the new home state shall apply its requirements for issuing a new single-state license; and

(6) the occupational therapist or the occupational therapy assistant shall pay all applicable fees to the new home state to be issued a new home state license.

(c) If an occupational therapist or occupational therapy assistant changes primary 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 the 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.

ARTICLE 6 – ACTIVE-DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active-duty military personnel or their spouse shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process described in article 5.

ARTICLE 7 – ADVERSE ACTIONS

(a) A home state shall have exclusive power to impose adverse action against an occupational therapist's or occupational therapy assistant's license issued by the home 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 an occupational therapist's or occupational therapy assistant'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 board 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 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 where the witnesses or evidence are located.

(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 an occupational therapist or occupational therapy assistant who changes primary state of residence during the course of the investigations. The home state, where the investigations were initiated, shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the occupational therapy compact commission data system. The occupational therapist compact commission data system administrator 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 occupational therapist or occupational therapy assistant the costs of investigations and disposition of cases resulting from any adverse action taken against that occupational therapist or occupational therapy assistant.

(f) A member state may take adverse action based on the factual findings of the 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 occupational therapy laws and regulations or other applicable 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 compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(h) If an adverse action is taken by the home state against an occupational therapist's or occupational therapy assistant's license, the occupational therapist's or occupational therapy assistant's compact privilege in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an occupational therapist's or

occupational therapy assistant's license shall include a statement that the occupational therapist's or occupational therapy assistant's compact privilege is deactivated in all member states during the pendency of the order.

(i) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(j) 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.

ARTICLE 8 – ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION

(a) The compact member states hereby create and establish a joint public agency known as the occupational therapy compact commission.

(1) The commission is an instrumentality of the compact states.

(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.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting and meetings:

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be either:

(A) A current member of the licensing board who is an occupational therapist, occupational therapy assistant or public member; or

(B) an administrator of the licensing board.

(3) Any delegate may be removed or suspended from office as provided by the law of the state where the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the commission within 90 days.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. 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 telephone 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 the bylaws.

(7) The commission shall establish by rule a term of office for the executive committee 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 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 and the bylaws;
 - (6) promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;
 - (7) bring and prosecute legal proceedings or actions in the name of the commission, except that the standing of any state occupational therapy licensing board to sue or be sued under applicable law shall not be affected;
 - (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) 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;
 - (11) accept any and all appropriate donations and grants of money, 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;
 - (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use any property, real, personal or mixed except that at all times the commission shall avoid any appearance of impropriety;
 - (13) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;
 - (14) establish a budget and make expenditures;
 - (15) borrow money;
 - (16) 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;
 - (17) provide and receive information from and cooperate with, law enforcement agencies;
 - (18) establish and elect an executive committee; and
 - (19) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact, consistent with the state regulation of occupational therapy licensure and practice.

(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.

(2) The executive committee shall be composed of nine members, as follows:

(A) Seven voting members who are elected by the commission from the current membership of the commission;

(B) one ex officio, nonvoting member from a recognized national occupational therapy professional association; and

(C) one ex officio, nonvoting member from a recognized national occupational therapy certification organization.

(3) The ex officio members shall be selected by their respective organizations.

(4) The commission may remove any member of the executive committee as provided in bylaws.

(5) The executive committee shall meet at least annually.

(6) The executive committee shall have the following duties and responsibilities:

(A) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member 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, contractual or otherwise;

(C) prepare and recommend the budget;

(D) maintain financial records on behalf of the commission;

(E) monitor compact compliance of member states and provide compliance reports to the commission;

(F) establish additional committees as necessary; and

(G) perform other duties as provided in rules or bylaws.

(e) Meetings of the commission:

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article 10.

(2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must 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 or other matters related to the commission's internal personnel practices and procedures;

- (C) current, threatened or reasonably anticipated litigation;
- (D) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;
- (E) accusing any person of a crime or formally censuring any person;
- (F) disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- (G) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (H) disclosure of investigative records compiled for law enforcement purposes;
- (I) 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 the compact; or
- (J) matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting or portion of a meeting is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(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 therefor, 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.

(f) 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 member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff that shall be in a total amount sufficient to cover its annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(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 audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the 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 commission.

(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, either personally or 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.

(2) The commission shall defend any member, officer, executive director, employee or 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 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 herein shall be construed to prohibit that person from retaining such person's counsel, provided 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 or 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.

ARTICLE 9 – DATA SYSTEM

(a) The commission shall provide for the development, maintenance and utilization of a coordinated database and reporting system containing

licensure, adverse action and investigative information on all licensed individuals in member states.

(b) A member state shall submit a uniform data set to the data system on all individuals 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) nonconfidential information relating to alternative program participation;
- (5) any denial of application for licensure and the reason for such denial;
- (6) other information that may facilitate the administration of this compact, as determined by the rules of the commission; and
- (7) current significant investigative information.

(c) Current significant investigative information and other investigative information pertaining to a licensee in any member state shall only be available to other member states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

(e) 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.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

ARTICLE 10 – RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article 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 in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event that the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect.

(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 4 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 at a regular or special meeting of the commission.

(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 where the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking on the websites of:

- (1) The commission or other publicly accessible platform; and
- (2) each member state's occupational therapy licensing board or other publicly accessible platform or the publication where each state would otherwise publish proposed rules.

(f) The notice of proposed rulemaking shall include:

- (1) The proposed time, date and location of the meeting where the rule will be considered and voted upon;
- (2) the text of the proposed rule or amendment and the reason for the proposed rule;
- (3) a request for comments on the proposed rule from any interested person; and
- (4) the manner that interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(g) 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.

(h) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

- (1) At least 25 persons;
 - (2) a state or federal governmental subdivision or agency; or
 - (3) an association or organization having at least 25 members.
- (i) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time and date of the scheduled public hearing. If the hearing is 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 notify in writing the executive director of the commission or other designated member of their desire to appear and testify at the hearing within not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing 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 shall be made available on request.

(4) Nothing in this section 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.

(j) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(k) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(l) The commission shall, by majority vote of all members, take final action on the proposed rule and determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(m) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, except that the usual rulemaking procedures provided in the 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 in order 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 promulgation of an administrative rule that is established by federal law or rule; or
- (4) protect public health and safety.

(n) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical, formatting, 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 chair of 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.

ARTICLE 11 – OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight:

(1) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and 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 that may affect the powers, responsibilities or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission 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:

(A) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and

(B) provide 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 the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred 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.

(3) 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 and each of the member 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 the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) 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 member 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 nonmember states.

(2) The commission shall promulgate 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 and rules of this compact.

(2) 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 member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing member 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.

ARTICLE 12 – DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date that the compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact after the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on 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.

(c) Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's occupational therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any occupational therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(e) 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 13 – CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held 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 14 – BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(b) Nothing herein shall prevent the enforcement of any other law of a member state that is not inconsistent with the compact.

(c) Any laws in a member state in conflict with the compact shall be superseded to the extent of the conflict.

(d) Any lawful actions of the commission, including all rules and bylaws promulgated by the commission, shall be binding upon the member states.

(e) All agreements between the commission and the member states shall be binding in accordance with their terms.

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

Sec. 2. This section shall be known and may be cited as the respiratory care interstate compact.

ARTICLE 1 – TITLE AND PURPOSE

(a) The purpose of this compact is to facilitate the interstate practice of respiratory therapy with the goal of improving public access to respiratory therapy services by providing respiratory therapists licensed in a member state the ability to practice in other member states. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

- (b) This compact is designed to achieve the following objectives:
 - (1) Increase public access to respiratory therapy services by creating a responsible, streamlined pathway for licensees to practice in member states with the goal of improving outcomes for patients;
 - (2) enhance states' ability to protect the public's health and safety;
 - (3) promote the cooperation of member states in regulating the practice of respiratory therapy within those member states;
 - (4) ease administrative burdens on states by encouraging the cooperation of member states in regulating multi-state respiratory therapy practice;
 - (5) support relocating active military members and their spouses; and
 - (6) promote mobility and address workforce shortages.

ARTICLE 2 – DEFINITIONS

As used in this compact, unless the context requires otherwise, the following definitions shall apply:

(a) "Active military member" means any person with a 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 state's laws that is imposed by any state authority with regulatory authority over respiratory therapists, such as license denial, censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice, not including participation in an alternative program.

(c) "Alternative program" means a non-disciplinary monitoring or practice remediation process applicable to a respiratory therapist approved by any state authority with regulatory authority over respiratory therapists. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action.

(d) "Charter member states" means those member states that were the first seven states to enact the compact into the laws of their state.

(e) "Commission" or "respiratory care interstate compact commission" means the governmental instrumentality and body politic whose membership consists of all member states that have enacted the compact.

(f) "Commissioner" means the individual appointed by a member state to serve as the member of the commission for that member state.

(g) "Compact" means the respiratory care interstate compact.

(h) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a respiratory therapist in the remote state under the remote state's laws and rules. The practice of respiratory therapy occurs in the member state where the patient is located at the time of the patient encounter.

(i) "Criminal background check" means the submission by the member state of fingerprints or other biometric-based information on license

applicants at the time of initial licensing for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d) or successor provision, from the federal bureau of investigation and the state's criminal history record repository, as defined in 28 C.F.R. § 20.3(f) or successor provision.

(j) "Data system" means the commission's repository of information about licensees as further set forth in article 8.

(k) "Domicile" means the jurisdiction that is the licensee's principal home for legal purposes.

(l) "Encumbered license" means a license that a state's respiratory therapy licensing authority has limited in any way.

(m) "Executive committee" means a group of directors elected or appointed to act on behalf of and within the powers granted to them by the commission.

(n) "Home state" except as set forth in article 5, means the member state that is the licensee's primary domicile.

(o) "Home state license" means an active license to practice respiratory therapy in a home state that is not an encumbered license.

(p) "Jurisprudence requirement" means an assessment of an individual's knowledge of the state laws and regulations governing the practice of respiratory therapy in such state.

(q) "Licensee" means an individual who currently holds an authorization from the state to practice as a respiratory therapist.

(r) "Member state" means a state that has enacted the compact and been admitted to the commission in accordance with the provisions in this compact and commission rules.

(s) "Model compact" means the model for the respiratory care interstate compact on file with the council of state governments or other entity as designated by the commission.

(t) "Remote state" means a member state where a licensee is exercising or seeking to exercise the compact privilege.

(u) "Respiratory therapist" or "respiratory care practitioner" means an individual who holds a credential issued by the national board for respiratory care or its successor and a license in a state to practice respiratory therapy. For purposes of this compact, any other title or status adopted by a state to replace the term "respiratory therapist" or "respiratory care practitioner" shall be deemed synonymous with "respiratory therapist" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at the time of enactment.

(v) "Respiratory therapy," "respiratory therapy practice," "respiratory care," "the practice of respiratory care" and "the practice of respiratory therapy" mean the care and services provided by or under the direction and supervision of a respiratory therapist or respiratory care practitioner.

(w) “Respiratory therapy licensing authority” means the agency, board or other body of a state that is responsible for licensing and regulation of respiratory therapists.

(x) “Rule” means a regulation promulgated by an entity that has the force and effect of law.

(y) “Scope of practice” means the procedures, actions and processes a respiratory therapist licensed in a state or practicing under a compact privilege in a state is permitted to undertake in that state and the circumstances under which the respiratory therapist is permitted to undertake those procedures, actions and processes. Such procedures, actions, 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 respiratory therapy licensing authority or other governmental agency.

(z) “Significant investigative information” means information, records and documents received or generated by a state respiratory therapy licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state respiratory therapy licensing authority could pursue adverse action against the licensee.

(aa) “State” means any state, commonwealth, district or territory of the United States.

ARTICLE 3 – STATE PARTICIPATION IN THIS COMPACT

(a) In order to participate in this compact and thereafter continue as a member state, a member state shall:

(1) Enact a compact that is not materially different from the model compact;

(2) license respiratory therapists;

(3) participate in the commission’s data system;

(4) have a mechanism in place for receiving and investigating complaints against licensees and compact privilege holders;

(5) notify the commission, in compliance with the terms of this compact and commission rules, of any adverse action against a licensee, a compact privilege holder or a license applicant;

(6) notify the commission, in compliance with the terms of this compact and commission rules, of the existence of significant investigative information;

(7) comply with the rules of the commission;

(8) grant the compact privilege to a holder of an active home state license and otherwise meet the applicable requirements of article 4 in a member state; and

(9) complete a criminal background check for each new licensee at

the time of initial licensure. If expressly authorized or permitted by federal law, whether such federal law is in effect prior to, at or after the time of a member state's enactment of this compact, a member state's enactment of this compact shall hereby authorize the member state's respiratory therapy licensing authority to perform criminal background checks as defined in this compact. The absence of such a federal law as described in this subsection shall not prevent or preclude such authorization if it may be derived or granted through means other than the enactment of this compact.

(b) Nothing in this compact prohibits a member state from charging a fee for granting and renewing the compact privilege.

ARTICLE 4 – COMPACT PRIVILEGE

(a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(1) Hold and maintain an active home state license as a respiratory therapist;

(2) hold and maintain an active credential from the national board for respiratory care or its successor that would qualify such licensee for licensure in the remote state where they are seeking the privilege;

(3) have not had any adverse action against a license within the previous two years;

(4) notify the commission that the licensee is seeking the compact privilege within a remote state;

(5) pay any applicable fees, including any state fees, commission fees and renewal fees, for the compact privilege;

(6) meet any jurisprudence requirements established by the remote state where the licensee is seeking a compact privilege;

(7) report to the commission adverse action taken by any non-member state within 30 days from the date that the adverse action is taken;

(8) report to the commission, when applying for a compact privilege, the address of the licensee's domicile and thereafter promptly report to the commission any change in the address of the licensee's domicile within 30 days of the effective date of the change in address; and

(9) consent to accept service of process by mail at the licensee's domicile on record with the commission with respect to any action brought against the licensee by the commission or a member state and consent to accept service of a subpoena by mail at the licensee's domicile on record with the commission with respect to any action brought or investigation conducted by the commission or a member state.

(b) The compact privilege is valid until the expiration date or revocation of the home state license unless terminated pursuant to adverse action. The licensee shall comply with all of the requirements of subsection

(a) to maintain the compact privilege in a remote state. If such require-

ments are met, no adverse actions are taken and the licensee has paid any applicable compact privilege renewal fees, then the licensee shall maintain the licensee's compact privilege.

(c) A licensee providing respiratory therapy in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for the type of respiratory therapist license the licensee holds. Such procedures, actions, 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 respiratory therapy licensing authority or other government agency.

(d) If a licensee's compact privilege in a remote state is removed by the remote state, the individual shall lose or be ineligible for the compact privilege in that remote state until the compact privilege is no longer limited or restricted by that state.

(e) If a home state license is encumbered, the licensee shall lose the compact privilege in all remote states until the following occur:

- (1) The home state license is no longer encumbered; and
- (2) two years have elapsed from the date that the license is no longer encumbered due to the adverse action.

(f) Once a licensee with a restricted or limited license meets the requirements of subsection (e)(1) and (2), the licensee shall also meet the requirements of subsection (a) to obtain a compact privilege in a remote state.

ARTICLE 5 – ACTIVE MILITARY MEMBER OR THEIR SPOUSE

(a) An active military member or their spouse shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period that the service member is on active duty.

(b) An active military member and their spouse shall not be required to pay to the commission for a compact privilege any fee that may otherwise be charged by the commission. If a remote state chooses to charge a fee for a compact privilege, such state may choose to charge a reduced fee or no fee to an active military member and their spouse for a compact privilege.

ARTICLE 6 – ADVERSE ACTIONS

(a) A member state where a licensee is licensed shall have authority to impose adverse action against the license issued by that member state.

(b) A member state may take adverse action based on significant investigative information of a remote state or the home state, so long as the member state follows its own procedures for imposing adverse action.

(c) 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 and that such participation shall remain nonpublic if required by the member state's laws.

(d) A remote state shall have the authority to:

(1) Take adverse actions as set forth in this compact against a licensee's compact privilege in that state;

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence:

(A) Subpoenas may be issued by a respiratory therapy licensing authority in a member state for the attendance and testimony of witnesses and the production of evidence.

(B) Subpoenas issued by a respiratory therapy licensing authority in a member state for the attendance and testimony of witnesses shall be enforced in the latter state by any court of competent jurisdiction in the latter state, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it.

(C) Subpoenas issued by a respiratory therapy licensing authority in a member state for production of evidence from another member state shall be enforced in the latter state, according to the practice and procedure of that court applicable to subpoenas issued in the proceedings pending before it.

(D) 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;

(3) unless otherwise prohibited by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee;

(4) notwithstanding subsection (d)(2), a member state shall not issue a subpoena to gather evidence of conduct in another member state that is lawful in such other member state for the purpose of taking adverse action against a licensee's compact privilege or application for a compact privilege in that member state; and

(5) nothing in this compact authorizes a member state to impose discipline against a respiratory therapist's compact privilege in that member state for the individual's otherwise lawful practice in another state.

(e) Joint investigations:

(1) In addition to the authority granted to a member state by its respective respiratory therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees, except that a member state receiving such a request has no obligation to respond to any subpoena issued regarding an inves-

tigation of conduct or practice that was lawful in a member state at the time it was undertaken.

(2) Member states shall share any significant investigative information, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact. In sharing such information among member state respiratory therapy licensing authorities, all information obtained shall be kept confidential, except as otherwise mutually agreed upon by the sharing and receiving member states.

(f) Nothing in this compact shall be construed to permit a member state to take any adverse action against a licensee or holder of a compact privilege for conduct or practice that was legal in the member state at the time such conduct or practice was undertaken.

(g) Nothing in this compact shall be construed to permit a member state to take disciplinary action against a licensee or holder of a compact privilege for conduct or practice that was legal in the member state at the time such conduct or practice was undertaken.

ARTICLE 7 – ESTABLISHMENT OF THE RESPIRATORY CARE INTERSTATE 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 respiratory care interstate 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 11.

(b) Membership, voting and meetings:

(1) Each member state shall have and be limited to one commissioner selected by that member state's respiratory therapy licensing authority.

(2) The commissioner shall be an administrator or their designated staff member of the member state's respiratory therapy licensing authority.

(3) The commission shall by rule or bylaw establish a term of office for commissioners and may by rule or bylaw establish term limits.

(4) The commission may recommend to a member state the removal or suspension any commissioner from office.

(5) A member state's respiratory therapy licensing authority shall fill any vacancy of its commissioner occurring on the commission within 60 days of the vacancy.

(6) Each commissioner shall be entitled to one vote on all matters before the commission requiring a vote by commissioners.

(7) A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners to meet by telecommunication, videoconference 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.

(c) The commission shall have the following powers:

(1) Establish and amend the fiscal year of the commission;

(2) establish and amend bylaws and policies, including, but not limited to, a code of conduct and conflict of interest;

(3) establish and amend rules that shall be binding in all member states;

(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 commission's rules and the bylaws;

(6) initiate and conduct legal proceedings or actions in the name of the commission, except that the standing of any respiratory therapy 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) 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) assess and collect fees;

(13) accept, receive, utilize and dispose of the same, any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials and services, except that at all times:

(A) The commission shall avoid any appearance of impropriety; and

(B) the commission shall avoid any appearance of 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 in a fiscally responsible manner;

(18) appoint committees, including standing committees, composed of commissioners, 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;

(19) provide and receive information from and cooperate with law enforcement agencies;

(20) establish and elect an executive committee, including a chairperson, vice chairperson, secretary, treasurer and such other offices as the commission shall establish by rule or bylaw;

(21) enter into contracts or arrangements for the management of the affairs of the commission;

(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) Overseeing 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) 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) performing other duties as provided in the rules or bylaws of the commission.

(2) The executive committee shall be composed of up to nine members, as further set forth in the bylaws of the commission:

(A) Seven voting members who are elected by the commission from the current membership of the commission; and

(B) two ex officio, nonvoting members.

(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) 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)(4) below;

(B) the executive committee shall give advance 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; and

(C) the executive committee may hold a special meeting in accordance with subsection (f)(2) below.

(e) The commission shall adopt and provide to the member states an annual report.

(f) Meetings of the commission:

(1) All meetings of the commission that are not closed pursuant to paragraph (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 paragraph (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 9(g). 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 or the executive committee may convene in a closed, nonpublic meeting for the commission or executive committee to receive or solicit 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 or compact privilege holder by the commission or by a member state's respiratory therapy 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 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 by federal or member state law; or

(M) other matters as promulgated by the commission by rule.

(5) If a meeting or a 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.

(6) The commission shall keep minutes in accordance with commission rules and bylaws. 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 and reasonable expenses of its establishment organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources as provided in this compact.

(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 compact privilege to cover the cost of the operations and activities of the commission and its staff. The aggregate annual assessment amount for member states, if any, 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 or a loan adequate to meet such obligations 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 provisions of this compact shall not 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.

(2) The member states, commissioners, officers, executive directors, employees and agents 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 subsection 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 such person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(3) The commission shall defend any commissioner, officer, executive director, employee and agent 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 compact 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.

(4) The commission shall indemnify and hold harmless any commissioner, member, officer, executive director, employee and agent 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 that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of such person.

(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 act, Clayton act 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 8 – DATA SYSTEM

(a) The commission shall provide for the development, maintenance, operation and utilization of a coordinated database and reporting system

containing licensure, adverse action and the presence of significant investigative information.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system as required by the rules of the commission, including, but not limited to:

- (1) Identifying information;
- (2) licensure data;
- (3) adverse actions against a licensee, license applicant or compact privilege holder 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 or reasons 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 commission.

(c) A member state shall not submit any information that constitutes criminal history record information, as defined by applicable federal law, to the data system established hereunder.

(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 shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a member state.

(e) Significant 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 report any adverse action against a licensee and to monitor the database to determine whether 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.

ARTICLE 9 – RULEMAKING

- (a) The commission shall promulgate reasonable rules in order to ef-

fectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force and 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 or the powers granted hereunder or based upon another applicable standard of review.

(b) For purposes of the compact, the rules of the commission shall have the force of law in each member state.

(c) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding as of the date specified in each rule.

(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 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 where 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 ways as the commission may specify by rule.

(h) The notice of proposed rulemaking shall include:

(1) The time, date and location of the public hearing where 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 will 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 section 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 section.

(k) The commission shall, by majority vote of all commissioners, 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 are consistent with 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 subsection (1), the effective date of the rule shall be not earlier than 30 days after issuing the notice that it adopted or amended the rule.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice and an opportunity to comment, provided that the usual rulemaking procedures provided in the 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 in order 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 promulgation 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 shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(n) A member state's rulemaking process or procedural requirements shall not apply to the commission. The commission shall have no authority

over any member state's rulemaking process or procedural requirements that do not pertain to the compact.

(o) The provisions of this compact and any rule or regulation of the commission shall not be construed to limit, restrict or in any way reduce the ability of a member state to enact and enforce laws, regulations or other rules related to the practice of respiratory therapy in that state, where those laws, regulations or other rules are not inconsistent with the provisions of this compact.

ARTICLE 10 – 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. The provisions of this compact shall not 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 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 majority of the commissioners 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 shall 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 respiratory therapy licensing authority and each of the member states' respiratory therapy licensing authorities.

(e) A state that has been terminated shall be responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination, if necessary.

(f) Upon the termination of a state's membership from this compact, that state shall immediately provide notice of such termination to all licensees and compact privilege holders, of which the commission has a record, within that state. The terminated 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 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 may be further 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. A member state by enactment of this compact consents to venue and jurisdiction in such court for the purposes set forth in this compact. 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.

(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 that 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.

ARTICLE 11 – EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) Effective date means the date that the compact statute is enacted into law in the seventh member state. The compact shall come into effect on the effective date.

(1) On or after the effective date of the compact, the 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.

(A) A charter member state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in article 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 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 this compact and commission rule to determine if such states' enactments are materially different from the model compact and whether such states 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. The commission shall own and have all rights to any intellectual property developed on behalf or in furtherance of the commission by individuals or entities involved in organizing or establishing the commission, as may be further set forth in rules of the commission.

(4) 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 date that the compact becomes law in that state.

(b) Any member state may withdraw from such compact by enacting a statute repealing the same.

(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 respiratory therapy 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 and compact privilege holders, of which the commission has a record, 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) The provisions of this compact shall not 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.

ARTICLE 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 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 article 10, terminate a member state's participation in the compact if the commission 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.

ARTICLE 13 – 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, including any subsequently enacted state laws.

(c) All permissible agreements between the commission and the member states shall be binding in accordance with their terms.

(d) Except as expressly set forth in this compact, nothing in this compact shall impact initial licensure.

Sec. 3. This section shall be known and may be cited as the esthetics licensure compact.

ARTICLE 1 – PURPOSE

(a) The purpose of this compact is to facilitate the interstate practice and regulation of esthetics with the goal of improving public access thereto, the safety of esthetics services and reducing barriers related to esthetician 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 estheticians 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 estheticians 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 esthetics;

(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 esthetics; and
- (6) provide for the licensure and mobility of the workforce in the profession.

ARTICLE 2 – DEFINITIONS

As used in this compact and except as otherwise provided, the following definitions shall apply:

(a) “Active duty military” means any individual in full-time duty status in the active uniformed service 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 licensing authority or other regulatory body against an esthetician, 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 esthetics 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 esthetics in that remote state, which shall be subject to the enforcement jurisdiction of the licensing authority in that remote state.

(d) “Alternative program” means a nondisciplinary monitoring or prosecutorial diversion program approved by a member state’s licensing authority.

(e) “Background check” means the submission of information for an applicant for the purpose of obtaining that applicant’s criminal history record information, as further defined in C.F.R. § 20.3(d), from the federal 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 a member state that has 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 joint government agency whose membership consists of all states that have enacted this compact, known as the esthetics licensure compact commission, as defined in article 9, and shall operate as an instrumentality of the member states.

(h) “Current significant investigative information” means investigative information that:

- (1) A 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 esthetics; or

(2) 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 has had an opportunity to respond.

(i) “Data system” means a repository of information about licensees, including, but not limited to, license status, investigative information and adverse actions.

(j) “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.

(k) “Encumbered license” means a license in which an adverse action restricts the practice of esthetics by a licensee or in which such adverse action has been reported to the commission.

(l) “Encumbrance” means a revocation or suspension of or any limitation on the full and unrestricted practice of esthetics by a licensing authority.

(m) “Esthetician” means an individual licensed in such individual’s home state to engage in the practice of esthetics as defined in this article.

(n) “Esthetics” means the skin care and services for cosmetic purposes provided by an esthetician in a member state as set forth in the relevant statutes and regulations of a member state. The practice of esthetics occurs in the member state where the client is located at the time of service.

(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 and where that licensee holds an active and unencumbered license to practice esthetics.

(q) “Investigative information” means information, records or documents received or generated by a 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 esthetics in a state.

(s) “Licensee” means an individual who currently holds a license from a member state to practice as an esthetician.

(t) “Licensing authority” means a state’s administrative or regulatory body responsible for regulating the practice of esthetics or that is responsible for issuing licenses to estheticians or otherwise overseeing the practice of esthetics in that state.

(u) “Member state” means any state that has adopted this compact.

(v) “Multistate license” means a license issued and subject to the enforcement jurisdiction of the licensing authority in a licensee’s home state that authorizes the practice of esthetics in member states and in-

cludes authorizations to practice esthetics in all remote states pursuant to this compact.

(w) “Remote state” means any member state other than the licensee’s home state.

(x) “Rule” means any rule or regulation adopted by the commission under this compact, or an authorized entity, that has the force of law.

(y) “Single-state license” means a license issued by a member state that authorizes the practice of esthetics only within the issuing state and does not include any authorization outside of the issuing state.

(z) “State” means a state, commonwealth, territory or possession of the United States and the District of Columbia.

ARTICLE 3 – MEMBER STATE REQUIREMENTS

(a) To be eligible to join this compact and to maintain eligibility as a member state, a state shall:

(1) License estheticians and regulate esthetics;

(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 competency examination prior to being licensed to provide esthetics services to the public in that state;

(4) require that licensees satisfy educational or training requirements prior to being licensed to provide esthetics 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 in this compact;

(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 in this compact.

(b) Member states may charge a fee for granting a multistate license to practice esthetics.

(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. However, 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 esthetics in each member state.

(f) The commission shall not have the power to define the educational or professional requirements for a license to practice esthetics. 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 licensing authority for an initial multistate license under this compact, a licensee shall hold an active and unencumbered single-state license to practice esthetics in their home state.

(b) Upon the receipt of an application for a multistate license, according to the rules of the commission, a member state's 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 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 esthetics issued by a member state's 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 in this compact.

(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 licensing authority and the state scope of practice laws governing the practice of esthetics 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 provide by rule; and

(3) comply with any and all other requirements regarding multistate licenses that the commission may provide by rules.

(g) A licensee practicing in a member state shall be subject to all scope of practice laws governing esthetics services in that state.

(h) The practice of esthetics under a multistate license granted pursuant to this compact shall subject the licensee to the jurisdiction of the licensing authority, the courts and the laws of the member state where the esthetics 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 their home state by moving between two member states:

(1) The licensee shall immediately apply for the reissuance of their multistate license in their 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 the new home state or 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 the 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 their primary state of residence by moving from a member state to a nonmember state, or from a nonmember 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 only 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 rules 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 esthetics 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 licensing authority shall cooperate with the commission and with each entity exercising independent regulatory authority over the practice of esthetics according to the provisions of this compact.

(c) Discipline shall be the sole responsibility of the state where esthetics services are provided. Accordingly, each member state's licensing authority shall be responsible for receiving complaints about individuals practicing esthetics 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 licensing authority shall have the power to:

(1) Take adverse action against a licensee's authorization to practice esthetics 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 purpose of taking an adverse action, the home state's 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 licensing authority shall also be empowered to report the results of such an investigation to the commission through the data system as described in this compact;

(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 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 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 an esthetician who changes their primary state of residence while the investigation is pending. The home state shall also have the authority to take appropriate action and shall 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 esthetician'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 DUTY MILITARY AND THEIR SPOUSES

An active duty military service member or their spouse shall designate a home state where the individual has a current license in good standing. The individual or spouse may retain their home state designation during any period of service when that individual is on active duty.

ARTICLE 9 – ESTABLISHMENT AND OPERATION OF
THE ESTHETICS 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 known as the esthetics 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 article 13.

(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 an administrator of the 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 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 that are voted on by the commission.

(7) 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 its 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 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 in this compact 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, 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, 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 to the participating states an annual report;

(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 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:

(1) 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;

(2) 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;

(3) ensuring compact administration services are appropriately provided, including by contract;

(4) preparing and recommending the budget;

(5) maintaining financial records on behalf of the commission;

(6) monitoring compact compliance of member states and providing compliance reports to the commission;

(7) establishing additional committees as necessary;

(8) 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

(9) other duties as provided in the rules or bylaws of the commission.

(A) The executive committee shall be composed of up to seven voting members:

(i) The chair and vice chair of the commission and any other members of the commission who serve on the executive committee shall be voting members of the executive committee.

(ii) Other than the chair, vice chair, secretary and treasurer, the commission shall elect three voting members from the current membership of the commission.

(iii) The commission may elect ex officio, nonvoting members from a recognized national organization 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.

(B) The commission may remove any member of the executive committee as provided in the commission's bylaws.

(C) The executive committee shall meet at least annually.

(i) Annual executive committee meetings, as well as any executive committee meeting at which it 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 covered under article 9(f)(4).

(ii) The executive committee shall give five business days advance notice of its public meetings, posted on its website and as determined to pro-

vide notice to persons with an interest in the public matters the executive committee intends to address at those meetings.

(D) The executive committee may hold an emergency meeting when acting for the commission to:

- (i) Meet an imminent threat to public health, safety or welfare;
- (ii) prevent a loss of commission or participating state funds; or
- (iii) 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 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 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 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, nonpublic meeting for the commission 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 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 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 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.

(5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting shall be closed and reference each relevant exempting provision and such reference shall be recorded in the minutes.

(6) 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 therefor, 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 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 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. 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, provided 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 the immunity granted under this compact.

(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, provided that nothing in this compact 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 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 act, Clayton act 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) nonconfidential 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 where 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 shall 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 is 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 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 such 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 in 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, provided, however, 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 esthetics as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in that 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 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 rules, then such rules 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 where the commission will hold a public hearing on the proposed rules, 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 ways as the commission may specify by rule.

(h) The notice of proposed rulemaking shall include:

(1) The time, date and location of the public hearing where the commission will hear public comments on the proposed rules and, if different,

the time, date and location of the meeting where the commission will consider and vote on the proposed rules;

(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 rules and the reason therefor;

(4) a request for comments on the proposed rules 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 rules based on the rulemaking record and the full text of the rules.

(1) The commission may adopt changes to the proposed rules provided the changes do not enlarge the original purpose of the proposed rules.

(2) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rules 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 rules. Except for an emergency as provided in subsection (l), the effective date of the rules shall not be earlier than 45 days after the commission adopted or amended the rules.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with five days' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this article shall be retroactively applied to the rules as soon as reasonably possible, in no event later than 90 days after the effective date of the rules. 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 the 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 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 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 the 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 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.

(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 licensing authority and each of the member state's 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, that 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 such 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 nonmember 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 rules, 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 laws.

(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 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 shall enforce this compact against the commission.

ARTICLE 13 – EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date when 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 less than seven.

(3) Member states enacting the compact after the charter member states shall be subject to the process set forth in article 9(c)(21) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in this 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 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 rules that have 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 that state's enactment of the compact.

(1) A member state's withdrawal shall not take effect until 180 days after the 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 licenses granted pursuant to this compact for a minimum of 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 to effectuate the purposes and the implementation and administration of the compact. The 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 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, in accordance with the requirements of article 12, 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.

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, 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 commission and the member states are binding in accordance with their terms.

(d) The purpose of this compact is to facilitate multistate licensure for estheticians. Nothing in this compact shall subject a member state to any laws, regulations, rules or policies from any other member state beyond the intended purpose of this compact.

(e) Nothing in this compact shall require any member state to adopt additional laws, regulations, rules or policies beyond the intended purpose of this compact.

Sec. 4. This section shall be known and may be cited as the athletic trainer licensure compact.

ARTICLE 1 – PURPOSE

(a) The purpose of this compact is to expand mobility of athletic training practice and improve public access to services by providing athletic trainers licensed in a member state the ability to practice in other member states. 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 expanded interstate mobility through a compact privilege granted to qualifying professionals.

(b) This compact is designed to achieve the following objectives:

(1) Increase public access to athletic training by providing for the mutual recognition of other member state licenses;

(2) provide opportunities for interstate practice by licensed athletic trainers who meet uniform licensure requirements;

(3) promote mobility and workforce development by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member state licenses;

(4) reduce administrative burden on applicants and member states;

(5) enhance the states' ability to protect the public's health and safety;

(6) encourage the cooperation of member states in regulating multi-state practice of licensed athletic trainers;

(7) support relocating active military and their spouses;

(8) enhance the exchange of licensure, investigative and disciplinary information among member states;

(9) support the uniformity of licensed athletic trainer licensure requirements throughout the states;

(10) affirm the authority of all member states to hold a licensed athletic trainer accountable for meeting all state practice laws in the state where the patient is located at the time care is rendered to allow for continuity of competent care through the mutual recognition of member state licenses; and

(11) adhere to the substantive language in the model compact language in order to promote uniformity and ensure that all member states have accepted and are mutually obligated to the same terms.

ARTICLE 2 – DEFINITIONS

As used in this compact:

(a) “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.

(b) “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.

(c) “Alternative program” means a non-disciplinary monitoring or practice remediation process applicable to an athletic trainer approved by a state licensing authority of a member state in which the athletic trainer is licensed. This includes, but is not limited to, programs to which licensees with substance use, addiction or mental health conditions are referred in lieu of adverse action.

(d) “Athletic training” means the prevention, examination, assessment, treatment and rehabilitation of emergent, acute or chronic injuries and medical conditions as defined by applicable member state laws and regulations.

(e) “Athletic training compact commission” or “commission” means the government agency whose membership consists of all states that have enacted this compact, which is known as the athletic trainer licensure compact commission, as described herein, and which shall operate as an instrumentality of the member states to administer and implement the compact according to its terms.

(f) “BOC” means the board of certification, inc. or any successor organization thereto.

(g) “CAATE” means the commission on accreditation of athletic training education or any successor organization thereto.

(h) “Charter member state” means any member state which enacted this compact by law before the effective date specified in this compact.

(i) “Commissioner” means the individual appointed by a member state to serve as the member of the commission for that member state.

(j) “Compact” means this athletic trainer compact.

(k) “Compact privilege” means the authorization granted by a remote state, equivalent to a license, allowing a licensee from another member state to provide athletic training services in a remote state.

(l) “Compact qualifying license” means a license that is not an encumbered license issued by a member state to practice athletic training that qualifies the licensee to exercise a compact privilege pursuant to article 4 of this compact.

(m) “Continuing competence” means a requirement, as a condition of license renewal, to provide evidence of successful participation, and completion of, educational and professional activities relevant to practice or area of work. For purposes of this compact, evidence of active BOC certification may satisfy the meaning of continuing competence as set forth in this compact.

(n) “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.

(o) “Criminal background check” means the submission of fingerprints or other biometric-based 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) from the federal bureau of investigation and the state’s criminal history record repository as defined in 28 C.F.R. § 20.3(f).

(p) “Data system” means the commission’s repository of information about licensees, including, but not limited to, examination, licensure, investigative, compact privilege, adverse action and alternative program.

(q) “Encumbrance” or “encumbered” means a revocation or suspension of, or any limitation or condition on, the full and unrestricted practice of athletic training licensed and regulated by a licensing authority.

(r) “Executive committee” means a group of commissioners elected or appointed to act on behalf of and within the powers granted to them by the compact and the commission.

(s) “Investigative information” means information, records and doc-

uments received or generated by a licensing authority pursuant to an investigation.

(t) “Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws and rules governing the practice of athletic training, as applicable, in a state.

(u) “License” means current authorization by a member state to engage in the practice of athletic training.

(v) “Licensee” or “licensed athletic trainer” means an individual who currently holds an active, unrestricted license and who meets all of the requirements outlined in article 4 of this compact.

(w) “Licensing authority” means the board or agency of a state, or equivalent, that is responsible for the licensing and regulation of athletic trainers.

(x) “Model compact language” means the model language for the athletic trainer compact on file with the council of state governments or other entity as designated by the commission to which all member states shall substantively adhere and adopt.

(y) “Member state” means a state that has enacted the compact.

(z) “Remote state” means a member state other than the state of qualifying licensure.

(aa) “Rule” means a regulation adopted by an entity that has the force of law.

(bb) “Scope of practice” means the procedures, actions and processes an athletic trainer licensed in a state is permitted to undertake in that state and the circumstances under which the 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. “Scope of practice” includes any state requirements regarding supervision or direction, if required by such state and as further defined by such state’s statutes and regulations.

(cc) “Single state license” means a license issued by any state that authorizes practice only within the issuing state.

(dd) “State” means any state, commonwealth, district or territory of the United States of America.

(ee) “State of qualifying licensure” means the member state that has issued a compact qualifying license to a licensee.

(ff) “Unencumbered license” means a license that authorizes a licensee to engage in the full and unrestricted practice of athletic training.

ARTICLE 3 – STATE PARTICIPATION IN THE COMPACT

(a) To be eligible to join this compact and to maintain eligibility as a member state, a state shall:

(1) Enact and maintain a statute that is not materially different from the model compact language;

(2) license and regulate the practice of athletic training;

(3) require that licensees in that state maintain continuing competence standards as part of their state practice act or rules;

(4) have a mechanism in place for receiving and investigating complaints about licensees;

(5) grant the compact privilege to a licensee who meets all the requirements outlined in article 4 in accordance with the terms of the compact and any rules adopted under this compact;

(6) participate fully in the compact commission's data system, including using the unique identifier as defined in rules;

(7) 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;

(8) within a time frame established by rule, implement or utilize procedures for considering the criminal history records of applicants for a compact qualifying license, which includes receiving the results of the federal bureau of investigation record search and shall use those results in making licensure decisions. 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) Fully implement a criminal background check requirement, in order to participate in the issuance and acceptance of compact privileges; and

(B) communication between a member state and the compact commission or among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state; and

(9) comply with and enforce the rules of the compact commission.

(b) Member states may set and collect a fee for issuance and renewal of a compact privilege to applicants.

(c) Individuals without a compact qualifying license shall continue to be able to apply for a member state's single state license as provided under the laws of each 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 compact qualifying license issued to a licensee by a member state shall be recognized by each remote state as authorizing that licensee to engage in the practice of athletic training, under a compact privilege, in another member state in accordance with the requirements in article 4.

ARTICLE 4 – COMPACT PRIVILEGE

(a) To be eligible for a compact privilege under the terms and provisions of the compact, the licensee shall complete a criminal background check performed by the licensing authority in the state of qualifying licensure prior to entry in the compact and shall:

(1) Satisfy one of the two following pathways:

(A) Hold a valid, current and active certification through the BOC or its successor organization; or

(B) if a licensee does not meet the requirements of subparagraph (A), complete all of the following:

(i) An education program that is:

(a) at least a bachelor's degree with a major course of study in athletic training or an equivalent course of study from a college or university accredited at the time of graduation by CAATE or its successor organization;

(b) an academic degree from a college or university in a foreign country equivalent to the degree described in subclause (a) with a major course of study as described in subclause (a) that is accredited by CAATE or its successor organization; or

(c) the substantial equivalent of the foregoing that the commission may determine by rule; and

(ii) successful completion of the comprehensive exam administered by the BOC or its successor organization preceding the date of the licensee's application for licensure in the licensee's state of qualifying licensure, or the substantial equivalent of the foregoing requirement, which the commission may determine by rule;

(2) hold a compact qualifying license;

(3) have not had any encumbrance or restriction against any license or compact privilege to practice athletic training within the previous two years;

(4) be eligible for a compact privilege in any member state in accordance with article 4;

(5) notify the compact commission that the licensee is seeking the compact privilege within a remote state;

(6) pay any applicable fees, including any state fee, for the compact privilege;

(7) meet any continuing competence requirements established by the state of qualifying licensure;

(8) comply with any requirements of the state of qualifying licensure as set forth in article 3;

(9) meet any jurisprudence requirements established by the remote state where the licensee is seeking a compact privilege; and

(10) report to the compact commission any adverse action, encumbrance or restriction on a license taken by any non-member state within 30 days from the date that the action is taken.

(b) The compact privilege is valid until the expiration date of the compact qualifying license. To maintain a compact privilege, renewal of the compact privilege shall be congruent with the renewal of the compact qualifying license as the compact commission may define by rule. The licensee shall comply with the requirements of this article to maintain the compact privilege in the remote state. A licensee may apply for and hold compact privileges in multiple member states.

(c) A licensed athletic trainer shall follow the scope of practice of the member state where the patient is located. A licensee engaging in the practice of athletic training in a remote state under the compact privilege shall adhere to the scope of practice 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 remote practice of athletic training, as applicable.

(d) A licensee engaging in the practice of athletic training in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. Any member state which undertakes such an action shall promptly notify the member state and the commission as specified in the rules. The licensee may be deemed to be ineligible to exercise the compact privilege by any member state until the specific time for removal has passed and all fines are paid.

(e) All member state disciplinary orders that impose adverse action against a compact qualifying licensee shall result in deactivation of the licensee's compact privilege in all member states during the pendency of the order. If a compact qualifying license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

- (1) The compact qualifying license is no longer encumbered; and
- (2) the licensee has not had any encumbrance or restriction against any license, compact qualifying license or compact privilege within the previous two years.

(f) Once an encumbered license is restored to good standing as a compact qualifying license as certified by the licensing authority, the licensee shall meet the requirements of this article to obtain a compact privilege in any remote state.

(g) If a licensee's compact privilege in any remote state is removed, that licensee may also lose the compact privilege in other remote states, as each member state shall determine in its sole authority, until the following occur:

- (1) The specific period of time for which the compact privilege was removed has ended;

- (2) all fines have been paid; and
- (3) have not had any encumbrance or restriction against any license or compact privilege within the previous two years.
- (h) Once the requirements of article 4(g) have been met, the licensee shall meet the requirements in article 4(a) to obtain a compact privilege in a remote state.

ARTICLE 5 – COMPACT QUALIFYING LICENSE

- (a) A licensee may hold only one compact qualifying license at a time. The procedures for such designation may be further defined by the compact commission by rule.
- (b) Nothing in this article shall require that the state of qualifying licensure be the state of primary residence or state of primary practice for the licensee.
- (c) Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states.
- (d) Nothing in this compact shall affect the requirements established by a member state for the issuance of a license other than a compact qualifying license.

ARTICLE 6 – ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

An active military member or their spouse shall not be required to pay to the commission for a compact privilege. If a member state chooses to charge a member state fee, it may choose to charge a reduced fee or no fee to an active military member or such military member's spouse for a compact privilege.

ARTICLE 7 – ADVERSE ACTIONS

- (a) A member state in which a licensee is issued a compact qualifying license shall have the exclusive authority to impose adverse action against the compact qualifying license issued by that member state.
- (b) A member state may take adverse action based on current significant investigative information of a remote state, so long as the member state follows its own procedures for imposing adverse action.
- (c) 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 and that such participation shall remain non-public if required by the member state's laws or rules.
- (d) A remote state shall have the authority to:
 - (1) Take adverse action as set forth in this compact against a licensee's compact privilege in that 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.

(A) Subpoenas may be issued by a member state athletic training licensing authority for the attendance and testimony of witnesses and the production of evidence.

(B) A member state that issues a subpoena may request service of that subpoena by another member state. The member state receiving the request to serve a subpoena shall serve the subpoena if it is deemed enforceable by a court of competent jurisdiction according to the practice and procedure in the receiving member state.

(C) 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.

(e) For the purposes of taking adverse action, a member state shall give the same priority and effect to reported conduct received from another member state as it would if the conduct had occurred within that state. In so doing, the investigating member state shall apply its own state laws to determine appropriate action.

(f) 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.

(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 current significant investigative information, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact. In sharing such information between member state athletic trainer licensing authorities, all information obtained shall be kept confidential except as otherwise mutually agreed upon by the sharing and receiving member state.

(3) A remote state may issue subpoenas on behalf of a member state for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence.

(h) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify all member states of any adverse actions by remote states.

(i) Nothing in this compact shall permit a member state to take any adverse action against a licensee or holder of a compact privilege for conduct or practice occurring in another member state that was legal in the member state at the time it was undertaken.

ARTICLE 8 – ESTABLISHMENT AND OPERATION OF THE COMMISSION

(a) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that

have enacted the compact known as the athletic trainer licensure compact commission. The compact commission is an instrumentality of the member 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 article 12.

(b) Membership, voting and meetings.

(1) Each member state shall have and be limited to one commissioner, selected by that member state's licensing authority within 60 days of the member state's effective date.

(2) The commissioner shall be an administrator or their designated staff or current board member of the licensing authority.

(3) The compact commission may recommend removal or suspension of any commissioner from office.

(4) A member state's licensing authority shall fill any vacancy of its commissioner occurring on the compact commission within 60 days of the vacancy.

(5) Each commissioner shall be entitled to one vote on all matters before the compact commission requiring a vote by the commissioners.

(6) The compact commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners to meet by telecommunication, video conference or other similar electronic means.

(c) The compact commission shall have the following powers:

(1) Adopt and amend rules and bylaws;

(2) establish a code of conduct, confidentiality and conflict of interest policies for commissioners;

(3) establish the fiscal year of the compact commission;

(4) maintain its financial records in accordance with the bylaws;

(5) purchase and maintain insurance and insurance bonds;

(6) accept or contract for services of personnel, including, but not limited to, employees of a member state;

(7) conduct a financial review or audit;

(8) 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;

(9) enter into contracts or arrangements for the management of the affairs of the commission;

(10) assess and collect fees;

(11) 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 compact commission shall avoid any appearance of impropriety or conflict of interest;

(12) lease, purchase, retain, own, hold, improve, invest or use any property, whether real, personal or mixed, or any undivided interest therein;

(13) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;

(14) establish a budget and make expenditures;

(15) borrow and invest money;

(16) meet and take such actions as are consistent with the provisions of this compact, the compact commission's rules and the bylaws;

(17) 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;

(18) 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;

(19) provide and receive information from and cooperate with law enforcement agencies;

(20) 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;

(21) establish and elect an executive committee, including a chairperson and vice chairperson, secretary, treasurer and such other offices as the commission shall establish by rule or bylaw;

(22) 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; 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 compact commission according to the terms of this compact. The powers, duties and responsibilities of the executive committee shall include:

(A) 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;

(B) 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;

(C) 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;

(D) ensure compact administration services are appropriately provided, including by contract;

(E) prepare and recommend the budget;

(F) maintain financial records on behalf of the compact commission;

(G) monitor compact compliance of member states and provide compliance reports to the compact commission;

(H) establish additional committees as necessary; and

(I) other duties as provided in the rules or bylaws of the compact commission.

(2) The executive committee shall be composed of five voting members elected by the compact commission:

(A) The chair and vice chair of the compact commission shall be voting members of the executive committee;

(B) the compact commission shall elect up to three additional voting members from the current membership of the compact commission to include the offices of treasurer, secretary and one member-at-large; and

(C) up to four ex officio, nonvoting member from recognized national athletic trainer organizations.

(e) The compact commission may remove any member of the executive committee as provided in the compact commission's bylaws.

(1) The executive committee shall meet at least annually. Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, non-public meeting as provided in this article.

(A) The executive committee shall give advance notice of its meetings, posted on its website and as determined by rule or bylaw to provide notice to persons with an interest in the business of the compact commission.

(B) The executive committee may hold a special meeting in accordance with this article.

(f) The compact commission shall adopt and provide to the member states an annual report.

(g) Meetings of the compact commission.

(1) All meetings shall be open to the public, except that the compact commission may meet in a closed, non-public meeting as provided in this article.

(2) Public notice for all meetings of the full compact commission of meetings shall be given in the same manner as required under the rulemaking provisions in this compact, except that the compact commission may hold a special meeting as provided in this article.

(3) The compact commission may hold a special meeting when it must meet to conduct emergency business by giving 24 hours' notice to all

commissioners, 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.

(4) The compact commission or the executive committee or other committees of the compact commission may convene in a closed, non-public meeting for the compact commission or executive committee or other committees of the compact commission to receive legal advice or 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;

(C) current or threatened discipline of a licensee 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 rules of the compact commission.

(5) If a meeting or portion of a meeting is closed, the compact commission's legal counsel or designee shall certify that the meeting will be closed and reference each relevant exempting provision and such reference shall be recorded in the 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.

(h) 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 this article.

(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, 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 compact commission shall adopt by rule.

(4) The compact commission shall not incur obligations of any kind prior to securing the funds or a loan adequate to meet the same, nor shall the compact 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. However, all receipts and disbursements of funds handled by the compact commission shall be subject to an annual financial review or audit by a certified or licensed public accountant, and the report of the financial review or audit shall be included in and become part of the annual report of the compact commission.

(i) 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, provided 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 under this compact.

(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; provided that this compact shall not 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 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, 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, 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 act, Clayton act or any other state or federal antitrust or anticompetitive law or regulation.

(6) This compact shall not be construed to be a waiver of sovereign immunity by the member states or by the compact commission.

ARTICLE 9 – DATA SYSTEMS

(a) The commission shall provide for the development, maintenance, operation and utilization of a coordinated database and reporting system containing licensure, compact privileges, adverse action and the presence of current significant investigative information on all licensees and applicants for a license in member states.

(b) 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 licensees, applicants and others 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 licensee, license applicant or compact privilege 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 not made confidential under member state law;

(5) any denial of an application for licensure and the reason for such denial, excluding the reporting of any criminal history record information where prohibited by law;

(6) a binary determination regarding 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 commission.

(c) 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 shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a member state.

(d) Current significant investigative information pertaining to a licensee in any member state shall only be available to other member states.

(e) It is the responsibility of the member states to monitor the data system to determine whether adverse action has been taken against 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.

(f) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(g) 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 10 – RULEMAKING

(a) The compact 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 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, provided, however, that where the rules conflict with the laws or regulations of a member state that relate to the scope of practice that a licensed athletic trainer 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 article 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 shall hear public comments on the proposed rule and, if different, the time, date and location of the meeting where the compact commission shall consider and vote on the proposed rule;

(2) if the hearing is held via telecommunication, video conference or other electronic means, 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 where 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 article 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 article.

(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 provided 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 article 10(l), the effective date of the rule shall be no 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 opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this article 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 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 shall 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 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 shall not take effect without the approval of the compact commission.

(n) No member state's rulemaking requirements shall apply under this compact.

ARTICLE 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 the 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. This compact shall not 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 adopted 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 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 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 commissioners 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 licenses and compact privileges granted pursuant to this compact for a minimum of 180 days after the date of such 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 between member and non-member states.

(2) The compact commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(j) Enforcement.

(1) By a $\frac{2}{3}$ majority 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 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 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 adopted 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 compact commission.

ARTICLE 12 – EFFECTIVE DATE, WITHDRAWAL
AND AMENDMENT

(a) The compact shall come into effect on the date when 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 or 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 language shall be entitled to the default process set forth in article 11.

(B) If any member state is later found to be in default, 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 this article 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 on which 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 the same.

(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

and privilege holders 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.

(A) 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.

(B) 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 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 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 compact commission's rulemaking authority only 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 the foregoing, the compact commission may deny a state's participation in the compact or 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.

ARTICLE 14 – CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

(a) This compact shall not 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 compact commission and the member 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 Kansas register.

Approved April 9, 2026.

Published in the *Kansas Register* May 7, 2026.

CHAPTER 94

HOUSE BILL No. 2464

AN ACT concerning income taxation; relating to credits; extending the number of years that new credits may be issued or earned for contributions to graduates of aerospace and aviation-related educational programs and employers of program graduates; extending the tax credits for contributions to the Eisenhower foundation and friends of cedar crest association for five years; extending the sunset for the angel investor tax credit to 2031 and providing for a minimum amount of credits for investors in qualified Kansas businesses located in counties with a population of 50,000 or fewer; amending K.S.A. 2025 Supp. 74-8133, 79-32,274, 79-32,275 and 79-32,295 and repealing the existing sections.

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

Section 1. K.S.A. 2025 Supp. 74-8133 is hereby amended to read as follows: 74-8133. (a) A credit against the tax imposed by article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, on the Kansas taxable income of an angel investor and against the tax imposed by K.S.A. 40-252, and amendments thereto, shall be allowed for a cash investment in the qualified securities of a qualified Kansas business. For tax year 2021 and all tax years thereafter, the credit shall be in a total amount of up to 50% of such investors' cash investment in any qualified Kansas business, subject to the limitations set forth in subsection (b). ~~This~~ *Such* tax credit may be used in its entirety in the taxable year in which the cash investment is made, except that no tax credit shall be allowed in a year prior to January 1, 2005. If the amount by which that portion of the credit allowed by this section exceeds the investors' liability in any one taxable year, beginning in the year 2005, the remaining portion of the credit may be carried forward until the total amount of the credit is used. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their ownership share of the permitted entity investor.

(b) For tax year 2021 and all tax years thereafter, the secretary of revenue shall not allow tax credits of more than \$100,000 for a single Kansas business or a total of \$350,000 in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this act shall be allowed for any cash investments in qualified securities for any year after the year ~~2026~~ 2031. The total amount of tax credits that may be allowed under this section shall not exceed:

- (1) \$4,000,000 during the tax year 2007;
- (2) \$6,000,000 for tax years 2008 through 2010 and 2012 through 2022, except that for tax year 2011, the total amount of tax credits that may be allowed under this section shall not exceed \$5,000,000;
- (3) \$6,500,000 for tax year 2023;

- (4) \$7,000,000 for tax year 2024;
- (5) \$7,500,000 for tax year 2025; and
- (6) \$8,000,000 for tax year 2026 *and for each succeeding tax year through tax year 2031.*

The balance of unissued tax credits may be carried over for issuance in future years until tax year ~~2026~~ 2031.

For tax year 2027 and all tax years thereafter, at least 25% of the total amount of tax credits that may be allowed each tax year shall be utilized for investors investing in qualified Kansas businesses located in counties with a population of 50,000 or fewer, in years that the number of requests is sufficient to allow such distribution of tax credits. Such determination of whether there are sufficient requests shall be made based on the requests received on or before October 1 of each year.

(c) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the internal revenue code.

(d) Any investor without a current tax liability at the time of the investment in a qualified Kansas business, who does not reasonably believe that ~~it~~ *such investor* will owe any such tax for the current taxable year and who makes a cash investment in a qualified security of a qualified Kansas business shall be deemed to acquire an interest in the nature of a transferable credit limited, for tax year 2021 and all tax years thereafter, to an amount of up to 50% of ~~this~~ *such* cash investment. ~~This~~ *The* interest may be transferred to any natural person, whether or not such person is then an investor, and be claimed by the transferee as a credit against the transferee's Kansas income tax liability beginning in the year provided in subsection (a). No person shall be entitled to a refund for the interest created under this section. Only the full credit for any one investment may be transferred, and ~~this~~ *such* interest may only be transferred one time. A credit acquired by transfer shall be subject to the limitations prescribed in this section. Documentation of any credit acquired by transfer shall be provided by the investor in the manner required by the director of taxation.

(e) The reasonable costs of the administration of this act, the review of applications for certification as qualified Kansas businesses and the issuance of tax credits authorized by this act shall be reimbursed through fees paid by the qualified Kansas businesses and the investors or the transferees of investors, according to a reasonable fee schedule adopted by the secretary by rules and regulations in accordance with the rules and regulations filing act.

Sec. 2. K.S.A. 2025 Supp. 79-32,274 is hereby amended to read as follows: 79-32,274. (a) For taxable years commencing after December 31,

2020, and before January 1, ~~2026~~ 2031, there shall be allowed a credit against the tax imposed by the Kansas income tax act and the privilege tax pursuant to K.S.A. 79-1106 et seq., and amendments thereto, in an amount equal to 50% of the total amount contributed during the taxable year by a taxpayer subject to income tax pursuant to K.S.A. 79-32,110(a) or (c), and amendments thereto, or subject to the privilege tax pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto, to the Eisenhower foundation.

(b) The amount of such credit awarded to a taxpayer in a taxable year pursuant to this section shall not exceed:

(1) \$25,000 for any taxpayer subject to the income tax on resident individuals imposed pursuant to K.S.A. 79-32,110(a), and amendments thereto; or

(2) \$50,000 for any taxpayer subject to the income tax on corporations imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto, or the privilege tax on financial institutions pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto.

(c) The aggregate amount of credits claimed pursuant to this section shall not exceed \$350,000 for any fiscal year.

(d) The credit allowed by this section shall not exceed the amount of tax imposed under the Kansas income tax act or the privilege tax reduced by the sum of any other credits allowable pursuant to law. Such credit shall be deducted from the taxpayer's income or privilege tax liability for the taxable year in which the contributions are made by the taxpayer. The taxpayer shall not be allowed to carry over any amount of such credit exceeding the taxpayer's income or privilege tax liability.

Sec. 3. K.S.A. 2025 Supp. 79-32,275 is hereby amended to read as follows: 79-32,275. (a) For taxable years commencing after December 31, 2020, and before January 1, ~~2026~~ 2031, there shall be allowed a credit against the tax imposed by the Kansas income tax act and the privilege tax pursuant to K.S.A. 79-1106 et seq., and amendments thereto, in an amount equal to 50% of the total amount contributed during the taxable year by a taxpayer subject to income tax pursuant to K.S.A. 79-32,110(a) or (c), and amendments thereto, or subject to the privilege tax pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto, to the friends of cedar crest association.

(b) The amount of such credit awarded to a taxpayer in a taxable year pursuant to this section shall not exceed:

(1) \$25,000 for any taxpayer subject to the income tax on resident individuals imposed pursuant to K.S.A. 79-32,110(a), and amendments thereto; or

(2) \$50,000 for any taxpayer subject to the income tax on corporations imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto, or

the privilege tax on financial institutions pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto.

(c) The aggregate amount of credits claimed pursuant to this section shall not exceed \$350,000 for any fiscal year.

(d) The credit allowed by this section shall not exceed the amount of tax imposed under the Kansas income tax act or the privilege tax reduced by the sum of any other credits allowable pursuant to law. Such credit shall be deducted from the taxpayer's income or privilege tax liability for the taxable year in which the contributions are made by the taxpayer. The taxpayer shall not be allowed to carry forward any amount of such credit exceeding the taxpayer's income or privilege tax liability.

Sec. 4. K.S.A. 2025 Supp. 79-32,295 is hereby amended to read as follows: 79-32,295. No new credits shall be issued or may be earned under the provisions of K.S.A. 2025 Supp. 79-32,290 through 79-32,293, and amendments thereto, after December 31, ~~2026~~ 2031.

Sec. 5. K.S.A. 2025 Supp. 74-8133, 79-32,274, 79-32,275 and 79-32,295 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 9, 2026.

CHAPTER 95

HOUSE BILL No. 2068
(Amended by Chapter 155)

AN ACT concerning pharmacists and pharmacy; allowing a pharmacy to employ certain remote workers to engage in the remote practice of pharmacy; providing for the supervision and duties of remote pharmacy workers; permitting a pharmacist to initiate therapy for certain conditions consistent with the pharmacist's education, training and experience; adding pharmacists who initiate such therapy to the healthcare stabilization fund; allowing for a 90-day emergency supply of a noncontrolled prescription drug to be filled when no refills remain; adopting the United States pharmacopeia compounding standards under the pharmacy act of the state of Kansas; removing the authority of the state board of pharmacy to authorize individuals to access the program database as delegates by rules and regulations; amending K.S.A. 40-3402 and 65-1637e and K.S.A. 2025 Supp. 65-1626a, 65-1682 and 65-16,131 and repealing the existing sections.

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

New Section 1. (a) As used in this section:

(1) "Employ" means the same as defined in K.S.A. 44-1202, and amendments thereto.

(2) "Employing pharmacy" means a pharmacy that employs a remote worker and receives tangible work product from such remote worker.

(3) "Remote practice of pharmacy" or "remote practice" means the practice of pharmacy conducted at any location other than an employing pharmacy.

(4) "Remote worker" means a pharmacist, pharmacist intern or pharmacy technician who is engaged in the remote practice of pharmacy.

(5) "Pharmacy intern" means the same as defined in K.S.A. 65-1626(zz), and amendments thereto.

(b) Any pharmacy may employ a remote worker to engage in the remote practice of pharmacy, provided that all requirements of this act are met.

(1) The pharmacist-in-charge shall ensure that the pharmacy displays a notice of remote work on the premises of the pharmacy if such pharmacy employs remote workers.

(2) Each pharmacy owner and pharmacist-in-charge shall ensure that all records required by the pharmacy act of the state of Kansas are maintained for a period of five years by the employing pharmacy and that such records are stored under the employing pharmacy's direct control.

(3) Each pharmacy owner and pharmacist-in-charge shall maintain a record of each remote worker that was engaged in the remote practice of pharmacy for the last two years. The record shall include the following:

(A) The first and last name of the remote worker;

(B) the license, registration or permit number of such remote worker;

(C) each address where the remote worker is located when engaged in remote practice; and

(D) the current contact information of the remote worker.

(4) Personally identifying information collected under paragraph (3), such as a remote worker's address and phone number, shall be confidential and not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2031, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2031.

(5) Each pharmacy owner, pharmacist-in-charge and remote worker engaged in the remote practice of pharmacy shall ensure the following:

(A) Each remote practice area is free from third-party interference or observation;

(B) each remote work device used to engage in the remote practice of pharmacy shall:

(i) be provided and maintained by the employing pharmacy;

(ii) be configured and properly equipped to engage in the remote practice of pharmacy and be secure from unauthorized access; and

(iii) have the ability to maintain all prescription and patient information in a manner that protects the integrity and confidentiality of such information; and

(C) all communication to any third-party outside the employing pharmacy is made on a remote work device that complies with paragraph (B).

(c) Each pharmacy owner and pharmacist-in-charge of a pharmacy that employs remote workers shall maintain a written policy and procedure manual. Each pharmacist-in-charge shall review, update and revise such manual, at minimum, annually and as necessary to ensure the manual remains up-to-date. Documentation of such review shall be maintained at the pharmacy.

(1) The policy and procedure manual shall include the following:

(A) Procedures for the operation of the remote practice of pharmacy;

(B) maintenance of security for remote work devices;

(C) procedures to ensure that the remote practice of pharmacy is conducted in a manner in which patient privacy and confidentiality are maintained, including provisions that patient information shall not:

(i) Be printed at a remote practice area;

(ii) exist in any nonelectronic format at a remote practice area; and

(iii) exist in any electronic format except on a remote work device that complies with subsection (b)(4)(B);

(D) an acknowledgment that a physical or virtual inspection may be conducted by the board or the employing pharmacy at any location where each remote worker engages in remote practice;

(E) procedures for routine audits of a remote worker's activity;

(F) procedures to ensure compliance with an ongoing continuous quality improvement program pursuant to K.S.A. 65-1695, and amend-

ments thereto, review of incident reports and necessary training or education of remote workers in response to any incident;

(G) procedures to ensure that the employing pharmacy maintains an updated list of each remote worker engaged in the remote practice of pharmacy. The list shall include each remote worker's name and current contact information;

(H) procedures for any pharmacist intern or pharmacy technician engaged in the remote practice of pharmacy to contact a supervising pharmacist;

(I) procedures for any pharmacist intern or pharmacy technician to follow if a supervising pharmacist is no longer able to supervise.

(2) Before engaging in the remote practice of pharmacy, each pharmacist intern, shall complete the first year of pharmacy school and be in good standing.

(3) Each pharmacy technician shall complete the following education, experience and training before engaging in the remote practice of pharmacy:

(A) At least 240 clock hours of training in the pharmacy either with the current pharmacist-in-charge or the pharmacist-in-charge's designee;

(B) an acknowledgment of understanding of the policy and procedure manual for the remote practice of pharmacy; and

(C) documentation of passing a certification examination approved by the board.

(4) Each pharmacist-in-charge shall ensure that each pharmacist intern has completed the requirements in subsection (c)(2) before engaging in the remote practice of pharmacy.

(5) The pharmacy owner and the pharmacist-in-charge shall ensure that documentation of the requirements of subsection (b)(2) through (3) is maintained at the pharmacy for each pharmacist intern and pharmacy technician engaged in remote practice. Each pharmacist intern or pharmacy technician engaged in remote practice shall be supervised by a pharmacist working in the pharmacy's physical location or a pharmacist engaged in remote practice.

(6) Supervision conducted in accordance with this subsection shall constitute direct supervision.

(d) A pharmacist actively engaged in the remote practice of pharmacy shall not perform any of the following:

(1) Handling or possessing any drug or device owned by the pharmacy;

(2) packaging or prepackaging; and

(3) compounding, dispensing or labeling.

(e) Any pharmacist intern or pharmacy technician engaged in the remote practice of pharmacy may perform the following:

(1) The prescription process; and

(2) send communications and requests to prescribers through automated methods.

(f) Any pharmacist intern or pharmacy technician engaged in the remote practice of pharmacy may, if supervised, perform the following:

(1) Contact prescribers or prescriber offices;

(2) contact patients for clarification of personal data and payment processing information; and

(3) transfer a prescription.

(g) A pharmacist engaged in the remote practice of pharmacy may supervise a pharmacist intern or pharmacy technician engaged in the remote practice of pharmacy in accordance with the technician-to-pharmacist ratio specified by K.A.R. 68-5-16, but shall not supervise any pharmacist intern or pharmacy technician located in the pharmacy.

(h) This section shall not apply to medical care facility pharmacies or medical care facility pharmacy personnel.

(i) Nothing in this act shall affect the requirements or allowances in K.A.R. 68-22-1 through 68-22-5.

(j) Hours spent in the remote practice of pharmacy by a pharmacist intern shall not count towards the intern hours required by the board unless the supervising pharmacist is continuously present and observing the intern by video and audio link.

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

Sec. 2. K.S.A. 40-3402 is hereby amended to read as follows: 40-3402.

(a) Prior to January 1, 2022, a policy of professional liability insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer's liability is not less than \$200,000 per claim, subject to not less than a \$600,000 annual aggregate for all claims made during the policy period, shall be maintained in effect by each resident healthcare provider as a condition of active licensure or other statutory authorization to render professional service as a healthcare provider in this state, unless such healthcare provider is a self-insurer. For all new policies and policies that renew on and after January 1, 2022, a policy of professional liability insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer's liability is not less than \$500,000 per claim, subject to not less than a \$1,500,000 annual aggregate for all claims made during the policy period, shall be maintained by each resident healthcare provider as a condition of active licensure or other statutory authorization to render professional service as a healthcare provider in this state, unless such healthcare provider is a self-insurer. This provision shall not apply to optometrists and pharmacists, *except as provided in subsection (f)*, on and after July 1, 1991, to physical therapists

on and after July 1, 1995, or to health maintenance organizations on and after July 1, 1997. Such policy shall provide as a minimum coverage for claims made during the term of the policy that were incurred during the term of such policy or during the prior term of a similar policy. Any insurer offering such policy of professional liability insurance to any healthcare provider may offer to such healthcare provider a policy as prescribed in this section with deductible options. Such deductible shall be within such policy limits.

(1) Each insurer providing basic coverage shall, within 30 days after the effective date of any policy issued in accordance with this subsection, notify the board of governors that such coverage is or will be in effect. Such notification shall be on a form approved by the board of governors and shall include information identifying the professional liability policy issued or to be issued, the name and address of all healthcare providers covered by the policy, the amount of the annual premium, the effective and expiration dates of the coverage and such other information as the board of governors shall require. A copy of the notice required by this subsection shall be furnished to the named insured.

(2) In the event of termination of basic coverage by cancellation, non-renewal, expiration or otherwise by either the insurer or named insured, notice of such termination shall be furnished by the insurer to the board of governors, the state agency which licenses, registers or certifies the named insured and the named insured. Such notice shall be provided no less than 30 days prior to the effective date of any termination initiated by the insurer or within 10 business days after the date coverage is terminated at the request of the named insured and shall include the name and address of the healthcare provider or providers for whom basic coverage is terminated and the date basic coverage will cease to be in effect. No basic coverage shall be terminated by cancellation or failure to renew by the insurer unless such insurer provides a notice of termination as required by this subsection.

(3) Any professional liability insurance policy issued, delivered or in effect in this state on and after July 1, 1976, shall contain or be endorsed to provide basic coverage as required by subsection (a). Notwithstanding any omitted or inconsistent language, any contract of professional liability insurance shall be construed to obligate the insurer to meet all the mandatory requirements and obligations of this act. The liability of an insurer for claims made prior to July 1, 1984, shall not exceed those limits of insurance provided by such policy prior to July 1, 1984.

(b) A nonresident healthcare provider shall not be licensed to actively render professional service as a healthcare provider in this state unless such healthcare provider maintains continuous coverage in effect as prescribed by subsection (a), except such coverage may be provided by a

nonadmitted insurer who has filed the form required by subsection (b) (1). This provision shall not apply to optometrists and pharmacists on and after July 1, 1991, or to physical therapists on and after July 1, 1995.

(1) Every insurance company authorized to transact business in this state, that is authorized to issue professional liability insurance in any jurisdiction, shall file with the commissioner, as a condition of its continued transaction of business within this state, a form prescribed by the commissioner declaring that its professional liability insurance policies, wherever issued, shall be deemed to provide at least the insurance required by this subsection when the insured is rendering professional services as a non-resident healthcare provider in this state. Any nonadmitted insurer may file such a form.

(2) Every nonresident healthcare provider that is required to maintain basic coverage pursuant to this subsection shall pay the surcharge levied by the board of governors pursuant to K.S.A. 40-3404(a), and amendments thereto, directly to the board of governors and shall furnish to the board of governors the information required in subsection (a)(1).

(c) Every healthcare provider that is a self-insurer, the university of Kansas medical center for persons engaged in residency training, as described in K.S.A. 40-3401(r)(1), and amendments thereto, the employers of persons engaged in residency training, as described in K.S.A. 40-3401(r)(2), and amendments thereto, the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or a medical care facility or mental health center for self-insurers under K.S.A. 40-3414(e), and amendments thereto, shall pay the surcharge levied by the board of governors pursuant to K.S.A. 40-3404(a), and amendments thereto, directly to the board of governors and shall furnish to the board of governors the information required in subsections (a)(1) and (a)(2).

(d) In lieu of a claims made policy otherwise required under this section, a person engaged in residency training who is providing services as a healthcare provider but, while providing such services, is not covered by the self-insurance provisions of K.S.A. 40-3414(d), and amendments thereto, may obtain basic coverage under an occurrence form policy, if such policy provides professional liability insurance coverage and limits that are substantially the same as the professional liability insurance coverage and limits required by K.S.A. 40-3402(a), and amendments thereto. Where such occurrence form policy is in effect, the provisions of the healthcare provider insurance availability act referring to claims made policies shall be construed to mean occurrence form policies.

(e) In lieu of a claims made policy otherwise required under this section, a nonresident healthcare provider employed pursuant to a locum tenens contract to provide services in this state as a healthcare provider

may obtain basic coverage under an occurrence form policy, if such policy provides professional liability insurance coverage and limits that are substantially the same as the professional liability insurance coverage and limits required by K.S.A. 40-3402, and amendments thereto. Where such occurrence form policy is in effect, the provisions of the healthcare provider insurance availability act referring to claims made policies shall be construed to mean occurrence form policies.

(f) (1) *A pharmacist shall be subject to the professional liability insurance requirements of subsection (a) if such pharmacist independently initiates therapy pursuant to K.S.A. 2025 Supp. 65-16,131, and amendments thereto.*

(2) *This subsection shall take effect on and after January 1, 2028.*

Sec. 3. K.S.A. 2025 Supp. 65-1626a is hereby amended to read as follows: 65-1626a. (a) For the purpose of the pharmacy act of the state of Kansas, the following individuals shall be deemed to be engaged in the practice of pharmacy:

(1) Individuals who publicly profess to be a pharmacist, or publicly profess to assume the duties incident to being a pharmacist and their knowledge of drugs or drug actions, or both; and

(2) individuals who attach to their name any words or abbreviation indicating that they are a pharmacist licensed to practice pharmacy in Kansas.

(b) As used in this section:

(1) "Practice of pharmacy" means:

(A) The interpretation and evaluation of prescription orders;

(B) the compounding, dispensing and labeling of drugs and devices pursuant to prescription orders;

(C) the administering of vaccine pursuant to a vaccination protocol;

(D) the participation in drug selection according to state law and participation in drug utilization reviews;

(E) the proper and safe storage of prescription drugs and prescription devices and the maintenance of proper records thereof in accordance with law;

(F) consultation with patients and other health care practitioners about the safe and effective use of prescription drugs and prescription devices;

(G) performance of collaborative drug therapy management pursuant to a written collaborative practice agreement with one or more physicians who have an established physician-patient relationship;

(H) participation in the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy; ~~and~~

(I) initiation of therapy for the conditions specified in K.S.A. 2025 Supp. 65-16,131, and amendments thereto; *and*

(J) *dispensing a one-time emergency refill of a noncontrolled prescription drug for up to a 90-day supply when no refills remain and, in the pharmacists' professional judgment, continuation of therapy is necessary to prevent interruption of care.*

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

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

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

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

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

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

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

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

Sec. 4. K.S.A. 65-1637e is hereby amended to read as follows: 65-1637e. (a) *The compounding standards established by the general chapters 795 pharmaceutical compounding - nonsterile preparations; 797 pharmaceutical compounding - sterile preparations; and 825 radiopharmaceuticals - preparation, compounding, dispensing and repackaging published*

by the United States pharmacopeia and its referenced companion documents in effect on the effective date of this section are hereby adopted.

(b) The board ~~shall~~ *may* adopt rules and regulations governing proper compounding practices and distribution of compounded drugs by pharmacists and pharmacies *and establishing exemptions or waivers from the requirements set forth in subsection (a).*

~~(b)(c)~~ This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

(d) This section shall take effect and be in force on and after July 1, 2027.

Sec. 5. K.S.A. 2025 Supp. 65-1682 is hereby amended to read as follows: 65-1682. As used in this act, unless the context otherwise requires:

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

(b) “Board” means the state board of pharmacy.

(c) “Delegate” means:

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

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

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

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

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

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

(3) a registered wholesale distributor of such substances;

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

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

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

(f) “Patient” means the individual who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

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

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

(i) “Practitioner” means an individual licensed to practice medicine and surgery, dentist, podiatrist, optometrist or other individual authorized by law to prescribe or dispense scheduled substances and drugs of concern.

(j) “Program” means the prescription monitoring program.

(k) “Scheduled substance” means controlled substances included in schedules II, III or IV of the schedules designated in K.S.A. 65-4107, 65-4109 and 65-4111, and amendments thereto, respectively, or the federal controlled substances act, 21 U.S.C. § 812.

Sec. 6. K.S.A. 2025 Supp. 65-16,131 is hereby amended to read as follows: 65-16,131. (a) *(1) Notwithstanding the provisions of subsections (b) through (d), a pharmacist may initiate therapy for a condition consisting of medications and durable medical equipment if such condition:*

(A) Does not require a new diagnosis;

(B) is minor and generally self-limiting;

(C) has a test that is used to guide diagnosis or clinical decision-making that is waived under the federal clinical laboratory improvement amendments of 1988; or

(D) in the professional judgment of the pharmacist, constitutes a patient emergency that threatens the health or safety of the patient if the prescription is not immediately dispensed. In such cases, only the sufficient quantity shall be provided until the patient is able to consult with or be seen by the patient’s personal physician or other primary care provider.

(2) Nothing in subsection (a) shall be construed to authorize a pharmacist to prescribe a controlled substance, except for a medication prescribed for the treatment of opioid use disorder or for medication-assisted treatment.

(3) To determine whether a specific act is within the scope of practice of pharmacy for the purposes of the pharmacy act of the state of Kansas, a pharmacist shall independently determine whether such act is:

(A) Expressly prohibited by the pharmacy act of the state of Kansas or other law;

(B) consistent with the pharmacist’s education, training and experience; and

(C) within the accepted standard of care that would be provided in a similar setting by a reasonable and prudent pharmacist with similar education, training and experience.

(b) A pharmacist may initiate therapy within the framework of a statewide protocol for the following health conditions:

- (1) Influenza;
- (2) streptococcal pharyngitis; or
- (3) urinary tract infection.

~~(b)~~(c) The collaborative drug therapy management advisory committee established pursuant to K.S.A. 65-1677, and amendments thereto, may adopt a statewide protocol for each condition listed in subsection ~~(a)~~

(b). In establishing such statewide protocols, the committee shall specify:

(1) The medications or categories of medications included in the protocol for each health condition;

(2) the training or qualifications required for pharmacists to implement the protocols;

(3) requirements for documentation and maintenance of records, including patient inclusion and exclusion criteria, medical referral criteria, patient assessment tools based on current clinical guidelines, follow-up monitoring or care plans and the pharmacist's adherence to the applicable protocols; and

(4) communication requirements, including, but not limited to, notification to the patient's personal or primary care provider.

~~(c)~~(d) The board may deny an application or renewal or revoke or suspend the license of a pharmacist upon a finding that the pharmacist has violated the provisions of this section or failed to practice within the framework of statewide protocols established pursuant to this section by the collaborative drug therapy management advisory committee.

~~(d)~~(e) ~~This section shall take effect and be in force on and after July 1, 2022.~~ *The amendments to this section by this act shall be known and may be cited as the pharmacist practice authority act.*

Sec. 7. K.S.A. 40-3402 and 65-1637e and K.S.A. 2025 Supp. 65-1626a, 65-1682 and 65-16,131 are hereby repealed.

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

Approved April 9, 2026.

Published in the *Kansas Register* April 30, 2026.

CHAPTER 96

HOUSE BILL No. 2481

AN ACT concerning tourism; relating to the FIFA 2026 world cup; prohibiting limitations by municipalities on the regulation of short-term rentals or vacation properties during the period of May 15, 2026, through July 25, 2026, and requiring municipalities to process applications for such permits within 15 calendar days; modifying the definition of transient guest for purposes of a transient guest tax for the period of May 15, 2026, through July 25, 2026; authorizing any city or county to allow the sale of alcoholic beverages 23 hours a day, seven days a week for the duration of the FIFA 2026 world cup; amending K.S.A. 12-1692 and repealing the existing section.

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

New Section 1. (a) No municipality shall adopt, administer or enforce any ordinance, resolution, regulation or other code or law that limits the number of issuances of permits or other municipal authorizations required by such municipality for the operation of short-term rentals or vacation units or properties during the period commencing on May 15, 2026, and continuing through July 25, 2026, or that limits the duration of any short-term rentals or vacation units or properties during such period. During such period, all completed applications to a municipality required for authorization to operate a short-term rental or vacation unit or property shall be processed by the municipality and a response issued to the applicant within 15 calendar days. If a municipality fails to process and issue a response within 15 calendar days of such an application's submission to the municipality, the application shall be deemed approved and no additional regulation or code requirement by the municipality as a condition of approval of the application shall be permitted.

(b) From May 15, 2026, through July 25, 2026, "transient guest" as defined in K.S.A. 12-1692, and amendments thereto, shall include a person who, as a guest and during all or any portion of such period, occupies a room in a hotel, motel or tourist court, one or more individual rooms within a dwelling or residential unit that is offered as a place of accommodation or such a dwelling or residential unit in whole or in part. "Transient guest" shall not include a person who is a permanent guest or who has entered into or enters into a contract for such occupation or accommodation for more than 28 consecutive days within such period, if the contract is intended for long-term or permanent occupancy.

(c) As used in this section:

(1) "Municipality" means any city, county or unified government or agency, department or other division of a city, county or unified government; and

(2) "short-term rental or vacation unit or property" means any dwelling or residential unit that is offered as a place of accommodation, either

as one or more individual rooms within such dwelling or residential unit or as such dwelling or residential unit in whole or in part, during all or any portion of the period of May 15, 2026, through July 25, 2026.

New Sec. 2. (a) Notwithstanding the provisions of K.S.A. 41-712, 41-2614, 41-2653, 41-2704 and 41-2911, and amendments thereto, for the duration of the FIFA 2026 world cup commencing on June 11, 2026, and continuing through July 19, 2026, any entity licensed under the Kansas liquor control act, the club and drinking establishment act or the Kansas cereal malt beverage act that is authorized to sell alcoholic liquor or cereal malt beverage in the original package or for consumption on the premises may sell alcoholic liquor or cereal malt beverage in accordance with the applicable statutes and rules and regulations governing the sale of such alcoholic liquor or cereal malt beverage by such licensee between the hours of 6:00 a.m. and 5:00 a.m. on the immediately following day if such entity is located in a city or the unincorporated area of a county that has elected to allow sales of alcoholic liquor and cereal malt beverage pursuant to this section in accordance with subsection (b).

(b) The board of county commissioners of any county may, by resolution, or the governing body of any city may, by ordinance, elect to allow the sale of alcoholic liquor or cereal malt beverage as described in subsection (a). Upon the adoption of any such resolution or ordinance, the clerk of such county or city shall submit a copy of such resolution or ordinance to the director of alcoholic beverage control.

(c) As used in this section, “FIFA 2026 world cup” means the international soccer tournament conducted every four years that is organized by the *fédération internationale de football association* and set to be held in the United States, Canada and Mexico in 2026.

(d) The provisions of this section shall expire from and after July 20, 2026.

Sec. 3. K.S.A. 12-1692 is hereby amended to read as follows: 12-1692. As used in this act, ~~the following words and phrases shall have the meanings respectively ascribed to them herein:~~

(a) “Person” means an individual, firm, partnership, corporation, joint venture or other association of persons;

(b) “hotel, motel or tourist court” means any structure or building ~~which that~~ contains rooms furnished for the purposes of providing lodging, ~~which that~~ may or may not also provide meals, entertainment or various other personal services to transient guests, and ~~which~~ is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having more than two bedrooms furnished for the accommodation of such guests;

(c) “transient guest” means, *except as provided for the period from*

May 15, 2026, through July 25, 2026, by section 1, and amendments thereto, a person who occupies a room in a hotel, motel or tourist court for not more than 28 consecutive days;

(d) “business” means any person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof in connection with any motel, hotel or tourist court;

(e) “convention and tourism promotion” means: (1) Activities to attract visitors into the community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and travel; and (2) support of ~~those~~ activities and organizations ~~which~~ *that* encourage increased lodging facility occupancy; and

(f) “accommodations broker” means any business ~~which~~ *that* maintains an inventory of two or more rooms in one or more locations ~~which~~ *that* are offered for pay to a person or persons for not more than 28 consecutive days.

Sec. 4. K.S.A. 12-1692 is hereby repealed.

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

Approved April 9, 2026.

Published in the *Kansas Register* April 23, 2026.

CHAPTER 97

HOUSE BILL No. 2497

AN ACT concerning financial institutions; relating to loans; prohibiting the assessment of a prepayment penalty against any party more than six months after the execution of a note evidencing a home loan made primarily for personal, family or household purposes secured by a real estate mortgage; amending K.S.A. 2025 Supp. 16-207 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 16-207 is hereby amended to read as follows: 16-207. (a) Subject to the following provision, the parties to any bond, bill, promissory note or other instrument of writing for the payment or forbearance of money may stipulate therein for interest receivable upon the amount of such bond, bill, note or other instrument of writing, at a rate not to exceed 15% per annum unless otherwise specifically authorized by law.

(b) ~~No prepayment penalty shall be assessed against any party for prepayment of any home loan evidenced by a note secured by a real estate mortgage where such prepayment is made more than six months after execution of such note more than six months after the execution of a note evidencing a home loan made primarily for personal, family or household purposes secured by a real estate mortgage.~~

(c) The lender may collect from the borrower:

(1) The actual fees paid a public official or agency of the state or federal government, for filing, recording or releasing any instrument relating to a loan subject to the provisions of this section; and

(2) reasonable expenses incurred by the lender in connection with the making, closing, disbursing, extending, readjusting or renewing of loans subject to the provisions of this section.

(d) Any person so contracting for a greater rate of interest than that authorized by this section shall forfeit all interest so contracted for in excess of the amount authorized under this section; and in addition thereto shall forfeit a sum of money, to be deducted from the amount due for principal and lawful interest, equal to the amount of interest contracted for in excess of the amount authorized by this section and such amounts may be set up as a defense or counterclaim in any action to enforce the collection of such obligation and the borrower shall also recover a reasonable attorney fee.

(e) Subsection (a) shall not apply to:

(1) A covered transaction subject to the usury provisions of the Kansas mortgage business act, K.S.A. 9-2201 et seq., and amendments thereto;

(2) a consumer credit transaction subject to the usury provisions of the uniform consumer credit code, K.S.A. 16a-1-101 et seq., and amendments thereto;

(3) loans made by a qualified plan, as defined by the internal revenue code, to an individual participant in such plan or to a member of the family of such individual participant;

(4) a note secured by a real estate mortgage or a contract for deed to real estate when the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule; or

(5) a business or agricultural transaction. For the purpose of this section, a “business or agricultural transaction” means a loan, including a note secured by a contract for deed to real estate or a credit sale, which is made primarily for purposes other than personal, family or household purposes.

(f) Subsections (b), (c) and (d) shall not apply to:

(1) A covered transaction under the Kansas mortgage business act, K.S.A. 9-2201 et seq., and amendments thereto; or

(2) a consumer credit transaction under the uniform consumer credit code, K.S.A. 16a-1-101 et seq., and amendments thereto.

Sec. 2. K.S.A. 2025 Supp. 16-207 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 9, 2026.

CHAPTER 98

HOUSE BILL No. 2590

AN ACT concerning trusts; enacting the Kansas community property trust act; authorizing the use of community property trusts during the marriage of settlor spouses; relating to the Kansas uniform trust code; allowing trustees to reimburse settlors of grantor trusts; authorizing the use of designated representatives for trusts; permitting the terms of a governing instrument to expand, restrict or eliminate certain general rules applicable to fiduciaries, trusts and trust administration; amending K.S.A. 58a-505, 58a-813 and 58a-816 and repealing the existing sections.

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

New Section 1. (a) Sections 1 through 9, and amendments thereto, shall be known and may be cited as the Kansas community property trust act.

(b) As used in this act:

(1) “Community property” means property owned by a community property trust during the marriage of the settlor spouses;

(2) “community property trust” means an express trust that complies with section 2, and amendments thereto;

(3) “decree” means a judgment or other order of a court;

(4) “dissolution” means:

(A) Termination of a marriage by a decree of dissolution, divorce, annulment or declaration of invalidity; or

(B) entry of a decree of legal separation maintenance;

(5) “during marriage” means a period that begins at marriage and ends at dissolution or the death of a spouse;

(6) “qualified trustee” means:

(A) A natural person who is a resident of this state; or

(B) a company authorized to act as a fiduciary in this state; and

(7) “settlor spouses” means a married couple that establishes a community property trust.

New Sec. 2. An arrangement is a community property trust if one or both spouses transfer property to a trust that:

(a) Expressly declares that the trust is a Kansas community property trust;

(b) has at least one trustee who is a qualified trustee whose powers include, or are limited to, maintaining records for the trust on an exclusive or a nonexclusive basis and preparing or arranging for the preparation of, on an exclusive or a nonexclusive basis, any income tax returns that must be filed by the trust. Both spouses or either spouse may be a trustee;

(c) is signed by both spouses; and

(d) contains the following language in the trust:

“THE CONSEQUENCES OF THIS TRUST MAY BE VERY EXTENSIVE, INCLUDING, BUT NOT LIMITED TO, YOUR RIGHTS

WITH YOUR SPOUSE BOTH DURING THE COURSE OF YOUR MARRIAGE AND AT THE TIME OF A DIVORCE. ACCORDINGLY, THIS AGREEMENT SHOULD ONLY BE SIGNED AFTER CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS ABOUT THIS AGREEMENT, YOU SHOULD SEEK INDEPENDENT LEGAL ADVICE.”

New Sec. 3. (a) In the agreement establishing a community property trust, spouses may agree on:

- (1) The rights and obligations in the property transferred to the trust, notwithstanding when and where the property is acquired or located;
- (2) the management and control of the property transferred to the trust;
- (3) the disposition of the property transferred to the trust on dissolution, death or the occurrence or nonoccurrence of another event;
- (4) the choice of law governing the interpretation of the trust; and
- (5) any other matter that affects the property transferred to the trust and does not violate public policy or a statute imposing a criminal penalty.

(b) (1) Either spouse may amend a community property trust regarding the disposition of such spouse's $\frac{1}{2}$ share of the community property in the occurrence of such spouse's death.

(2) Except as provided in paragraph (1), a community property trust may not be amended or revoked unless the agreement itself provides for amendment or revocation.

(c) Notwithstanding the provisions of this section, a community property trust may not adversely affect the right of a child to support.

New Sec. 4. (a) Whether or not both spouses, one spouse or neither spouse is domiciled in this state, spouses may transmute any or all of their property to community property by transferring such property to a community property trust.

(b) A community property trust is enforceable without consideration.

(c) All property owned by a community property trust will be community property during marriage.

(d) The right to manage and control property that is transferred to a community property trust is determined by the terms of the trust.

(e) When property is distributed from a community property trust, such property shall no longer constitute community property.

New Sec. 5. (a) An obligation incurred by only one spouse before or during marriage may be satisfied from such spouse's $\frac{1}{2}$ share of a community property trust.

(b) An obligation incurred by both spouses during marriage may be satisfied from a community property trust of the spouses.

New Sec. 6. For purposes of the application of § 1014(b)(6) of the internal revenue code of 1986, 26 U.S.C. § 1014(b)(6), a community

property trust is considered a trust established under the community property laws of Kansas. Community property as classified by a jurisdiction other than Kansas transferred to a Kansas community property trust retains its character as community property while in the trust. If the trust is revoked and property is transferred on revocation of the trust, the community property as classified by a jurisdiction other than Kansas retains its character as community property to the extent otherwise provided by Kansas law.

New Sec. 7. Upon the death of a spouse, $\frac{1}{2}$ of the aggregate value of the property held in a community property trust established by the settlor spouses reflects the share of the surviving spouse and is not subject to testamentary disposition by the decedent spouse or distribution under the laws of succession of the state. The other $\frac{1}{2}$ of the value of such property reflects the share of the decedent spouse and is subject to testamentary disposition or distribution under the laws of succession of the state. Unless otherwise provided in the community property trust agreement, the trustee has the power to distribute assets of the trust in divided or undivided interests and to adjust resulting differences in valuation. A distribution in kind may be made on the basis of a non-pro rata division of the aggregate value of the trust assets or on the basis of a pro rata division of each individual asset, or by using both distribution bases. The decedent's spouse's $\frac{1}{2}$ share shall not be included in the elective estate.

New Sec. 8. (a) Upon the dissolution of the marriage of the settlor spouses, the community property trust shall terminate and the trustee shall distribute $\frac{1}{2}$ of the trust assets to each spouse in accordance with subsection (c).

(b) The initiation of an action to dissolve the marriage of the settlor spouses does not automatically terminate the community property trust unless otherwise agreed to by the settlor spouses in writing or otherwise ordered by the court having jurisdiction over the dissolution proceedings between the settlor spouses. However, if an action to dissolve the marriage of the settlor spouses remains pending for 180 days, the trust automatically terminates and the trustee shall distribute $\frac{1}{2}$ of the trust assets to each spouse in accordance with subsection (c), unless any of the following apply:

(1) A settlor spouse objects to the termination within 180 days following the filing of the dissolution action, at which time either party may request that the court having jurisdiction over the dissolution proceedings between the settlor spouses determine if good cause exists to terminate the community property trust during the pendency of the dissolution of marriage action;

(2) the court having jurisdiction over the dissolution proceedings between the settlor spouses enters an order directing otherwise;

(3) the settlor spouses otherwise agree, in writing, while the dissolution of marriage action is pending; or

(4) the community property trust agreement provides otherwise.

(c) Unless provided otherwise in the community property trust agreement, the trustee has the power to distribute assets of the trust in divided or undivided interests and adjust resulting differences in valuation. A distribution in kind may be made on the basis of a non-pro rata division of the aggregate value of the trust assets or on the basis of a pro rata division of each individual asset, or by using both distribution bases. A trustee may not distribute real property or business interests in a manner that would leave the settlor spouses as co-owners of such assets post dissolution of the marriage of the settlor spouses or termination of the community property trust, unless otherwise agreed to by the settlor spouses in a separate written agreement executed during the dissolution of marriage action. Notwithstanding any other provision of this section, the community property trust agreement cannot be terminated and the assets cannot be distributed in a manner that could cause the trust assets to not be treated as community property.

(d) The court having jurisdiction over the dissolution proceedings between the settlor spouses has personal and subject matter jurisdiction over the settlor spouses and the trustee of the community property trust for the purpose of effectuating the distribution of the community property trust assets consistent with the terms of the community property trust agreement in a manner ensuring that the trust assets retain their community property character.

New Sec. 9. (a) A community property trust executed during marriage is not enforceable if the spouse against whom enforcement is sought proves that:

(1) The trust was unconscionable when made;

(2) the spouse against whom enforcement is sought did not execute the community property trust agreement voluntarily;

(3) the community property trust agreement was the product of fraud, duress, coercion or overreaching; or

(4) before execution of the community property trust agreement, the spouse against whom enforcement is sought:

(A) Was not given a fair and reasonable disclosure of the property and financial obligations of the other spouse;

(B) did not voluntarily sign a written waiver expressly waiving right to disclosure of the property and financial obligations of the other spouse beyond the disclosure provided; or

(C) did not have notice of the property or financial obligations of the other spouse.

(b) Whether a community property trust is unconscionable shall be determined by a court as a matter of law.

(c) A community property trust may not be deemed unenforceable solely on the fact that the settlor spouses did not have separate legal representation when executing the community property trust agreement.

New Sec. 10. (a) As used in this section, “designated representative” means a person who has delivered to the trustee such person’s written acceptance of the office of designated representative or who has otherwise agreed, through service or similar action, to serve as designated representative following such person’s appointment to act as a designated representative in at least one of the following manners:

(1) Express appointment under the terms of a governing instrument as a designated representative or by reference to this section;

(2) authorization, appointment or direction under the terms of a governing instrument to represent or bind one or more beneficiaries in connection with a judicial proceeding or nonjudicial matter as defined in section 11, and amendments thereto;

(3) appointment by one or more persons who are expressly authorized under a governing instrument to appoint a person who is described in paragraph (1) or (2);

(4) to the extent that a designated representative is not appointed and serving in accordance with paragraphs (1) through (3), appointment by the settlor to act as designated representative for one or more beneficiaries, except that when a settlor is appointing a designated representative for purposes of paragraph (2):

(A) The appointed designated representative shall serve in a fiduciary capacity, notwithstanding any provision to the contrary in the governing instrument;

(B) the appointed designated representative shall not be the settlor or related or subordinate to the settlor within the meaning of § 672(c) of the internal revenue code of 1986, 26 U.S.C. § 672(c); and

(C) the settlor, within 30 days of appointment of the designated representative under this paragraph, shall provide written notice to the surviving and competent parent or parents, custodial parent in cases where one parent has sole custody of the beneficiary or guardian of the property of the beneficiary who will be represented by the appointed designated representative; or

(5) to the extent that a designated representative is not appointed and serving in accordance with paragraphs (1) through (4), appointment by a beneficiary to act as a designated representative of such beneficiary.

(b) A designated representative may be appointed under subsection (a):

(1) For purposes of representing a beneficiary in accordance with section 11(d), and amendments thereto;

(2) for purposes of representing a minor beneficiary, a beneficiary who is incapacitated, an unborn beneficiary or a beneficiary whose identity or

location is unknown and not reasonably ascertainable in any nonjudicial matter as defined in section 11, and amendments thereto; and

(3) with respect to appointment under subsection (a)(5), for purposes of representing the appointing beneficiary, in any nonjudicial matter as defined in section 11, and amendments thereto.

(c) For purposes of subsections (b)(2) and (b)(3), any designated representative acting in the capacity of a designated representative may represent and bind the applicable beneficiary for purposes of any nonjudicial matter as defined in section 11, and amendments thereto, notwithstanding that the governing instrument does not restrict or eliminate the right of such beneficiary to be informed of the beneficiary's interest in the trust.

(d) A designated representative shall be presumed to be a fiduciary. A person who accepts an appointment as a designated representative of a trust or acts as a designated representative of a trust under this section submits to personal jurisdiction of this state regarding any matter related to the trust. This provision does not preclude other methods of obtaining jurisdiction over such designated representative of a trust.

(e) This section shall be a part of and supplemental to the Kansas uniform trust code.

New Sec. 11. (a) (1) Notwithstanding any other provision of law, the terms of a governing instrument may expand, restrict, eliminate or otherwise vary any laws of general application to fiduciaries, trusts and trust administration, including, but not limited to, any such laws pertaining to:

(A) The rights and interests of beneficiaries, including, but not limited to, the right to be informed of the beneficiary's interest for a period of time, as set forth in subsection (c);

(B) the grounds for removal of a fiduciary;

(C) the circumstances, if any, in which the fiduciary shall diversify investments;

(D) the manner in which a fiduciary should invest assets, in addition to, or in place of, other investment strategies, with or without regard to investment performance;

(E) a fiduciary's powers, duties, standard of care, rights of indemnification and liability to persons whose interests arise from that instrument; and

(F) the terms of a power of appointment over trust property.

(2) Nothing in this section shall be construed to permit the exculpation or indemnification of a fiduciary for the fiduciary's own willful misconduct or preclude a court of competent jurisdiction from removing a fiduciary on account of the fiduciary's willful misconduct. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this section. It is the policy of this section to give maximum effect to the principle of freedom of disposition and to the enforceability of governing instruments.

(b) In furtherance of and not in limitation of the provisions of subsection (a), the terms of a governing instrument of a trust established and existing for religious, charitable, scientific, literary or educational purposes or for noncharitable purposes shall not be modified by the court to change the trust's purposes unless the purposes of the trust have become unlawful under the constitution of the state of Kansas or the United States or the trust would otherwise no longer serve any religious, charitable, scientific, literary, educational or noncharitable purpose, in which case the court shall proceed in the manner directed by K.S.A. 58a-413, and amendments thereto. A settlor may maintain an action to enforce a charitable or noncharitable trust under this section and designate a person or persons, whether or not born at the time of such designation, to enforce a charitable or noncharitable trust under this section.

(c) The terms of a governing instrument may expand, restrict, eliminate or otherwise vary the right of a beneficiary to be informed of the beneficiary's interest in a trust for a period of time, including, but not limited to, a period of time related to:

- (1) The age of a beneficiary;
- (2) the lifetime of each settlor or spouse of a settlor;
- (3) a term of years or specific date; and
- (4) a specific event that is certain to occur.

(d) During any period of time that a governing instrument restricts or eliminates the right of a beneficiary to be informed of the beneficiary's interest in a trust, unless otherwise provided in the governing instrument, any designated representative as defined in section 10, and amendments thereto, acting in the capacity of a designated representative shall represent and bind such beneficiary for purposes of any judicial proceeding and for purposes of any nonjudicial matter and shall have the authority to, and is a proper party to, initiate a proceeding relating to the trust before a court or administrative tribunal on behalf of any such beneficiary.

(e) If a corporate trustee is serving for any governing instruments described in subsection (c), such corporate trustee shall maintain a physical presence in this state.

(f) For purposes of this section:

(1) "Judicial proceeding" means any proceeding before a court or administrative tribunal, including, but not limited to, a proceeding that involves a trust whether or not the administration of the trust is governed by the laws of Kansas; and

(2) "nonjudicial matter" includes, but is not limited to, the grant of consents, releases or ratifications pursuant to K.S.A. 58a-1009, and amendments thereto, and the receipt of a report for purposes of measuring the limitation period described in K.S.A. 58a-1005, and amendments thereto.

(g) This section shall be a part of and supplemental to the Kansas uniform trust code.

Sec. 12. K.S.A. 58a-505 is hereby amended to read as follows: 58a-505. (a) Except as provided by K.S.A. 33-101 et seq. and 33-201 et seq., and amendments thereto, whether or not the terms of a trust contain a spendthrift provision, the following rules apply:

(1) During the lifetime of the settlor, the property of a revocable trust is subject to claims of the settlor's creditors.

(2) With respect to an irrevocable trust, a creditor or assignee of the settlor may reach the maximum amount that can be distributed to or for the settlor's benefit, *except that a trustee's discretionary authority to pay directly or reimburse the settlor for any tax on trust income or principal that is payable by the settlor shall not be considered to be an amount that can be distributed to or for the settlor's benefit, and a creditor or assignee of the settlor shall not be entitled to reach any amount solely by reason of this discretionary authority.* If a trust has more than one settlor, the amount the creditor or assignee of a particular settlor may reach may not exceed the settlor's interest in the portion of the trust attributable to that settlor's contribution.

(3) After the death of a settlor, and subject to the settlor's right to direct the source from which liabilities will be paid, the property of a trust that was revocable at the settlor's death is subject to claims of the settlor's creditors, costs of administration of the settlor's estate, the expenses of the settlor's funeral and disposal of remains, the homestead, homestead allowance, the elective share rights of the surviving spouse pursuant to K.S.A. 59-6a209, and amendments thereto, and statutory allowance to a surviving spouse and children to the extent the settlor's probate estate is inadequate to satisfy those claims, costs, expenses, and allowances.

(b) For purposes of this section:

(1) During the period the power may be exercised, the holder of a power of withdrawal is treated in the same manner as the settlor of a revocable trust to the extent of the property subject to the power;

(2) upon the lapse, release, or waiver of the power, the holder is treated as the settlor of the trust only to the extent the value of the property affected by the lapse, release, or waiver exceeds the greater of the amount specified in section 2041(b)(2) or 2514(e) of the federal internal revenue code of 1986, as in effect on December 31, 2002; or section 2503(b) of the federal internal revenue code of 1986, as in effect on December 31, 2002; and

(3) this subsection shall not apply to the lapse of powers held by the spouse of a person occurring upon the death of such person.

Sec. 13. K.S.A. 58a-813 is hereby amended to read as follows: 58a-813. (a) As provided in this section, a trustee shall keep the qualified beneficiaries reasonably informed about the administration of the trust and

of the material facts necessary for them to protect their interests, *unless the governing instrument instructs otherwise as allowed under section 11, and amendments thereto*. Unless unreasonable under the circumstances, a trustee shall promptly respond to a qualified beneficiary's request for information related to the administration of the trust.

(b) Except as otherwise provided under the terms of the trust, a trustee shall:

(1) Upon request of a qualified beneficiary, promptly furnish to the qualified beneficiary a copy of the portions of the trust instrument relating to the interest of the qualified beneficiary, or a copy of the trust instrument if specifically so requested by the qualified beneficiary;

(2) within 60 days after accepting a trusteeship, notify the qualified beneficiaries of the acceptance and of the trustee's name, address, and telephone number;

(3) within 60 days after the date the trustee acquires knowledge of the creation of an irrevocable trust, or the date the trustee acquires knowledge that a formerly revocable trust has become irrevocable, whether by the death of the settlor or otherwise, notify the qualified beneficiaries of the trust's existence, of the identity of the settlor or settlors, of the right to request a copy of relevant portions of the trust instrument and of the right to a trustee's report as provided in subsection (c);

(4) notify the qualified beneficiaries in advance of any change in the method or rate of the trustee's compensation; and

(5) At least annually, send a trust report for the trust's most recent fiscal year to each qualified beneficiary who actually received a distribution during such fiscal year, except a beneficiary who received a specific bequest. The trustee shall also send a trust report to any additional qualified beneficiary who would have been eligible to receive a distribution during the fiscal year and who requests a copy of the trust report. The trust report shall include a list of the trust assets, and, if feasible, their market values; liabilities, receipts and disbursements; the source and amount of the trustee's compensation; and if requested, the trust's investment rate of return and whether the method for calculating the rate complies with standards established by the association of investment management and research (AIMR). Upon a vacancy in a trusteeship, unless a cotrustee remains in office, a trust report ~~must~~ *shall* be sent to the qualified beneficiaries by the former trustee. A personal representative, conservator, or guardian may send the qualified beneficiaries a trust report on behalf of a deceased or incapacitated trustee.

(c) A qualified beneficiary may waive the right to a trustee's report or other information otherwise required to be furnished under this section. A qualified beneficiary, with respect to future reports and other information, may withdraw a waiver previously given.

(d) The provisions of this section are inapplicable to qualified beneficiaries other than a surviving spouse so long as the surviving spouse is a qualified beneficiary of the trust, or holds any power of appointment over the entire trust estate, and where all other qualified beneficiaries are the issue of the surviving spouse.

(e) At the termination of a trust, the trustee shall send a trust report to each qualified beneficiary who is entitled to receive a distribution from the trust, except a beneficiary who received a specific bequest. Such trust report shall include the information required by subsection (b)(5), except information relating to receipts and disbursements need only be prepared for the period from the date of the event that caused the termination of the trust.

Sec. 14. K.S.A. 58a-816 is hereby amended to read as follows: 58a-816. Without limiting the authority conferred by K.S.A. 58a-815, and amendments thereto, a trustee may:

(1) Collect trust property and accept or reject additions to the trust property from a settlor or any other person;

(2) acquire or sell property, for cash or on credit, at public or private sale;

(3) exchange, partition, or otherwise change the character of trust property;

(4) deposit trust money in an account in a regulated financial-service institution;

(5) borrow money, with or without security, and mortgage or pledge trust property for a period within or extending beyond the duration of the trust;

(6) with respect to an interest in a proprietorship, partnership, limited liability company, business trust, corporation, or other form of business or enterprise, continue the business or other enterprise and take any action that may be taken by shareholders, members, or property owners, including merging, dissolving, or otherwise changing the form of business organization or contributing additional capital;

(7) with respect to stocks or other securities, exercise the rights of an absolute owner, including the right to:

(A) Vote, or give proxies to vote, with or without power of substitution, or enter into or continue a voting trust agreement;

(B) hold a security in the name of a nominee or in other form without disclosure of the trust so that title may pass by delivery;

(C) pay calls, assessments, and other sums chargeable or accruing against the securities, and sell or exercise stock subscription or conversion rights; and

(D) deposit the securities with a depository or other regulated financial-service institution;

(8) with respect to an interest in real property, construct, or make ordinary or extraordinary repairs to, alterations to, or improvements in, buildings or other structures, demolish improvements, raze existing or erect new party walls or buildings, subdivide or develop land, dedicate land to public use or grant public or private easements and make or vacate plats and adjust boundaries;

(9) enter into a lease for any purpose as lessor or lessee, including a lease or other arrangement for exploration and removal of natural resources, with or without the option to purchase or renew, for a period within or extending beyond the duration of the trust;

(10) grant an option involving a sale, lease, or other disposition of trust property or acquire an option for the acquisition of property, including an option exercisable beyond the duration of the trust and exercise an option so acquired;

(11) insure the property of the trust against damage or loss and insure the trustee, the trustee's agents, and beneficiaries against liability arising from the administration of the trust;

(12) abandon or decline to administer property of no value or of insufficient value to justify its collection or continued administration;

(13) with respect to possible liability for violation of environmental law:

(A) inspect or investigate property the trustee holds or has been asked to hold, or property owned or operated by an organization in which the trustee holds or has been asked to hold an interest, for the purpose of determining the application of environmental law with respect to the property;

(B) take action to prevent, abate, or otherwise remedy any actual or potential violation of any environmental law affecting property held directly or indirectly by the trustee, whether taken before or after the assertion of a claim or the initiation of governmental enforcement;

(C) decline to accept property into trust or disclaim any power with respect to property that is or may be burdened with liability for violation of environmental law;

(D) compromise claims against the trust which may be asserted for an alleged violation of environmental law; and

(E) pay the expense of any inspection, review, abatement, or remedial action to comply with environmental law;

(14) pay or contest any claim, settle a claim by or against the trust, and release, in whole or in part, a claim belonging to the trust;

(15) pay taxes, assessments, compensation of the trustee and of employees and agents of the trust and other expenses incurred in the administration of the trust;

(16) exercise elections with respect to federal, state, and local taxes;

(17) select a mode of payment under any employee benefit or retirement plan, annuity, or life insurance payable to the trustee, exercise rights thereunder, including exercise of the right to indemnification for expenses and against liabilities, and take appropriate action to collect the proceeds;

(18) make loans out of trust property, including loans to a beneficiary on terms and conditions the trustee considers to be fair and reasonable under the circumstances, and the trustee has a lien on future distributions for repayment of those loans;

(19) pledge trust property to guarantee loans made by others to the beneficiary;

(20) appoint a trustee to act in another jurisdiction with respect to trust property located in the other jurisdiction, confer upon the appointed trustee all of the powers and duties of the appointing trustee, require that the appointed trustee furnish security, and remove any trustee so appointed;

(21) pay an amount distributable to a beneficiary who is under a legal disability or who the trustee reasonably believes is incapacitated, by paying ~~it~~ *such amount* directly to the beneficiary or applying it for the beneficiary's benefit, or by:

(A) Paying ~~it~~ *such amount* to the beneficiary's conservator or, if the beneficiary does not have a conservator, the beneficiary's guardian;

(B) paying ~~it~~ *such amount* to the beneficiary's custodian, attorney-in-fact, custodial trustee or other person with legal authority to receive such funds for the benefit of the beneficiary;

(C) if the trustee does not know of a conservator, guardian, custodian, or custodial trustee, paying it to an adult relative or other person having legal or physical care or custody of the beneficiary, to be expended on the beneficiary's behalf; or

(D) managing it as a separate fund on the beneficiary's behalf, subject to the beneficiary's continuing right to withdraw the distribution;

(22) on distribution of trust property or the division or termination of a trust, make distributions in divided or undivided interests, allocate particular assets in proportionate or disproportionate shares, value the trust property for those purposes, and adjust for resulting differences in valuation;

(23) resolve a dispute concerning the interpretation of the trust or its administration by mediation, arbitration, or other procedure for alternative dispute resolution;

(24) prosecute or defend an action, claim or judicial proceeding in any jurisdiction to protect trust property and the trustee in the performance of the trustee's duties;

(25) sign and deliver contracts and other instruments that are useful to achieve or facilitate the exercise of the trustee's powers;

(26) access digital assets held in trust pursuant to K.S.A. 58-4811, 58-4812 and 58-4813, and amendments thereto; ~~and~~

(27) on termination of the trust, exercise the powers appropriate to wind up the administration of the trust and distribute the trust property to the persons entitled to ~~it~~ *such property*; and

(28) *except as otherwise provided under the terms of the trust, exercise the discretionary power to reimburse the settlor for the portion of the settlor's income tax liability attributable to the trust under 26 U.S.C. § 671 or federal tax law.*

Sec. 15. K.S.A. 58a-505, 58a-813 and 58a-816 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 9, 2026.

CHAPTER 99

HOUSE BILL No. 2700*

AN ACT concerning consumer protection; enacting the Kansas digital right-to-repair act; establishing a right for persons who purchase or lease digital electronic equipment to obtain the legal authorization and necessary documentation and parts from original equipment manufacturers to diagnose, maintain and repair such equipment; providing for enforcement by the attorney general; creating liability limitations; limiting application of such act to digital electronic equipment made available for sale on or after July 1, 2027.

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

Section 1. The provisions of sections 1 through 8, and amendments thereto, shall be known and may be cited as the Kansas digital right-to-repair act.

Sec. 2. As used in this act:

(a) “Act” means the Kansas digital right-to-repair act, sections 1 through 8, and amendments thereto.

(b) “Authorized repair provider” means a person or business entity in this state that has an arrangement with the original equipment manufacturer for a definite or indefinite period under which the original equipment manufacturer grants to the individual or business entity:

(1) A license to use a trade name, service mark or other proprietary identifier for the purpose of offering diagnosis, maintenance or repair services for digital electronic equipment under the name of the original equipment manufacturer; or

(2) other authority to offer diagnosis, maintenance or repair services for digital electronic equipment on behalf of the original equipment manufacturer.

(c) “Automatic fire detection device” means a device designed to automatically detect the presence of fire by heat, flame, light, smoke or other products of combustion.

(d) “Commercial and industrial electrical equipment” means property classified for property tax purposes within subclass (5) of class 2 of section 1 of article 11 of the constitution of the state of Kansas that is used to produce, generate, control, condition, transport or manage electricity, including, but not limited to, power distribution equipment such as telecommunications network infrastructure, commercial visual display equipment, medium to low voltage switchgear and transformers, power control equipment, such as medium to low voltage motor control and drives, power quality equipment, such as uninterruptible power supplies, remote power panels, power distribution units and static or transfer switches and any tools, technology, attachments, accessories, component or repair parts for any such equipment.

(e) “Consumer” means an individual who enters into a transaction primarily for personal, family or household purposes.

(f) “Critical infrastructure information technology equipment” means digital electronic equipment intended for use in systems and assets, whether physical or virtual, designated as critical infrastructure so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety or any combination thereof, pursuant to 42 U.S.C. § 5195c(e), as in effect on July 1, 2026.

(g) “Diagnosis” means the process of identifying the issue or issues that cause digital electronic equipment to not be in full working order.

(h) “Digital electronic equipment” or “equipment” means any product sold to a consumer that depends, wholly or in part, on digital electronics embedded in or attached to the product for such product’s intended functionality.

(i) “Documentation” means any manual, diagram, reporting output, service code description or other guidance or information provided or made available by the original equipment manufacturer to an authorized repair provider for the purpose of diagnosing, maintaining or repairing digital electronic equipment manufactured or sold by the original equipment manufacturer.

(j) “Fair and reasonable terms” means:

(1) With respect to an original equipment manufacturer making available a tool, making the tool available:

(A) Without conditioning such availability upon the recipient being an authorized repair provider;

(B) at no cost to use or operate the tool or at a cost that is equivalent to the lowest actual cost at which the original equipment manufacturer offers the tool to an authorized repair provider, taking into account any discounts, rebates or other financial incentives offered by the original equipment manufacturer to the authorized repair provider, subject to section 4(g), and amendments thereto; and

(C) if the tool is requested in physical form, for a charge equal to the actual cost of procuring, preparing and sending the tool;

(2) with respect to an original equipment manufacturer making available a replacement part, making the part available either directly or through an authorized distributor or repair provider, subject to section 4(g), and amendments thereto:

(A) Without conditioning such availability upon the recipient being an authorized repair provider; and

(B) at costs and terms that are equivalent to the costs and terms under which the part is offered to an authorized repair provider;

(3) with respect to an original equipment manufacturer making available documentation, including any relevant updates to the documentation, making the documentation available:

(A) Without conditioning such availability upon the recipient being an authorized repair provider; and

(B) at no cost, except that an original equipment manufacturer may charge the reasonable actual cost of preparing and sending a copy of the documentation if the documentation is requested in physical printed form; and

(4) with respect to documentation, replacement parts or tools, terms that are fair to all parties, including the original equipment manufacturer and authorized repair providers.

(k) “Home appliances with embedded digital electronics” means refrigerators, ovens, microwaves, air conditioning units, heating units and other similar consumer appliances for residential use that are manufactured with digital electronic controls or operating systems.

(l) “Independent repair provider” means an individual or entity operating in this state that is engaged in diagnosis, maintenance or repair of digital electronic equipment subject to this act but is not an authorized repair provider and is not affiliated with an individual or business entity that is an authorized repair provider.

(m) “Intrusion detection system” means an electronic system or portion of a system designed to detect and signal unauthorized entry or attempted entry into a building, structure or secured area.

(n) “Lighting” means bulbs, equipment and systems that have the purpose of producing light and are not meant to be repairable. “Lighting” does not include component parts that are replaceable.

(o) “Maintenance” means any act necessary to keep digital electronic equipment in full working order.

(p) “Medical device” means any device defined by 21 U.S.C. § 321(h) as in effect on July 1, 2026, including for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in humans or other animals.

(q) “Modification” means any alteration to digital electronic equipment that is not maintenance or repair.

(r) “Motor vehicle” means any vehicle that is designed for transporting persons or property on a street or highway and certified by the manufacturer under all applicable federal safety and emissions standards and requirements for distribution and sale in the United States. “Motor vehicle” does not include any farm tractor, farm trailer, self-propelled farm implement, or implement of husbandry as those terms are defined in K.S.A. 8-126, and amendments thereto.

(s) “Motor vehicle manufacturer” means a business engaged in the manufacturing or assembling of motor vehicles.

(t) “Nonhighway vehicle” means the same as defined in K.S.A. 8-197, and amendments thereto, and includes any associated equipment.

(u) “Nonroad equipment” means manufacturers, distributors, importers or dealers of all nonroad equipment, including, but not limited to:

- (1) Farm and utility tractors;
- (2) farm implements;
- (3) farm machinery;
- (4) forestry equipment;
- (5) industrial equipment;
- (6) utility equipment;
- (7) construction equipment;
- (8) compact construction equipment;
- (9) road-building equipment;
- (10) mining equipment;
- (11) turf, yard and garden equipment;
- (12) outdoor power equipment;
- (13) portable generators;
- (14) marine, all-terrain sports and recreational vehicles, including racing vehicles;
- (15) stand-alone or integrated stationary or mobile internal combustion engines;
- (16) other power sources, including, but not limited to, generator sets and electric, battery and fuel cell power;
- (17) power tools; and
- (18) any tools, technology, attachments, accessories, components and repair parts for any of the items listed in this subsection.

(v) “Original equipment manufacturer” means a person in this state that, in the normal course of business, is engaged in the business of selling, leasing or otherwise supplying new digital electronic equipment manufactured by or on behalf of the person.

(w) “Owner” means a person that holds title to or lawful possession of digital electronic equipment described in this act.

(x) “Person” means an individual or any private profit or nonprofit or public legal entity, however established or organized.

(y) “Powersports vehicle” means the following as such terms are defined in K.S.A. 8-126, and amendments thereto, including any associated equipment:

- (1) A motorcycle;
- (2) a moped;
- (3) a motorized bicycle;
- (4) an auticycle; or
- (5) recreational off-highway vehicle.
- (z) “Recreational vehicle” means the same as defined in K.S.A. 79-5118, and amendments thereto, including any associated equipment.
- (aa) “Repair” means any act necessary to restore digital electron-

ic equipment to full working order. “Repair” does not include post-sale modifications that alter the originally intended functioning of the digital electronic equipment.

(bb) “Replacement part” means a new or used replacement part made available by the original equipment manufacturer to authorized repair providers for the purpose of maintenance or repair of digital electronic equipment that is manufactured, sold or supplied by the original equipment manufacturer. “Replacement part” does not include printed circuit board assemblies that allow device cloning in violation of 18 U.S.C. Section 1029 or other applicable law.

(cc) “Safety communications, life safety and physical access control equipment” means communication systems, fire alarm systems, intrusion detection systems, electronic keypads, safety equipment or physical or building access control systems used by public or private emergency service organizations.

(dd) “Trade secret” means anything tangible or intangible or electronically stored or kept that constitutes, represents, evidences or records intellectual property, including secret or confidentially held designs, processes, procedures, formulas, inventions or improvements, or secret or confidentially held scientific, technical, merchandising, production, financial, business or management information or that falls within the meaning of a trade secret given in 18 U.S.C. § 1839.

(ee) “Tool” means any software program, hardware implement or other apparatus made available by the original equipment manufacturer to authorized repair providers used for the diagnosis, maintenance or repair of digital electronic equipment, including software or another mechanism that:

- (1) Provides, programs or repairs a part;
- (2) calibrates functionality; or
- (3) performs any other function required to restore the equipment to full working order.

(ff) “Toy” means a consumer product that:

- (1) Is marketed, labeled and sold as a toy or children’s creative product; and

- (2) is subject to federal toy or children’s product safety standards, including, but not limited to, the consumer product safety improvement act, 15 U.S.C. § 2051 et seq., and applicable regulations of the United States consumer product safety commission.

(gg) “Video game consoles” means specialized computing devices primarily designed for playing video games, including console machines, handheld devices or another device or system. “Video game consoles” does not include general all-purpose personal computers, tablets or mobile phones.

Sec. 3. (a) The provisions of this act shall apply to digital electronic equipment sold or leased to owners in Kansas with a wholesale price of at least \$50.

(b) The provisions of this act shall not apply to:

(1) Motor vehicles or motor vehicle parts and any associated equipment;

(2) medical devices;

(3) powersports vehicles;

(4) nonroad equipment;

(5) aircraft as defined in K.S.A. 3-201, and amendments thereto, and components thereof;

(6) train equipment regulated under 49 U.S.C. § 20103, as in effect on July 1, 2026;

(7) heavy equipment;

(8) commercial and industrial electrical equipment, including, but not limited to, power distribution equipment, including, but not limited to, telecommunications network infrastructure, commercial visual display equipment and medium/low voltage switchgear and transformers, power control equipment, including, but not limited to, medium and low voltage motor control and drives, power quality equipment, including, but not limited to, uninterruptible power supplies, remote power panels, power distribution units and static and transfer switches and any tools, technology, attachments, accessories, components and repair parts for any such equipment;

(9) home appliances with embedded digital electronics;

(10) safety communications, life safety and physical access control equipment;

(11) lighting;

(12) equipment leased or sold by a provider of information services, a telecommunications carrier or a cable service provider as defined in 47 U.S.C. § 153, as in effect on July 1, 2026;

(13) video game consoles;

(14) critical infrastructure information technology equipment; and

(15) toys, if:

(A) The product's primary intended use is play or amusement by children under 14 years of age;

(B) the product does not function as a general purpose computing device; and

(C) the product does not perform critical safety, security or communication functions, including, but not limited to, home security monitoring or medical monitoring.

Sec. 4. (a) For digital electronic equipment, including parts for such equipment sold or used in this state, the original equipment manufacturer

of the equipment or part shall, not later than one year after the date of the first sale of the digital electronic equipment in this state, make available on fair and reasonable terms to any independent repair provider or to an owner of digital electronic equipment manufactured by or on behalf of, sold by or supplied by the original equipment manufacturer documentation, replacement parts and tools or their equivalents that the original equipment manufacturer makes available to authorized repair providers for and are required for the diagnosis, maintenance or repair of the digital electronic equipment.

(b) The documentation, replacement parts and tools described by subsection (a) may be made available:

(1) Directly by an original equipment manufacturer or through an authorized repair provider or a third-party provider; or

(2) by an authorized repair provider to any independent repair provider or owner, if the authorized repair provider is contractually and practically permitted by the original equipment manufacturer to sell the documentation, parts or tools to an independent repair provider or owner.

(c) Subsection (b) shall not be construed to require a third-party provider, including an authorized repair provider, to make available documentation, replacement parts or tools independent of an original equipment manufacturer.

(d) Nothing in this section shall require an original equipment manufacturer to divulge any trade secret.

(e) As an alternative to compliance with the provisions of subsection (a), an original equipment manufacturer may provide an owner who is an original purchaser, at such owner's discretion:

(1) A reimbursement in the amount of the purchase price that the purchaser paid for the digital electronic equipment; or

(2) an equivalent or better, readily available replacement for the digital electronic equipment at a price that has a value that is equal to or less than the total cost of the sum of the replacement parts and provided at the discretion of the consumer.

(f) An original equipment manufacturer shall be exempt from the requirements of this section with respect to:

(1) Parts, tools or documentation that are not, or are no longer, provided by the original equipment manufacturer or made available to authorized repair providers of the original equipment manufacturer, including in situations where the original equipment manufacturer performs related repairs solely in-house or through a corporate affiliate;

(2) parts, tools or documentation that are no longer available to the original equipment manufacturer;

(3) documentation or tools used by the original manufacturer only to perform, at no cost, diagnostic services virtually through telephone,

internet, chat, email or other similar means that do not involve the manufacturer physically handling the consumer's equipment, unless the manufacturer also makes the documentation or tools available to an individual or business that is unaffiliated with the manufacturer; or

(4) documentation or tools used exclusively by the original equipment manufacturer for diagnosis, maintenance or repairs completed by machines that operate on several digital electronic equipment products simultaneously or otherwise for purposes of large scale efficiency, if the original equipment manufacturer makes available to an independent repair provider or owner sufficient alternative documentation or tool to effect the diagnosis, maintenance or repair of the digital electronic equipment.

(g) Original equipment manufacturers shall not be required to:

(1) Provide documentation, a part or tool for a product where reconditioning or repair of the product is prohibited by law, regulation, code, ordinance or standard;

(2) provide or make available source code;

(3) provide any documentation, part or tool to an independent repair provider or owner that would disable, reset or override electronic security locks or other security-related measures or functions or disable or override anti-theft security measures set by the owner of the digital electronic equipment without the owner's authorization;

(4) provide any documentation, part or tool for repair of digital electronic equipment that is critical to the safety of life or health of individuals, or for repairs that could threaten the safety of life or health of individuals, if the original equipment manufacturer provides to the consumer or another entity responsible for the enforcement of this act, as applicable, physical evidence of the threat alleged under this paragraph; or

(5) provide any documentation, a part or tool for the purposes of modifying or making modifications to any digital electronic equipment.

(h) Nothing in this section shall prevent an original equipment manufacturer from:

(1) Requiring authorization or an internet connection before an independent repair provider or owner may use a part or tool; or

(2) providing parts, such as integrated batteries, to an independent repair provider or owner that are preassembled with other parts rather than as individual components if the preassembled parts or their equivalents are also available to an authorized repair provider or owner.

Sec. 5. (a) The attorney general shall have exclusive authority to enforce this section. Prior to initiating an action, the attorney general shall provide a written notice of the alleged violation of this act to the alleged violator at least 30 days in advance. The notice shall identify the specific provision alleged to have been violated and allow an opportu-

nity to cure the violation. Written notice by the attorney general shall be delivered by:

- (1) Certified mail, return receipt requested; or
- (2) first-class mail with proof of delivery.
- (b) No enforcement action shall be brought if, within the 30-day period described in subsection (a), the person cures the violation and provides a written statement to the attorney general certifying the cure and the person's intent to comply with this act.

(c) The attorney general may bring an action in the name of the state following the cure period described by subsection (b) to restrain or enjoin a person from violating this act. The attorney general may recover reasonable attorney fees and other reasonable expenses incurred in investigating and bringing an action under this subsection.

(d) This section shall not be construed to create, provide a basis for or be subject to a private right of action for a violation of this act or any other law.

(e) An original equipment manufacturer or authorized repair provider is not liable for any damage or injury to an individual, digital electronic equipment or any property that occurs as a result of the repair, diagnosis, maintenance or modification performed by an independent repair provider or owner, or any other use of documentation, replacement parts or tools made available by an original equipment manufacturer, including:

- (1) Indirect, incidental, special or consequential damages;
- (2) loss of data, privacy or profits; or
- (3) inability to use or reduced functionality of digital electronic equipment.

(f) An original equipment manufacturer is not liable for any act that is reasonably necessary to protect user privacy, security or digital safety.

(g) An original equipment manufacturer is not liable for improper use of personal data or any data privacy or security breach in connection with the repair, diagnosis, maintenance or modification that is performed by an independent repair provider or owner.

Sec. 6. A provision in a contract, including an agreement between an authorized repair provider and an original equipment manufacturer, that purports to waive, avoid, restrict or limit the original equipment manufacturer's obligation to comply with this act is void and unenforceable.

Sec. 7. This act applies only to digital electronic equipment that was originally made available for sale in this state by an original equipment manufacturer on or after July 1, 2027.

Sec. 8. To the extent of a conflict between this act and a provision of an agreement between an authorized repair provider and an original equipment manufacturer entered into before July 1, 2027, the provision of the agreement prevails.

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

Approved April 9, 2026.

CHAPTER 100

HOUSE BILL No. 2507

AN ACT concerning wildlife and parks; authorizing the department of wildlife and parks to adopt certain rules and regulations related to fees, registrations and other charges; providing an exception from the disclosure requirements of the Kansas open records act for records of the department of wildlife and parks regarding the location of any species that is threatened, endangered or in need of conservation; removing the requirement for migratory waterfowl stamps to be validated by a signature across the face of each such stamp; increasing the fees for such stamps; amending K.S.A. 32-939 and K.S.A. 2025 Supp. 32-988 and 45-221 and repealing the existing sections.

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

New Section 1. Pursuant to K.S.A. 2025 Supp. 77-441, and amendments thereto, the Kansas department of wildlife and parks is hereby authorized to adopt the following proposed permanent administrative rules and regulations concerning fees, registrations and other charges as identified and described in the rules and regulations submitted by the department to the division of budget on March 6, 2026: K.A.R. 115-2-2; and 115-2-3.

Sec. 2. On and after July 1, 2026, K.S.A. 32-939 is hereby amended to read as follows: 32-939. (a) As used in this section, “migratory waterfowl” means any wild goose, duck or merganser.

(b) Except as otherwise provided by law or rules and regulations of the secretary and in addition to any other license, permit or stamp required by law or rules and regulations of the secretary, a valid state migratory waterfowl habitat stamp is required to hunt any migratory waterfowl in this state.

(c) The provisions of subsection (b) do not apply to hunting, by legal means, by a person not required by K.S.A. 32-919, *and amendments thereto*, to hold a hunting license.

(d) The stamp required by this section is valid throughout the state.

(e) The stamp required by this section is valid from the date of issuance and expires at 12 midnight on June 30 following its issuance.

~~(f) Each migratory waterfowl habitat stamp shall be validated by the signature of the stamp holder written across the face of such stamp.~~

Sec. 3. On and after July 1, 2026, K.S.A. 2025 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations: Big game permits

Resident (other than elk permit): maximum \$100

- Nonresident (other than elk permit): maximum \$400
- Elk permit: maximum \$350
- Nonresident mule deer stamp: maximum \$150
- Nonresident applications: maximum \$25
- Combination hunting and fishing licenses
 - Resident: maximum \$50
 - Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150
 - Nonresident: maximum \$200
- Commercial dog training permits: maximum \$25
- Commercial guide permit or associate guide permit
 - Resident: maximum \$250
 - Nonresident: maximum \$1,000
- Commercial harvest or dealer permits: maximum \$200
- Commercial prairie rattlesnake harvesting permits
 - Resident or nonresident with valid hunting license: maximum \$5
 - Resident or nonresident nonfirearm without valid hunting license: maximum \$20
- Controlled shooting area operator license: maximum \$400
- Duplicate licenses, permits, stamps and other issues of the department: maximum \$10
- Falconry
 - Permits: maximum \$300
 - Examinations: maximum \$100
- Field trial permits: maximum \$25
- Fishing licenses
 - Resident: maximum \$25
 - Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
 - Nonresident: maximum \$75
 - Five-day nonresident: maximum \$25
 - Institutional group: maximum \$200
 - Special nonprofit group: maximum \$200
 - ~~Twenty-four hour~~24-hour: maximum \$10
- Fur dealer licenses
 - Resident: maximum \$200
 - Nonresident: maximum \$400
- Furharvester licenses
 - Resident: maximum \$25
 - Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
 - Nonresident: maximum \$400
- Game breeder permits: maximum \$15
- Persons with a physical or developmental disability hunting and fishing permits: maximum \$5

Hound trainer-breeder running permits: maximum \$25

Hunting licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident 16 or more years of age: maximum \$125

Nonresident under 16 years of age: maximum \$75

Controlled shooting area: maximum \$25

~~Forty-eight hour~~ 48-hour waterfowl permits: maximum \$25

Migratory waterfowl habitat stamps: ~~maximum \$8~~

Resident: maximum \$15

Nonresident: minimum \$100; and maximum \$200

Mussel fishing licenses

Resident: maximum \$200

Nonresident: maximum \$1,500

Rabbit permits

Live trapping: maximum \$200

Shipping: maximum \$400

Raptor propagation permits: maximum \$100

Rehabilitation permits: maximum \$50

Scientific, educational or exhibition permits: maximum \$10

Wildlife damage control permits: maximum \$10

Wildlife importation permits: maximum \$10

Wild turkey permits

Resident: maximum \$100

Nonresident: maximum \$400

Resident turkey tag: maximum \$20

Nonresident turkey tag: maximum \$30

Special permits under K.S.A. 32-961, and amendments thereto: maximum \$100

Miscellaneous fees

Special events on department land or water: maximum \$200

Special departmental services, materials or supplies: no maximum

Other issues of department: no maximum

Vendor bond: no maximum

(b) The fee for a landowner-tenant resident big game or wild turkey hunting permit shall be an amount equal to $\frac{1}{2}$ of the fee for a general resident big game or wild turkey hunting permit.

(c) The fee for a big game or wild turkey hunting permit for a resident under 16 years of age shall be an amount not to exceed $\frac{1}{2}$ of the fee for a general resident big game or wild turkey hunting permit.

(d) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to $\frac{1}{2}$ of the fee for a resident furharvester license.

(e) For a resident who is at least 65 years of age, but less than 75 years of age:

(1) The fee for an annual hunting license shall be an amount equal to $\frac{1}{2}$ of the fee for a general annual hunting license;

(2) the fee for an annual fishing license shall be an amount equal to $\frac{1}{2}$ of the fee for a general annual fishing license; and

(3) the fee for an annual combination hunting and fishing license shall be an amount equal to $\frac{1}{2}$ of the fee for a general annual combination hunting and fishing license.

(f) Any person who is a resident of this state and satisfies the requirements to be considered a disabled veteran under K.S.A. 2025 Supp. 32-934, and amendments thereto, shall be exempt from the hunting and fishing license fees listed in subsection (a).

(g) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

Sec. 4. On and after July 1, 2026, K.S.A. 2025 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;

(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 anal-

ysis, 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~~ *that* 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 releasee, 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 Kansas office of veterans services, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safe-house 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 searchable 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.

(57) *Records of the department of wildlife and parks regarding the precise location of any species that is listed as threatened or endangered pursuant to 16 U.S.C. § 1531 et seq. or the precise location of any species that is threatened, endangered or in need of conservation pursuant to the nongame and endangered species conservation act, K.S.A. 32-957 et seq.,*

and amendments thereto, except when requested by a landowner, landowner's lessee or other designee regarding such person's own property.

(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. 5. On and after July 1, 2026, K.S.A. 32-939 and K.S.A. 2025 Supp. 32-988 and 45-221 are hereby repealed.

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

Approved April 9, 2026.

Published in the *Kansas Register* April 23, 2026.

CHAPTER 101

Senate Substitute for HOUSE BILL No. 2501
(Amended by Chapter 155)

AN ACT concerning firearms; relating to civil liability; providing for immunity from civil liability to federal firearms licensees for returning a firearm to the firearm owner at the termination of a firearm hold agreement; removing the criminal prohibition against firearm suppressors and shotgun barrel length qualification requirements; providing for enhanced penalties for certain felonies committed while using a firearm suppressor or short-barrel shotgun; amending K.S.A. 21-6301 and 21-6302 and K.S.A. 2025 Supp. 21-6804 and 21-6805 and repealing the existing sections.

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

New Section 1. (a) As used in this section, unless the context requires otherwise:

(1) “Federal firearms licensee” means any person or entity licensed pursuant to 18 U.S.C. § 923.

(2) “Firearm” means the same as defined in 18 U.S.C. § 921, as in effect on July 1, 2026.

(3) “Firearm hold agreement” means a private agreement between a federal firearms licensee and an individual firearm owner in which the licensee takes physical possession of the owner’s lawfully possessed firearm at the owner’s request, holds the firearm for an agreed period of time and returns the firearm to the owner according to the terms of the agreement. If the firearm hold agreement does not provide for the disposition of a firearm abandoned by the owner, state law providing for the disposition of abandoned property applies.

(4) “Municipality” means any city, county and consolidated city-county.

(b) The individual firearms owner shall provide the make, model and serial number of each firearm to be held as part of the firearm hold agreement. The agreement shall also contain an option for the firearms owner to list a second person to contact in the event of the death or serious illness of the firearms owner.

(c) Notwithstanding any other provision of federal or state law, a federal firearms licensee conducting business in this state that has entered into a firearm hold agreement with a firearm owner shall be immune from any claim or cause of action of any kind under theory of liability, including, but not limited to, statutory claims or common law claims arising from tort or contract for any act or omission concerning, arising out of or related to the temporary storage of the firearm on the federal firearm licensee’s licensed business premises or the return of a firearm to the individual firearm owner pursuant to the firearm hold agreement, including, without limitation, claims related to personal injury or death of a person resulting from the return of a firearm to the firearm owner at the termination of the firearm hold agreement.

(d) Nothing in this act shall be construed to require a federal firearm licensee to accept a firearm for temporary storage on the licensee's premises at the request of the owner as a condition of such licensee's license, thereby allowing federal firearm licensees to have complete discretion in refusing to enter into a firearm hold agreement.

(e) (1) Municipalities are preempted from imposing any regulation or additional terms on firearm hold agreements or from creating any civil course of action involving the parties to a firearm hold agreement.

(2) The provisions of this act preempt any local statutes, laws or regulations that require or impose obligations on a federal firearm licensee to receive a firearm by a lawful owner for temporary storage pursuant to a firearm hold agreement that are beyond the requirements of this act.

(f) A federal firearms licensee shall destroy and not retain in any form, including digital or electronic records, any firearm hold agreement, list of such agreements or identifying information related thereto, not later than 90 days after the termination of the agreement and return of the firearm to the owner, unless required to retain such records by federal law. Destruction shall be in a manner that prevents reconstruction of such records.

(g) The voluntary exercise by a firearm owner of the right to temporarily transfer possession of a lawfully owned firearm pursuant to a firearm hold agreement and the subsequent exercise of the right to reclaim possession of such firearm shall be deemed the lawful exercise of a property right and not give rise to:

(1) Any presumption of negligence, fault, recklessness or foreseeability;

(2) any inference that the firearm owner lacked the legal capacity or fitness to possess a firearm; or

(3) any duty, obligation or expectation that the firearm owner continue, extend or delay reclaiming possession of the firearm beyond the terms of the agreement.

(h) The existence of a firearm hold agreement, the decision to enter into such agreement or the timing of a firearm's return pursuant to the agreement shall not be used to diminish, condition or burden a firearm owner's lawful right to possess property and, standing alone, not be admissible to establish a standard of care, breach of duty or comparative fault in any civil action against the firearm owner.

(i) (1) Except as expressly agreed by the parties in a firearm hold agreement, a federal firearms licensee shall return the firearm to the firearm owner without unreasonable delay upon termination of the agreement and without any additional penalties and fees if the owner is not prohibited by law from possessing the firearm at the time of return.

(2) Nothing in this subsection shall be construed to impair, waive or limit a firearm owner's right to recover possession of property or pursue relief for wrongful retention under contract or property law.

Sec. 2. K.S.A. 21-6301 is hereby amended to read as follows: 21-6301.
(a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club or metal knuckles;

(2) possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, throwing star, stiletto or any other dangerous or deadly weapon or instrument of like character;

(3) setting a spring gun;

~~(4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;~~

~~(5)(4) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;~~

~~(6)(5) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which that can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight;~~

~~(7)(6) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;~~

~~(8)(7) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;~~

~~(9)(8) selling, giving or otherwise transferring any firearm to any person who is or has been 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;~~

~~(10)(9) possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance;~~

~~(11)(10) possessing any firearm by any person, other than a law enforcement officer, 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 extra-curricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or~~

event whether the person knows or has reason to know that such person was in or on any such property or grounds;

~~(12)~~(11) refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;

~~(13)~~(12) possessing any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons 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;

~~(14)~~(13) possessing a firearm with a barrel less than 12 inches long by any person less than 18 years of age;

~~(15)~~(14) possessing any firearm while a fugitive from justice;

~~(16)~~(15) possessing any firearm by a person who is an alien illegally or unlawfully in the United States;

~~(17)~~(16) possessing any firearm by a person while such person is subject to a court order that:

(A) Was issued after a hearing, of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking or threatening an intimate partner of such person or a child of such person or such intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or the child; and

(C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

~~(18)~~(17) possessing any firearm by a person who, within the preceding five years, has been convicted of a misdemeanor for a domestic violence offense, or a misdemeanor under a law of another jurisdiction ~~which~~*that* is substantially the same as such misdemeanor offense.

(b) Criminal use of weapons as defined in:

(1) Subsection (a)(1), (a)(2), (a)(3), ~~(a)(7)~~(6), ~~(a)(8)~~(7), ~~(a)(9)~~(8) or ~~(a)(12)~~(11) is a class A nonperson misdemeanor;

(2) subsection ~~(a)(4)~~, ~~(a)(5)~~ or ~~(a)(6)~~ (a)(4) or (a)(5) is a severity level 9, nonperson felony;

(3) subsection ~~(a)(10)~~ or ~~(a)(11)~~ (a)(9) or (a)(10) is a class B nonperson select misdemeanor;

(4) subsection ~~(a)(13)~~(12), ~~(a)(15)~~(14), ~~(a)(16)~~(15), ~~(a)(17)~~(16) or ~~(a)(18)~~(17) is a severity level 8, nonperson felony; and

(5) subsection (a)(14)(13) is a:

(A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);

(B) severity level 8, nonperson felony upon a second or subsequent conviction.

(c) Subsections (a)(1), (a)(2) and (a)(5)(4) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) ~~Subsections~~ Subsection (a)(4) and (a)(5) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment ~~which~~ that has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and ~~which~~ that has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(6)(5) shall not apply to a governmental laboratory or solid plastic bullets.

~~(f) Subsection (a)(4) shall not apply to a law enforcement officer who is:~~

~~(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;~~

~~(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(4); and~~

~~(3) in possession of commercially manufactured devices which are:~~

~~(A) Owned by the law enforcement agency;~~

~~(B) in such officer's possession only during specific operations; and~~

~~(C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.~~

~~(g)(f)~~ Subsections (a)(4), (a)(5) and ~~(a)(6)~~ (a)(4) and (a)(5) shall not apply to any person employed by a laboratory ~~which~~ that is certified by the United States department of justice, national institute of justice, while

actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections ~~(a)(4), (a)(5) and (a)(6)-(a)(4) and (a)(5)~~ shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

~~(h)(g)~~—Subsections ~~(a)(4) and~~ Subsection ~~(a)(5)(4)~~ shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

~~(i)(1)~~—Subsection ~~(a)(4)~~ shall not apply to or affect any person in possession of a device or attachment designed, used or intended for use in suppressing the report of any firearm, if such device or attachment satisfies the description of a Kansas-made firearm accessory as set forth in K.S.A. 50-1204, and amendments thereto.

~~(2)~~—The provisions of this subsection shall apply to any violation of subsection ~~(a)(4)~~ that occurred on or after April 25, 2013.

~~(j)(h)~~ Subsection ~~(a)(14)(10)~~ shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student;

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, ~~which~~ *that* contain a polling place for the purpose of voting during polling hours on an election day; or

(5) possession of a concealed handgun by an individual who is not prohibited from possessing a firearm under either federal or state law, and who is either: (A) 21 years of age or older; or (B) possesses a valid provisional license issued pursuant to K.S.A. 75-7c03, and amendments thereto, or a valid license to carry a concealed handgun issued by another jurisdiction that is recognized in this state pursuant to K.S.A. 75-7c03, and amendments thereto.

~~(k)(i)~~ Subsections ~~(a)(9) and (a)(13)-(a)(8) and (a)(12)~~ shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 75-7c26, and amendments thereto.

~~(4)(j)~~ Subsection ~~(a)(14)(13)~~ shall not apply if such person, less than 18 years of age, was:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the juris-

diction in which such range is located, or at another private range with permission of such person's parent or legal guardian;

(3) engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(5) traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections ~~(4)(j)~~(1) through ~~(4)(j)~~(4), only if such firearm is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or

(7) at such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 21-5222, 21-5223 or 21-5225, and amendments thereto.

~~(m)~~(k) As used in this section:

(1) "Domestic violence" means the use or attempted use of physical force, or the threatened use of a deadly weapon, committed against a person with whom the offender is involved or has been involved in a dating relationship or is a family or household member.

(2) "Fugitive from justice" means any person having knowledge that a warrant for the commission of a felony has been issued for the apprehension of such person under K.S.A. 22-2713, and amendments thereto.

(3) "Intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person or an individual who cohabitates or has cohabitated with the person.

(4) "Throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 3. K.S.A. 21-6302 is hereby amended to read as follows: 21-6302. (a) Criminal carrying of a weapon is knowingly carrying:

(1) Any bludgeon, sandclub, metal knuckles or throwing star;

(2) concealed on one's person, a billy, blackjack, slungshot or any other dangerous or deadly weapon or instrument of like character;

(3) on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) any pistol, revolver or other firearm concealed on one's person if such person is under 21 years of age, except when on such person's land or in such person's abode or fixed place of business; or

(5) ~~a shotgun with a barrel less than 18 inches in length or any other~~ firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger whether the person knows or has reason to know ~~the length of the barrel or that the firearm is~~ designed or capable of discharging automatically.

(b) Criminal carrying of a weapon as defined in:

(1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson misdemeanor; and

(2) subsection (a)(5) is a severity level 9, nonperson felony.

(c) Subsection (a) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsection (a)(4) shall not apply to any person who is carrying a handgun, as defined in K.S.A. 75-7c02, and amendments thereto, and who possesses a valid provisional license issued pursuant to K.S.A. 75-7c03, and amendments thereto, or a valid license or permit to carry a concealed firearm that was issued by another jurisdiction and is recognized in this state pursuant to K.S.A. 75-7c03, and amendments thereto.

(e) Subsection (a)(5) shall not apply to:

(1) Any person who sells, purchases, possesses or carries a firearm, device or attachment ~~which that~~ has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and ~~which that~~ has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor;

(2) any person employed by a laboratory ~~which~~ *that* is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsection (a)(5) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory; or

(3) any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(f) As used in this section, “throwing star” means the same as prescribed by K.S.A. 21-6301, and amendments thereto.

Sec. 4. K.S.A. 2025 Supp. 21-6804 is hereby amended to read as follows: 21-6804. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 35 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for non-drug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and

(B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of K.S.A. 21-5412(d), and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprison-

ment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) (1) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) *When a firearm is used to commit any nonperson felony, the offender's sentence shall be one severity level above the appropriate level for such offense if the trier of fact makes a finding beyond a reasonable doubt that such firearm was:*

(A) *Equipped with a device designed to suppress the report of the firearm; or*

(B) *a shotgun equipped with a forend and having a barrel less than 18 inches in length.*

(3) *The sentence imposed pursuant to this subsection shall not be considered a departure and shall not be subject to appeal.*

(i) (1) The sentence for the violation of the felony provision of K.S.A. 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-6807, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-5823, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 21-5414(c)(1)(C), 21-5823(b)(3) and (b)(4), 21-6412 and 21-6416, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under clause (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto; and

(ii) at the time of the conviction under clause (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional non-prison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of K.S.A. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has

a prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 21-5807(a)(1) or (a)(2) or 21-5807(b), and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 21-5913(a)(2), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in K.S.A. 21-5803, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 21-5803, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) (1) The sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved aftercare plan, if the court makes the following findings on the record:

(A) Substance abuse was an underlying factor in the commission of the crime;

(B) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(C) participation in an intensive substance abuse treatment program will serve community safety interests.

(2) A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of K.S.A. 21-6824(f)(1), and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) (1) The sentence for a felony violation of theft of property as defined in K.S.A. 21-5801, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in K.S.A. 21-5807(a), and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 21-5807, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

(A) Substance abuse was an underlying factor in the commission of the crime;

(B) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(C) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

(2) The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) (1) As used in this section, an “optional nonprison sentence” is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

(A) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(B) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(C) the nonprison sanction will serve community safety interests by promoting offender reformation.

(2) Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of K.S.A. 21-5413(c)(2), and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of K.S.A. 21-5512, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding beyond a reasonable doubt that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months’ imprisonment.

(2) The sentence imposed pursuant to paragraph (1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, “ballistic resistant material” means any:

(A) Commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and

(B) homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of K.S.A. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 21-6107, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(w) The sentence for aggravated criminal damage to property as defined in K.S.A. 21-5813(b), and amendments thereto, when such person being sentenced has a prior conviction for any nonperson felony shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(x) The sentence for a violation of K.S.A. 21-5807(a)(1), and amendments thereto, shall be presumptive imprisonment if the offense under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such sentence shall not be considered a departure and shall not be subject to appeal.

(y) (1) Except as provided in paragraph (3), if the trier of fact makes a finding beyond a reasonable doubt that an offender committed a nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit a nondrug felony offense, against a law enforcement officer, as defined in K.S.A. 21-5111(p)(1) and (3), and amendments thereto, while such officer was engaged in the performance of such officer's duty, or in whole or in any part because of such officer's status as a law enforcement officer, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B) (i) if such offense is classified in severity level 1, except as otherwise provided in clause (ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of clause (i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender's criminal history classification, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to an offense described in paragraph (1) if the factual aspect concerning a law enforcement officer is a statutory element of such offense.

(z) (1) Notwithstanding K.S.A. 21-5109(b)(2), and amendments thereto, or any other provision of law to the contrary, the sentence for a violation of criminal possession of a weapon by a convicted felon as defined in K.S.A. 21-6304, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed if the trier of fact makes a finding beyond a reasonable doubt that:

(A) The weapon the offender possessed during such violation was a firearm; and

(B) such firearm was used by the offender during the commission of any violent felony.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not be subject to appeal. No other sentence shall be permitted.

(3) The provisions of this subsection shall not apply to an offender who is prohibited from possessing a weapon pursuant to K.S.A. 21-6304, and amendments thereto, as a result of a juvenile adjudication.

(4) As used in this subsection, “violent felony” means any of the following:

(A) Capital murder, as defined in K.S.A. 21-5401, and amendments thereto;

(B) murder in the first degree, as defined in K.S.A. 21-5402, and amendments thereto;

(C) murder in the second degree, as defined in K.S.A. 21-5403, and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. 21-5404, and amendments thereto;

(E) kidnapping, as defined in K.S.A. 21-5408(a)(1), and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-5408(b), and amendments thereto;

(F) aggravated assault, as defined in K.S.A. 21-5412(b)(1), and amendments thereto, and aggravated assault of a law enforcement officer, as defined in K.S.A. 21-5412(d)(1), and amendments thereto;

(G) aggravated battery, as defined in K.S.A. 21-5413(b)(1)(A) or (b)(1)(B), and amendments thereto, and aggravated battery against a law enforcement officer, as defined in K.S.A. 21-5413(d)(1) or (d)(2), and amendments thereto;

(H) mistreatment of a dependent adult or mistreatment of an elder person, as defined in K.S.A. 21-5417(a)(1), and amendments thereto;

(I) rape, as defined in K.S.A. 21-5503, and amendments thereto;

(J) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b), and amendments thereto;

(K) abuse of a child, as defined in K.S.A. 21-5602(a)(1) or (a)(3), and amendments thereto;

(L) any felony offense described in K.S.A. 21-5703 or 21-5705, and amendments thereto;

(M) treason, as defined in K.S.A. 21-5901, and amendments thereto;

(N) criminal discharge of a firearm, as defined in K.S.A. 21-6308(a)(1), and amendments thereto;

(O) fleeing or attempting to elude a police officer, as defined in K.S.A. 8-1568(b), and amendments thereto;

(P) any felony that includes the domestic violence designation pursuant to K.S.A. 22-4616, and amendments thereto; or

(Q) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-5301, 21-5302 and 21-5303, and amendments thereto, of any felony offense defined in this subsection.

(aa) (1) The sentence for a violation of K.S.A. 21-6308(a)(1)(A) or (a)(1)(B), and amendments thereto, if the trier of fact makes a finding beyond a reasonable doubt that the offender discharged a firearm and that the offender knew or reasonably should have known that:

(A) A person was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 60 months of imprisonment; and

(B) a person less than 14 years of age was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm, shall be presumptive imprisonment and, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 120 months of imprisonment.

(2) The sentence imposed pursuant to paragraph (1) shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(bb) (1) If the trier of fact makes a finding beyond a reasonable doubt that an offender committed any act described in K.S.A. 21-5408, 21-5409, 21-5411, 21-5412, 21-5413, 21-5414, 21-5415, 21-5426, 21-5427, 21-5428, 21-5429, 21-5503, 21-5504, 21-5505, 21-5506, 21-5507, 21-5508, 21-5509, 21-5510, 21-5515, 21-5601, 21-5602, 21-5604 or 21-5605, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 21-5301 and 21-5302, and amendments thereto, to commit any such act with knowledge that a woman is pregnant and with the intent that such act will compel such woman to obtain an abortion when such woman has expressed her desire to not obtain an abortion, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B) (i) if such offense is classified in severity level 1, except as otherwise provided in clause (ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of clause (i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender's criminal history classification, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to paragraph (1) shall not be considered a departure and shall not be subject to appeal.

Sec. 5. K.S.A. 2025 Supp. 21-6805 is hereby amended to read as follows: 21-6805. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for drug crimes. The following sentencing guidelines grid for drug crimes shall be applicable to felony crimes under K.S.A. 21-5701 through 21-5717, and amendments thereto, except as otherwise provided by law:

SENTENCING RANGE - NONDRUG OFFENSES

Category ↓	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	36 34 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Probation with Supervision
Probation with Intensive Supervision
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for drug crimes in subsection (a) represent months of imprisonment.

(c) (1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure. The sentencing court shall not distinguish between the controlled substances cocaine base (9041L000) and cocaine hydrochloride (9041L005) when sentencing within the sentencing range of the grid block.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time; and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(d) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 4-E, 4-F, 4-G, 4-H, 4-I, 5-C or 5-D, the court may impose an optional nonprison sentence as provided in K.S.A. 21-6804(q), and amendments thereto.

(e) The sentence for a second or subsequent conviction for unlawful manufacturing of a controlled substance, K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, K.S.A. 21-5703, and amendments thereto, or a substantially similar offense from another jurisdiction, if the controlled substance in any prior conviction was methamphetamine, as defined by K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or an analog thereof, shall be a presumptive term of imprisonment of two times the maximum duration of the presumptive term of imprisonment. The court may impose an optional reduction in such sentence of not to exceed 50% of the mandatory increase provided by this subsection upon making a finding on the record that one or more of the mitigating factors as specified in K.S.A. 21-6815, and amendments thereto, justify such a reduction in sentence. Any decision made by the

court regarding the reduction in such sentence shall not be considered a departure and shall not be subject to appeal.

(f) (1) The sentence for a third or subsequent felony conviction of K.S.A. 65-4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 21-5706, and amendments thereto, shall be a presumptive term of imprisonment and the defendant shall be sentenced to prison as provided by this section. The defendant's term of imprisonment shall be served in the custody of the secretary of corrections in a facility designated by the secretary. Subject to appropriations therefore, the defendant shall participate in an intensive substance abuse treatment program, of at least four months duration, selected by the secretary of corrections. If the secretary determines that substance abuse treatment resources are otherwise available, such term of imprisonment may be served in a facility designated by the secretary of corrections in the custody of the secretary of corrections to participate in an intensive substance abuse treatment program. The secretary's determination regarding the availability of treatment resources shall not be subject to review. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision.

(2) Such defendant's term of imprisonment shall not be subject to modification under paragraph (1) if:

(A) The defendant has previously completed a certified drug abuse treatment program, as provided in K.S.A. 75-52,144, and amendments thereto;

(B) has been discharged or refused to participate in a certified drug abuse treatment program, as provided in K.S.A. 75-52,144, and amendments thereto;

(C) has completed an intensive substance abuse treatment program under paragraph (1); or

(D) has been discharged or refused to participate in an intensive substance abuse treatment program under paragraph (1).

(3) The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(g) (1) Except as provided further, if the trier of fact makes a finding that an offender carried a firearm to commit a drug felony, or in furtherance of a drug felony, possessed a firearm, in addition to the sentence imposed pursuant to K.S.A. 21-6801 through 21-6824, and amendments thereto, the offender shall be sentenced to:

(A) Except as provided in subsection (g)(1)(B), an additional 6 months' imprisonment; and

(B) if the trier of fact makes a finding that the firearm was discharged, an additional 18 months' imprisonment.

(2) *When a firearm is used to commit any drug felony that is not subject to the provisions of subsection (g)(1), the offender's sentence shall be one severity level above the appropriate level for such offense if the trier of fact makes a finding beyond a reasonable doubt that such firearm was:*

(A) *Equipped with a device designed to suppress the report of the firearm; or*

(B) *a shotgun equipped with a forend and having a barrel less than 18 inches in length.*

(3) The sentence imposed pursuant to *this* subsection ~~(g)(1)~~ shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

~~(3)~~(4) The provisions of ~~this~~ subsection (g)(1) shall not apply to violations of K.S.A. 21-5706 or 21-5713, and amendments thereto.

(h) (1) The sentence for a violation of the following with respect to material containing any quantity of a fentanyl-related controlled substance shall be presumed imprisonment and shall be two times the maximum duration of the presumptive term of imprisonment:

(A) K.S.A. 21-5703, and amendments thereto; and

(B) K.S.A. 21-5705, and amendments thereto, if the violation is classified as a drug severity level 1, 2 or 3 felony.

(2) Such sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for a violation of K.S.A. 21-5703 or 21-5705, and amendments thereto, shall be presumed imprisonment and shall be two times the maximum duration of the presumptive term of imprisonment if the trier of fact makes a finding beyond a reasonable doubt that the controlled substance involved, because of its appearance or packaging, was likely to be attractive to minors. Such sentence shall not be considered a departure and shall not be subject to appeal.

Sec. 6. K.S.A. 21-6301 and 21-6302 and K.S.A. 2025 Supp. 21-6804 and 21-6805 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 9, 2026.

CHAPTER 102

HOUSE BILL No. 2591

AN ACT concerning financial institutions; relating to the oversight and regulation of such institutions and certain transactions performed by such institutions; authorizing financial institutions to report suspected financial exploitation of an adult account holder to a designated agency, notify any adult designated as a trusted contact by such account holder of suspected financial exploitation and place a temporary hold on certain transactions or disbursements; limiting liability in any civil or criminal action for taking such actions or choosing not to take such actions; enacting the virtual currency kiosk consumer protection act; providing definitions; establishing requirements for virtual currency kiosk operators; relating to certain disclosures, transaction receipts, fraud detection and prevention, live customer service, kiosk location reporting, money transmission licensure and refunds; imposing certain limits on virtual currency kiosk transaction amounts and charges; authorizing the attorney general and any law enforcement agency to investigate reports of fraudulent money transmission and report to the state bank commissioner; prohibiting the office of the state bank commissioner or any other state agency from becoming a receiver for a technology-enabled fiduciary financial institution that becomes insolvent or declares bankruptcy; providing that earned wage access service registrants are subject to the provisions of the Kansas financial institutions information security act; eliminating certain stipulations relating to the payment of negotiable instruments on Saturday afternoons or holidays; amending K.S.A. 2025 Supp. 9-551, 9-555, 9-556, 9-558, 9-572, 9-589 and 9-2301 and repealing the existing sections; also repealing K.S.A. 52-717.

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

New Section 1. As used in sections 1 through 5, and amendments thereto:

- (a) “Adult” means any person 18 years of age or older.
- (b) “Bank holding company” means the same as defined in K.S.A. 9-519, and amendments thereto.
- (c) “Designated agency” means:
 - (1) Any law enforcement agency with jurisdiction over the matter; or
 - (2) the Kansas department for children and families.
- (d) “Financial exploitation” means the unlawful or improper use, control or withholding of an adult’s property, income, resources or trust funds by any other person or entity in a manner that is not for the profit of or to the advantage of the adult. “Financial exploitation” includes, but is not limited to, the:
 - (1) Breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust or a guardianship or conservatorship appointment, as it relates to the property, income, resources or trust funds of the adult;
 - (2) unauthorized use of an adult’s personal identifying information, financial documents or access devices;
 - (3) use of deception, intimidation, coercion, extortion or undue influence by a person or entity to obtain control over or use an adult’s property,

income, resources or trust funds in a manner that is for the profit of or to the advantage of such person or entity; or

(4) use of fraud, false pretense or misrepresentation for personal gain at the expense of the adult.

(e) “Financial institution” means a bank, savings bank, savings and loan association, trust company, credit union or any similar institution chartered and supervised under state or federal law.

(f) “Trusted contact” means any adult designated by an adult account holder whom a financial institution may contact in the event of suspected financial exploitation of such account holder.

New Sec. 2. (a) A financial institution may, in good faith and with reasonable cause, report any suspected financial exploitation of an adult account holder to a designated agency.

(b) A report may be made orally or in writing and shall include the information reasonably necessary to assist the designated agency in investigating the suspected financial exploitation.

(c) The provisions of this section shall not affect the reporting requirements in K.S.A. 39-1402 or 39-1431, and amendments thereto.

New Sec. 3. (a) A financial institution may, in good faith, notify a trusted contact of an adult account holder of suspected financial exploitation, unless the institution reasonably believes that the trusted contact has committed or attempted financial exploitation of the adult account holder.

(b) When providing information pursuant to this section, a financial institution may disclose that the financial institution has reasonable cause to suspect that the adult account holder is a victim or target of financial exploitation without disclosing any other details or confidential personal information regarding the financial affairs of the adult account holder.

(c) Nothing in this section shall be construed to provide a trusted contact who is notified pursuant to this section with the authority to take any action on behalf of an adult account holder.

New Sec. 4. (a) (1) Except as provided in paragraph (2), if a financial institution makes a report pursuant to section 2, and amendments thereto, and such institution reasonably believes that the reported transaction or disbursement may further the financial exploitation of an adult account holder, such institution may, with management approval, place a temporary hold on such reported transaction or disbursement from such adult’s account for up to 10 business days.

(2) A temporary hold shall not be based solely on the:

(A) Age or perceived vulnerability of the adult account holder;

(B) size, frequency or timing of the transaction or disbursement; or

(C) adult account holder’s refusal to provide additional information related to the transaction or disbursement.

(3) The provisions of this subsection shall not affect a financial institution's other rights or obligations under contract or other law.

(b) The financial institution may extend a hold placed on any transaction under subsection (a) for a period of not to exceed 30 business days after the expiration of the period prescribed by subsection (a) if requested by a state or federal agency or a law enforcement agency investigating the suspected financial exploitation. The financial institution may also petition a court to extend a hold placed on any transaction under subsection (a) beyond the period prescribed by this subsection.

New Sec. 5. (a) A financial institution or bank holding company, or any officer, employee or agent thereof, that in good faith and with reasonable cause takes any of the following actions shall not be liable in any civil or criminal action, including claims of negligence, breach of fiduciary duty, breach of privacy or any other claim under state law, arising from the following actions:

(1) Reporting any suspected financial exploitation of an adult account holder to a designated agency pursuant to section 2, and amendments thereto;

(2) notifying a trusted contact of an adult account holder of suspected financial exploitation pursuant to section 3, and amendments thereto; or

(3) placing or continuing a temporary hold on a transaction or disbursement from an adult's account pursuant to section 4, and amendments thereto.

(b) A financial institution or bank holding company, or any officer, employee or agent thereof, that in good faith and without gross negligence chooses not to take an action described in subsection (a) shall not be liable in any civil or criminal action, including claims of negligence, breach of fiduciary duty, breach of privacy or any other claim under state law, arising from such inaction.

(c) The immunity from liability provided in this section shall extend to participation in any judicial or administrative proceeding resulting from a report or decision made pursuant to sections 1 through 4, and amendments thereto.

New Sec. 6. (a) The provisions of sections 6 through 11, and amendments thereto, shall be known and may be cited as the virtual currency kiosk consumer protection act, and shall be a part of and supplemental to the Kansas money transmission act.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 7. (a) As used in this act:

(1) "Act" means the virtual currency kiosk consumer protection act.

(2) "Blockchain" means a distributed digital ledger or database that is chronological, consensus-based, decentralized and mathematically verified in nature.

(3) “Blockchain analytics” means a software service that uses data from various virtual currencies and such currencies’ applicable blockchains to provide a risk rating specific to digital wallet addresses from users of virtual currency kiosks.

(4) “Digital wallet” means hardware or software that enables individuals to store and use virtual currency.

(5) “Digital wallet address” means an alphanumeric identifier representing a destination on a blockchain for a virtual currency transfer that is associated with a digital wallet.

(6) “Initial virtual currency transaction” means the first transaction that a virtual currency operator facilitates in the exchange of money for virtual currency or virtual currency for money or other virtual currency with a person in Kansas.

(7) “Virtual currency” means a digital representation of value that:

(A) Is used as a medium of exchange, unit of account or store of value;

(B) is not money, whether or not denominated in money; and

(C) does not include a:

(i) Transaction in which a merchant grants, as part of an affinity or rewards program, value that cannot be taken from or exchanged with the merchant for money, bank credit or virtual currency; or

(ii) digital representation of value issued by or on behalf of a publisher and used solely within an online game, game platform or family of games sold by the same publisher or offered on the same game platform.

(8) “Virtual currency kiosk” means an electronic terminal owned, rented or leased by a virtual currency kiosk operator that enables the operator to facilitate the exchange of money for virtual currency or virtual currency for money or other virtual currency with a person in Kansas, including, but not limited to:

(A) Connecting directly to a separate virtual currency exchange that performs the actual virtual currency transmission; or

(B) drawing upon the virtual currency in the possession of the owner or operator of the electronic terminal.

(9) “Virtual currency kiosk operator” means a person who owns, rents or leases a virtual currency kiosk and engages in virtual currency transactions at a physical location within this state.

(b) This section shall take effect on and after July 1, 2026.

New Sec. 8. (a) Prior to entering into an initial virtual currency transaction for, on behalf of or with a person in Kansas, each virtual currency kiosk operator shall disclose in clear, conspicuous and legible writing in the English language, whether in accessible terms of service or elsewhere, all material risks associated with such virtual currency kiosk operator’s products, services and activities and virtual currency, generally, including disclosures substantially similar to the following:

(1) Virtual currency is not legal tender and is not backed or insured by the government;

(2) legislative and regulatory changes or actions at the state, federal or international level may adversely affect the use, transfer, exchange and value of virtual currency;

(3) transactions in virtual currency may be irreversible, and, accordingly, losses due to fraudulent or accidental transactions may not be recoverable;

(4) some virtual currency transactions shall be deemed to be made when recorded on a public ledger that is not necessarily the date or time that you initiate the transaction;

(5) the value of virtual currency may be derived from the continued willingness of market participants to exchange money for virtual currency, which may result in the potential for permanent and total loss of value of a particular virtual currency should the market for that virtual currency disappear;

(6) there is no assurance that a person who accepts a virtual currency as payment today will continue to do so in the future;

(7) the volatility and unpredictability of the price of virtual currency relative to the United States dollar may result in significant loss over a short period of time;

(8) the nature of virtual currency may lead to an increased risk of fraud or cyber attack;

(9) the nature of virtual currency means that any technological difficulties experienced by the virtual currency kiosk operator may prevent the access or use of your virtual currency; and

(10) any bond or trust account maintained by the virtual currency kiosk operator for the benefit of such operator's customers may not be sufficient to cover all losses incurred by customers.

(b) When opening an account, and prior to entering into an initial virtual currency transaction for, on behalf of or with such person in Kansas, each virtual currency kiosk operator shall disclose in clear, conspicuous and legible writing in the English language, whether in accessible terms of service or elsewhere, all relevant terms and conditions associated with such virtual currency kiosk operator's products, services and activities and virtual currency, generally, including disclosures substantially similar to the following:

(1) The person's liability for unauthorized virtual currency transactions;

(2) under what circumstances the virtual currency kiosk operator will, absent a court or government order, disclose the person's information to third parties;

(3) the person's right to receive periodic account statements and valuations from the virtual currency kiosk operator;

(4) the person's right to receive a receipt, trade ticket or other evidence of a transaction;

(5) the person's right to prior notice of a change in the virtual currency kiosk operator's rules or policies; and

(6) such other disclosures as are customarily given in connection with the opening of accounts.

(c) Prior to entering into each virtual currency transaction with a person in Kansas, each virtual currency kiosk operator shall ensure that a warning is clearly and conspicuously disclosed on the screen, that shall be acknowledged by tapping the screen or similar manner, and by email, in at least 12-point or the largest available font size that is substantially similar to the following, including bold and capitalization:

WARNING: CONSUMER FRAUD OFTEN STARTS WITH CONTACT FROM A STRANGER WHO IS INITIATING A DISHONEST SCHEME. CRIMINAL ACTIVITY MAY APPEAR IN MANY FORMS, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

1. Impersonating a family member or friend while claiming to be in financial or criminal trouble.
2. Communication from someone impersonating a representative of your financial institution or a law enforcement officer.
3. Claims of a frozen bank account or credit card.
4. Claims of fraudulent financial transactions.
5. Claims of identity theft or job offers in exchange for payment.
6. Requests for payment to government agencies or companies.
7. Requests for disaster relief donations or loans.
8. Offers to purchase tickets for lotteries, sweepstakes or drawings for vehicles.

IF YOU BELIEVE YOU ARE BEING SCAMMED, CONTACT YOUR LOCAL LAW ENFORCEMENT.

(d) Upon completion of any virtual currency kiosk transaction, each virtual currency kiosk operator shall provide to the person in Kansas a receipt containing the following information:

(1) The name and contact information of the virtual currency kiosk operator, including a telephone number established by the virtual currency kiosk operator to answer questions and register complaints;

(2) the type, value, date and precise time of the transaction in the local time zone;

(3) the fee charged;

(4) the exchange rate, if applicable;

(5) the difference, if any, between the exchange rate and the market rate of any virtual currency involved in the transaction realized by the person in Kansas if the difference represents a decrease in value. The difference shall be expressed in the equivalent United States dollar and labeled as a "spread fee";

(6) a statement of the liability of the virtual currency kiosk operator for non-delivery or delayed delivery;

(7) a statement of the refund policy of the virtual currency kiosk operator in compliance with section 7, and amendments thereto; and

(8) the complete wallet address where money or virtual currency is deposited or sent.

(e) The receipt required by subsection (d) shall be provided in paper form if the virtual currency kiosk operator first placed a virtual currency kiosk into service in Kansas on or after July 1, 2026. If a virtual currency kiosk was placed into service before July 1, 2026, the virtual currency kiosk operator shall provide a paper or digital receipt. All digital receipts shall require a clicked acknowledgment that the consumer has provided such consumer's email address.

(f) If the virtual currency kiosk provider agrees to conduct the transaction in Spanish, all disclosures required by this section shall also be provided in Spanish. In lieu of the disclosure required by subsection (c), the virtual currency kiosk provider shall ensure that a warning is clearly and conspicuously disclosed on the screen, that shall be acknowledged by tapping the screen or similar manner, and by email in at least 12-point or the largest available font size that is substantially similar to the following, including bold and capitalization:

ADVERTENCIA: EL FRAUDE AL CONSUMIDOR FRECUENTEMENTE COMIENZA CON EL CONTACTO DE UN EXTRAÑO QUE ESTÁ INICIANDO UN PLAN DESHONESTO. LA ACTIVIDAD CRIMINAL PUEDE APARECER DE MUCHAS FORMAS, INCLUYENDO, PERO NO LIMITADO, A LAS SIGUIENTES:

1. Hacerse pasar por un familiar o amigo mientras afirma estar en problemas financieros o criminales.

2. Comunicación de alguien que se hace pasar por un representante de su institución financiera o una agente policíaca.

3. Afirmaciones de cuenta bancaria o tarjeta de crédito congelada.

4. Afirmaciones de transacciones financieras fraudulentas.

5. Afirmaciones de robo de identidad u ofertas de trabajo a cambio de un pago.

6. Solicitudes de pago a agencias o empresas gubernamentales.

7. Solicitudes de donaciones o préstamos para ayuda en casos de desastre.

8. Ofertas para la compra de billetes de loterías, sorteos o sorteos de vehículos.

SI CREES QUE ESTÁS SIENDO ESTAFADO, COMUNÍQUESE CON LA POLICÍA LOCAL.

(g) Each virtual currency kiosk operator shall retain evidence of disclosures as required by this section for three years in addition to all other retention requirements of K.S.A. 2025 Supp. 9-578, and amendments thereto.

(h) The disclosures required by this section are intended to serve as warnings to users who may be conducting a virtual currency kiosk transaction as a result of a scam. Such disclosures shall not affect or prevent a fraud victim's ability to be eligible for a refund.

(i) This section shall take effect on and after July 1, 2026.

New Sec. 9. (a) All virtual currency kiosk operators shall use blockchain analytics software to assist in the prevention of sending purchased virtual currency from a virtual currency kiosk operator to a digital wallet known to be affiliated with fraudulent activity at the time of a transaction. The commissioner may request evidence from any virtual currency kiosk operator of current and historical use of blockchain analytics. The virtual currency kiosk operator shall be held harmless if such virtual currency kiosk operator refuses to complete a transaction based upon the knowledge or a credible suspicion that a digital wallet in the transaction is affiliated with fraudulent activity.

(b) All virtual currency kiosk operators performing business in this state shall provide live customer service during kiosk operating hours. The customer service toll-free number shall be displayed on the virtual currency kiosk or the virtual currency kiosk screens. The customer service toll-free number shall be staffed by trained individuals who are employed by or on behalf of the virtual currency kiosk operator and who provide customer assistance to a caller in real time.

(c) All virtual currency kiosk operators shall take reasonable steps to detect and prevent fraud, including establishing and maintaining a written anti-fraud policy. The anti-fraud policy shall, at a minimum, include:

- (1) The identification and assessment of fraud-related risk areas;
- (2) procedures and controls to protect against identified risks;
- (3) allocation of responsibility for monitoring risks; and
- (4) procedures for the periodic evaluation and revision of the anti-fraud procedures, controls and monitoring mechanisms.

(d) (1) Each virtual currency kiosk operator shall maintain, implement and enforce a written enhanced due diligence policy. Such a policy shall be reviewed and approved by the virtual currency kiosk operator's board of directors or an equivalent governing body of the virtual currency kiosk operator.

(2) The enhanced due diligence policy shall identify, at a minimum, individuals who are at risk of fraud based on age or mental capacity.

(e) Each virtual currency kiosk operator shall designate and employ a consumer protection officer with the following requirements:

(1) The individual shall be qualified to coordinate and monitor compliance with this section and all other applicable federal and state laws, rules and regulations;

(2) the individual shall be employed full time by the virtual currency kiosk operator;

(3) the designated consumer protection officer shall not be an individual who owns more than 20% of the virtual currency kiosk operator by which the individual is employed; and

(4) the designated consumer protection officer shall have a direct dedicated telephone number outside of any call routing system and an email address for facilitating law enforcement and regulatory agency communications.

(f) (1) Each virtual currency kiosk operator shall submit a report to the commissioner, including the location of each virtual currency kiosk within this state, within 45 days of the end of each calendar quarter in the form and manner directed by the commissioner.

(2) The location report of such virtual currency kiosk shall include, at a minimum:

- (A) The legal name of the company;
- (B) any fictitious or trade name;
- (C) the physical address;
- (D) when the virtual currency kiosk was first placed into service in Kansas;
- (E) the virtual currency kiosk's operating hours;
- (F) the start date of operation of a virtual currency kiosk at each location; and
- (G) the end date of operation of a virtual currency kiosk at each location, if applicable.

(g) (1) Any virtual currency kiosk operator who owns, operates, solicits, markets, advertises or facilitates virtual currency kiosks in this state shall be deemed to be engaged in money transmission and require licensure pursuant to K.S.A. 2025 Supp. 9-564, and amendments thereto, and fully comply with money transmitter reporting.

(2) All unlicensed virtual currency kiosk operators shall apply for a money transmitter license within 60 days after July 1, 2026. Virtual currency kiosk operators who apply within such time provided shall be allowed to continue operations while the commissioner reviews a complete application. Any virtual currency kiosk operator whose application is denied by the commissioner shall cease operations until granted a money transmitter license.

(h) For each virtual currency transaction, the virtual currency kiosk operator or such operator's authorized delegate shall verify the identity of the user prior to accepting payment from such user. A virtual currency kiosk operator or such operator's authorized delegate shall obtain a copy of a government-issued identification card that identifies such user and shall collect additional information, including the user's name, date of birth, telephone number, address and email address prior to accepting a payment from such user at a virtual currency kiosk. A virtual currency

kiosk operator shall not allow a user to engage in any transaction at a virtual currency kiosk under any name, account or identity other than such user's own true name and identity. A virtual currency kiosk operator shall be strictly liable for any violation of this section.

(i) This section shall take effect on and after July 1, 2026.

New Sec. 10. (a) A virtual currency kiosk operator shall not collect direct or indirect charges related to a virtual currency transaction from a person in Kansas that exceed the greater of the following:

- (1) \$5 in United States currency or the equivalent; or
- (2) 18% of the full money transmission amount in United States currency or the equivalent.

(b) A spread on a virtual currency purchase or sale between the market price and the price offered to a person in Kansas shall be considered an indirect charge.

(c) Each virtual currency kiosk provider shall retain documentation of the relevant virtual currency market price at the time of each transaction.

(d) This section shall take effect on and after July 1, 2026.

New Sec. 11. (a) Each virtual currency kiosk operator shall retain, hold and safekeep any money or virtual currency provided as part of a transaction with a person in Kansas for 72 hours for any transaction with a person that is conducted within 14 days of the initial transaction.

(b) Irrespective of the holding period in subsection (a), the transaction shall be completed at the agreed rates at the time the person in Kansas initiated the transaction unless the virtual currency kiosk operator is required by law or judicially ordered to safekeep the funds due to criminal activity or receives a refund request under this section.

(c) A virtual currency kiosk operator may only engage in a transaction with a person in Kansas under the following transaction and day limitations:

- (1) For the initial transaction, up to \$1,000;
- (2) within 14 days of the initial transaction, up to \$1,000 per day and only one transaction within 72 hours of the initial transaction, and a maximum of \$10,000 in total transactions within the first 14 days of the initial transaction; and
- (3) more than 14 days from the initial transaction, up to \$10,500 per day.

(d) (1) Any person in Kansas may request a full refund of the initial transaction for any reason from a virtual currency kiosk operator within the holding period in subsection (a). The virtual currency kiosk operator shall issue a full refund unless safekeeping the funds due to criminal activity is required by law or judicially ordered.

(2) An existing customer of the virtual currency kiosk operator may request only a refund of direct and indirect charges, including any spread fee and transaction fee, if such existing customer:

(A) Reports that a money transmission or a series of money transmissions was fraudulent to the commissioner, the attorney general or a law enforcement agency within 30 calendar days after the date of the last fraudulent money transmission; and

(B) submits to such virtual currency kiosk operator a police report or a sworn declaration detailing the fraudulent nature of the money transmission involving such virtual currency kiosk operator.

(e) For any initial transaction, or any transaction within 14 days of the initial transaction, upon the request of any person in Kansas, the commissioner, the attorney general or any law enforcement agency, the virtual currency kiosk operator shall issue a refund for the full money transmission amount and any fees charged, including any spread fee, if the person in Kansas:

(1) Reports that a money transmission or a series of money transmissions was fraudulent to the commissioner, the attorney general or a law enforcement agency within 30 calendar days after the date of the last fraudulent money transmission; and

(2) submits to such virtual currency kiosk operator a police report or a sworn declaration detailing the fraudulent nature of the money transmission involving such virtual currency kiosk operator.

(f) The virtual currency kiosk operator shall issue any refund requested under this section via a cash payout, the automated clearing house or mail a paper check within 10 business days after receiving the refund request. Notwithstanding the refund requirements of this section, under reasonable suspicion of fraud or wrongdoing by any person on behalf of the person in Kansas who initiated the transaction, a virtual currency kiosk operator may delay sending a refund for cause if the operator immediately reports such suspected fraud or wrongdoing to the commissioner, the attorney general or any law enforcement agency, until the receiving agency has advised the virtual currency kiosk operator of the conclusion of any investigation into such alleged fraud or wrongdoing.

(g) This section shall take effect on and after July 1, 2026.

New Sec. 12. (a) The attorney general's office and any law enforcement agency have the authority to investigate any fraudulent money transmission reported by a person in Kansas. All money transmitters shall comply with any investigation to the extent permitted by state and federal law.

(b) The attorney general's office and any law enforcement agency in Kansas shall periodically report to the commissioner any fraud or activity that violates this act and is conducted by or alleged against a money transmitter. In deciding whether to revoke or refuse to renew a license, the commissioner may consider previous fraudulent activity or any activity violating this act that is conducted by a money transmitter. The commissioner shall

share any reported fraudulent money transmission with the attorney general's office and any relevant law enforcement agency in Kansas.

(c) The provisions of this section shall be a part of and supplemental to the Kansas money transmission act.

(d) This section shall take effect on and after July 1, 2026.

New Sec. 13. (a) The office of the state bank commissioner or any other state agency shall not become a receiver for any technology-enabled fiduciary financial institution that becomes insolvent or declares bankruptcy. For purposes of this section, "state agency" means the same as defined in K.S.A. 75-3701, and amendments thereto.

(b) A fiduciary financial institution shall be deemed to be insolvent if the:

(1) Actual cash market value of such fiduciary financial institution's assets is insufficient to pay such fiduciary financial institution's creditor liabilities; or

(2) fiduciary financial institution is unable to meet the demands of such fiduciary financial institution's creditors in the usual and customary manner.

(c) The provisions of this section shall be a part of and supplemental to the technology-enabled fiduciary financial institutions act.

Sec. 14. K.S.A. 2025 Supp. 9-551 is hereby amended to read as follows: 9-551. (a) K.S.A. 2025 Supp. 9-551 through 9-554, and amendments thereto, shall be known and may be cited as the Kansas financial institutions information security act.

(b) The purpose of the Kansas financial institutions information security act is to establish information security standards for any covered entity consistent with 16 C.F.R. § 314, as in effect on July 1, 2023.

(c) The Kansas financial institutions information security act applies to the handling of customer information by the following covered entities: (1) Credit services organizations, as defined in K.S.A. 50-1117, and amendments thereto; (2) mortgage companies, as defined in K.S.A. 9-2201, and amendments thereto; (3) supervised lenders, as defined in K.S.A. 16a-1-301, and amendments thereto; (4) financial institutions engaging in money transmission, as defined in K.S.A. ~~9-508~~ 9-555, and amendments thereto, *and not subject to licensure pursuant to K.S.A. 9-556, and amendments thereto*; (5) trust companies, as defined in K.S.A. 9-701, and amendments thereto; ~~and~~ (6) technology-enabled fiduciary financial institutions, as defined in K.S.A. 9-2301, and amendments thereto; *and (7) earned wage access service registrants, as defined in K.S.A. 9-2402, and amendments thereto.*

(d) The commissioner may adopt all rules and regulations necessary to govern and administer the provisions of the Kansas financial institutions information security act.

(e) The Kansas financial institutions information security act shall be a part of and supplemental to chapter 9 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 15. On and after July 1, 2026, K.S.A. 2025 Supp. 9-555 is hereby amended to read as follows: 9-555. (a) K.S.A. 2025 Supp. 9-555 through 9-596, *and section 12*, and amendments thereto, shall be known and may be cited as the Kansas money transmission act.

(b) As used in the Kansas money transmission act:

(1) “Act” means the Kansas money transmission act.

(2) “Acting in concert” means persons knowingly acting together with a common goal of jointly acquiring control of a licensee whether or not pursuant to an express agreement.

(3) “Applicant in control of a licensee” means a person or a person in a group of persons acting in concert that is in control of, or apply to acquire control of, a licensee pursuant to K.S.A. 2025 Supp. 9-571, and amendments thereto.

(4) “Authorized delegate” means a person designated by a licensee to engage in money transmission on behalf of the licensee.

(5) “Average daily money transmission liability” means the amount of the licensee’s outstanding money transmission obligations in Kansas at the end of each day in a given period of time added together and divided by the total number of days in the given period of time. For any licensee required to calculate “average daily money transmission liability” pursuant to this act, the given period of time shall be the calendar quarters ending March 31, June 30, September 30 and December 31.

(6) “Closed loop stored value” means stored value that is redeemable by the issuer only for goods or services provided by the issuer or the issuer’s affiliates or franchisees of the issuer or the ~~franchisees’s franchisees’~~ franchisees’ affiliates, except to the extent required by applicable law to be redeemable in cash for its cash value.

(7) “Commissioner” means the state bank commissioner, or a person designated by the state bank commissioner to enforce this act.

(8) “Control” means the power to:

(A) Vote directly or indirectly at least 25% of the outstanding voting shares or voting interests of a licensee or person in control of a licensee;

(B) elect or appoint a majority of key individuals or executive officers, managers, directors, trustees or other persons exercising managerial authority of a person in control of a licensee; or

(C) exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.

(9) “Eligible rating” means a credit rating from any of the three highest rating categories provided by an eligible rating service. Each rating category may include rating category modifiers such as plus or minus for

Standard & Poor or the equivalent for any other eligible rating service. "Eligible rating" shall be determined as follows:

(A) Long-term credit ratings shall be deemed eligible if the rating is equal to A- or higher by Standard & Poor or the equivalent from any other eligible rating service.

(B) Short-term credit ratings are deemed eligible if the rating is equal to or higher than A-2 or SP-2 by Standard & Poor or the equivalent from any other eligible rating service. If ratings differ among eligible rating services, the highest rating shall apply when determining whether a security bears an eligible rating.

(10) "Eligible rating service" means any nationally recognized statistical rating organization that has been registered by the securities and exchange commission or any organization designated by the commissioner through order or rules and regulations as an eligible rating service.

(11) "Federally insured depository financial institution" means a bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank or industrial loan company organized under the laws of the United States or any state of the United States, when such bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank or industrial loan company has federally insured deposits.

(12) "In Kansas" means the:

(A) Physical location of a person who is requesting a transaction in person in the state of Kansas; or

(B) person's residential address or the principal place of business for a person requesting a transaction electronically or by telephone if such residential address or principal place of business is in the state of Kansas.

(13) "Individual" means a natural person.

(14) "Key individual" means any individual ultimately responsible for establishing or directing policies and procedures of the licensee, including, but not limited to, an executive officer, manager, director or trustee.

(15) "Licensee" means a person licensed under this act.

(16) "Material litigation" means litigation, that according to United States generally accepted accounting principles, is significant to a person's financial health and would be a required disclosure in the person's annual audited financial statements, report to shareholders or similar records.

(17) "Money" means a medium of exchange that is authorized or adopted by the United States or a foreign government. "Money" includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more governments.

(18) "Monetary value" means a medium of exchange, whether or not redeemable in money.

(19) (A) "Money transmission" means any of the following:

(i) Selling or issuing payment instruments to a person located in Kansas;
(ii) selling or issuing stored value to a person located in Kansas;
(iii) receiving money for transmission from a person located in Kansas; ~~or~~

(iv) payroll processing services;
(v) *engaging in virtual currency transactions or other transactions for a fee from a virtual currency kiosk physically located in Kansas; or*
(vi) *three-party exchanges with at least one person located in Kansas in which money is exchanged for virtual currency.*

(B) “Money transmission” does not include:

(i) The provision of solely online or telecommunications services or network access;

(ii) *two-party exchanges with at least one person located in Kansas in which money is exchanged for virtual currency in any manner other than from a virtual currency kiosk physically located in Kansas; and*

(iii) *exchanges of virtual currency for another virtual currency in any manner other than from a virtual currency kiosk physically located in Kansas.*

(20) “Money service business accredited state” means a state agency that is accredited by the conference of state bank supervisors and money transmitter regulators association for money transmission licensing and supervision.

(21) “Multistate licensing process” means any agreement entered into by state regulators relating to coordinated processing of applications for money transmission licenses, applications for the acquisition of control of a licensee, control determinations or notice and information requirements for a change of key individuals.

(22) “Nationwide multistate licensing system and registry” means a licensing system developed by the conference of state bank supervisors and the American association of residential mortgage regulators and owned and operated by the state regulatory registry, limited liability company or any successor or affiliated entity for the licensing and registration of persons in financial services industries.

(23) (A) “Outstanding money transmission obligation” means:

(i) Any payment instrument or stored value issued or sold by the licensee to a person located in the United States or reported as sold by an authorized delegate of the licensee to a person that is located in the United States that has not yet been paid or refunded by or for the licensee or escheated in accordance with applicable abandoned property laws; or

(ii) any money received for transmission by the licensee or an authorized delegate in the United States from a person located in the United States that has not been received by the payee or refunded to the sender or escheated in accordance with applicable abandoned property laws.

(B) “In the United States” includes a person in any state, territory or possession of the United States, the District of Columbia, the commonwealth of Puerto Rico or a United States military installation that is located in a foreign country.

(24) “Passive investor” means a person that:

(A) Does not have the power to elect a majority of key individuals or executive officers, managers, directors, trustees or other persons exercising managerial authority of a person in control of a licensee;

(B) is not employed by and does not have any managerial duties of the licensee or person in control of a licensee; or

(C) does not have the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee; and

(D) (i) either attests to subparagraphs (A), (B) and (C) in a form and in a manner prescribed by the commissioner; or

(ii) commits to the passivity characteristics of subparagraphs (A), (B) and (C) in a written document.

(25) (A) “Payment instrument” means a written or electronic check, draft, money order, traveler’s check or other written or electronic instrument for the transmission or payment of money or monetary value, regardless of negotiability.

(B) “Payment instrument” does not include stored value or any instrument that is:

(i) Redeemable by the issuer only for goods or services provided by the issuer or the issuer’s affiliate or franchisees of the issuer or the franchisees’ affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value; or

(ii) not sold to the public but issued and distributed as part of a loyalty, rewards or promotional program.

(26) “Payroll processing services” means the receipt of money for transmission pursuant to a contract with a person to deliver wages or salaries, make payment of payroll taxes to state and federal agencies, make payments relating to employee benefit plans or make distributions of other authorized deductions from wages or salaries. “Payroll processing services” does not include an employer performing payroll processing services on the employer’s own behalf or on behalf of an affiliate.

(27) “Person” means any individual, general partnership, limited partnership, limited liability company, corporation, trust, association, joint stock corporation or other corporate entity identified or recognized by the commissioner.

(28) “Receiving money for transmission” or “money received for transmission” means the receipt of money or monetary value in the

United States for transmission within or outside the United States by electronic or other means.

(29) “Stored value” means monetary value representing a claim against the issuer evidenced by an electronic or digital record and that is intended and accepted for use as a means of redemption for money or monetary value or payment for goods or services. “Stored value” includes, but is not limited to, prepaid access as defined by 31 C.F.R. § 1010.100. “Stored value” does not include a payment instrument or closed loop stored value or stored value not sold to the public but issued and distributed as part of a loyalty, rewards or promotional program.

(30) “Tangible net worth” means the aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with United States generally accepted accounting principles.

~~(e) This section shall take effect on and after January 1, 2025.~~ (31) *“Three-party exchange” means a transaction in which a party acts as an intermediary and facilitates the exchange of virtual currency between a buyer and a seller for a fee or gain.*

(32) *“Two-party exchange” means a transaction in which one party holds inventory of virtual currency or money and conducts a purchase or sale transaction for a fee or gain with a person located in Kansas using such party’s inventory.*

Sec. 16. On and after July 1, 2026, K.S.A. 2025 Supp. 9-556 is hereby amended to read as follows: 9-556. (a) This act does not apply to:

(1) An operator of a payment system to the extent that such operator provides processing, clearing or settlement services between persons exempted under this subsection or licensees in connection with wire transfers, credit card transactions, debit card transactions, stored value transactions, automated clearing house transfers or similar funds transfers.

(2) A person appointed as an agent of a payee to collect and process a payment from a payor to the payee for goods or services other than money transmission provided to the payor by the payee if:

(A) A written agreement exists between the payee and the agent directing the agent to collect and process payments from payors on the payee’s behalf;

(B) the payee holds the agent out to the public as accepting payments for goods or services on the payee’s behalf; and

(C) payment for the goods and services is treated as received by the payee upon receipt by the agent so that the payor’s obligation is extinguished and there is no risk of loss to the payor if the agent fails to remit the funds to the payee.

(3) A person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender and the sender’s designated recipient, if the entity:

(A) Is properly licensed or exempt from licensing requirements under this act;

(B) provides a receipt, electronic record or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and

(C) bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including the obligation to make the sender whole in connection with any failure to transmit the funds to the sender's designated recipient.

(4) The United States government and any agency, bureau, department, office or instrumentality, corporate or otherwise, thereof, including any official, employee or agent of any such entity.

(5) Money transmission by the United States postal service or by an agent of the United States postal service.

(6) Any state office or officer, department, board, commission, bureau, division, authority, agency or institution of this state, including any political subdivision thereof, and any county, city or other municipality.

(7) A federally insured depository financial institution, bank holding company, office of an international banking corporation, foreign bank that establishes a federal branch pursuant to 12 U.S.C. § 3102, a corporation organized pursuant to 12 U.S.C. §§ 1861 through 1867 or a corporation organized under 12 U.S.C. §§ 611 through 633.

(8) Electronic funds transfer of governmental benefits for a federal, state, county or governmental agency by a contractor on behalf of the United States or a department, agency or instrumentality thereof or on behalf of a state or governmental subdivision, agency or instrumentality thereof.

(9) A board of trade designated as a contract market under 7 U.S.C. §§ 1 through 25 or a person that in the ordinary course of business provides clearance and settlement services for a board of trade to the extent of the board of trade's operation as or for such a board.

(10) A futures commission merchant registered under federal commodities law to the extent of the registrant's operation as such a futures commission merchant.

(11) A person registered as a securities broker-dealer under federal or state securities law to the extent of such registrant's operation as such a securities broker-dealer.

(12) An individual employed by a licensee, authorized delegate or any person exempted from the licensing requirements of the act when acting within the scope of employment and under the supervision of the licensee, authorized delegate or exempted person as an employee and not as an independent contractor.

(13) A person expressly appointed as a third-party service provider

to or agent of an entity exempt under paragraph ~~(a)(6)~~(7) solely to the extent that:

(A) Such service provider or agent is engaging in money transmission on behalf of and pursuant to a written agreement with the exempt entity that sets forth the specific functions that the service provider or agent is to perform; and

(B) the exempt entity assumes all risk of loss and all legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt of the purchaser's or holder's money or monetary value by the service provider or agent.

(14) A person engaging in the practice of law, bookkeeping, accounting, real estate sales or brokerage.

(15) A person appointed as an agent of a payor for purposes of providing payroll processing services for which such agent would otherwise need to be licensed if:

(A) There is a written agreement between the payor and the agent that directs the agent to provide payroll processing services on the payor's behalf;

(B) the payor holds the agent out to employees and other payees as providing payroll processing services on the payor's behalf; and

(C) the payor's obligation to a payee, including an employee or any other party entitled to receive funds via the payroll processing services provided by the agent, is not extinguished if such agent fails to remit such funds to the payee.

(16) A person exempt by any rules or regulations adopted or by an order issued if the commissioner finds such exemption to be in the public interest and that the regulation of such person is not necessary for the purposes of this act.

(b) The commissioner may require that any person claiming to be exempt from licensing pursuant to this section provide information and documentation to the commissioner demonstrating that such person qualifies for any claimed exemption.

~~(c) This section shall take effect on and after January 1, 2025.~~

Sec. 17. On and after July 1, 2026, K.S.A. 2025 Supp. 9-558 is hereby amended to read as follows: 9-558. (a) (1) Except as otherwise provided in subsection (b), all information or reports obtained by the commissioner from an applicant, licensee or authorized delegate and all information contained in or related to an examination, investigation, operating report or condition report prepared by, on behalf of or for the use of the commissioner or financial statements, balance sheets or authorized delegate information, are confidential and are not subject to disclosure under the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(2) The provisions of this subsection providing for the confidentiality of public records shall expire on July 1, 2030, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2030.

(b) The commissioner may disclose information not otherwise subject to disclosure under subsection (a) to representatives of state or federal agencies who promise in a record that such representatives will maintain the confidentiality of the information or where the commissioner finds that the release is reasonably necessary for the protection and interest of the public in accordance with the Kansas open records act.

(c) The following information contained in the records of the office of the state bank commissioner that is not confidential and may be made available to the public:

(1) The name, business address, telephone number and unique identifier of a licensee;

(2) the business address of a licensee's registered agent for service;

(3) the name, business address and telephone number of all authorized delegates;

(4) the terms of or a copy of any bond filed by a licensee, provided that confidential information, including, but not limited to, prices and fees for such bond is redacted; ~~or~~

(5) copies of any orders of the office of the state bank commissioner relating to any violation of this act or regulations implementing this act; *or*

(6) *copies of a virtual currency kiosk operator's location report.*

(d) This section shall not be construed to prohibit the commissioner from disclosing to the public a list of all licensees or the aggregated financial or transactional data concerning those licensees.

~~(e) This section shall take effect on and after January 1, 2025.~~

Sec. 18. On and after July 1, 2026, K.S.A. 2025 Supp. 9-572 is hereby amended to read as follows: 9-572. (a) A licensee adding or replacing a key individual shall provide:

(1) Notice in the manner prescribed by the commissioner within 15 days after the effective date of the appointment of the new key individual; and

(2) information as required by K.S.A. 2025 Supp. ~~9-564~~ 9-565, and amendments thereto, within 45 days of the effective date of the appointment of the new key individual.

(b) Within 90 days of the date on which the notice provided pursuant to subsection (a) was determined to be complete, the commissioner may issue a notice of disapproval of a key individual if the competence, experience, character or integrity of the individual would not be in the best interests of the public or the customers of the licensee to permit the individual to be a key individual of such licensee.

(c) A notice of disapproval shall state the basis for disapproval and shall be sent to the licensee and the disapproved individual. A licensee may appeal a notice of disapproval pursuant to the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto, within 14 days.

(d) If the notice provided pursuant to subsection (a) is not disapproved within 90 days after the date when the notice was determined to be complete, the key individual shall be deemed approved.

(e) If a multistate licensing process includes a key individual notice review and disapproval process pursuant to this section and the licensee avails itself or is otherwise subject to the multistate licensing process:

(1) The commissioner is hereby authorized to accept the determination of another state if the investigating state has sufficient staffing, expertise and minimum standards for the purpose of this section; or

(2) if Kansas is a lead investigative state, the commissioner is authorized to investigate the applicant pursuant to subsection (b) and the timeframes established by agreement through the multistate licensing process.

~~(f) This section shall take effect on and after January 1, 2025.~~

Sec. 19. On and after July 1, 2026, K.S.A. 2025 Supp. 9-589 is hereby amended to read as follows: 9-589. (a) The following investments are permissible under this section:

(1) Cash, including demand deposits, savings deposits and funds in accounts held for the benefit of the licensee's customers in a federally insured depository financial institution and cash equivalents including automated clearing house items in transit to the licensee and automated clearing house items or international wires in transit to a payee, cash in transit via armored car, cash in smart safes, cash in licensee-owned locations, debit card or credit card-funded transmission receivables owed by any bank or money market mutual funds rated AAA by Standard & Poor or the equivalent from any eligible rating service;

(2) certificates of deposit or senior debt obligations of a federally insured depository institution;

(3) an obligation of the United States or a commission, agency or instrumentality thereof, an obligation that is guaranteed fully as to principal and interest by the United States or an obligation of a state or a governmental subdivision, agency or instrumentality thereof;

(4) (A) the full drawable amount of an irrevocable standby letter of credit for which the stated beneficiary is the commissioner that stipulates that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds up to the letter of credit amount within seven days of presentation of the items required by subparagraph (D);

(B) the letter of credit shall:

(i) Be issued by a federally insured depository financial institution, a foreign bank that is authorized under federal law to maintain a federal

agency or federal branch office in a state or states or a foreign bank that is authorized under state law to maintain a branch in a state that:

(a) Bears an eligible rating or whose parent company bears an eligible rating; and

(b) is regulated, supervised and examined by United States federal or state authorities having regulatory authority over banks, credit unions and trust companies;

(ii) be irrevocable, unconditional and indicate that such letter of credit is not subject to any condition or qualifications outside of such letter of credit;

(iii) contain no references to any other agreements, documents or entities or otherwise provide for a security interest in the licensee; and

(iv) contain an issue date and expiration date and expressly provide for automatic extension, without a written amendment, for an additional period of one year from the present or each future expiration date unless the issuer of the letter of credit notifies the commissioner in writing by certified or registered mail or courier mail or other receipted means at least 60 days prior to any expiration date, that the irrevocable letter of credit will not be extended;

(C) if any notice of expiration or non-extension of a letter of credit is issued under clause (a)(4)(B)(iv), the licensee shall be required to demonstrate to the satisfaction of the commissioner, 15 days prior to expiration, that the licensee maintains and shall maintain permissible investments in accordance with K.S.A. 2025 Supp. ~~9-590(a)~~ 9-588(a), and amendments thereto, upon the expiration of the letter of credit. If the licensee is not able to do so, the commissioner may draw on the letter of credit in an amount up to the amount necessary to meet the licensee's requirements to maintain permissible investments in accordance with K.S.A. 2025 Supp. 9-588(a), and amendments thereto. Any such draw shall be offset against the licensee's outstanding money transmission obligations. The drawn funds shall be held in trust by the commissioner or the commissioner's designated agent, to the extent authorized by law, as agent for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations;

(D) the letter of credit shall provide that the issuer of such letter of credit shall honor, at sight, a presentation made of the following documents by the beneficiary to the issuer on or prior to the expiration date of the letter of credit:

(i) The original letter of credit, including any amendments; and

(ii) a written statement from the beneficiary stating that any of the following events have occurred:

(a) The filing of a bankruptcy or reorganization petition by or against the licensee;

(b) the filing of a petition by or against the licensee for receivership or the commencement of any other judicial or administrative proceeding for such licensee's dissolution or reorganization;

(c) the seizure of assets of a licensee by a commissioner pursuant to an emergency order issued in accordance with applicable law, on the basis of an action, violation or condition that has caused or is likely to cause the insolvency of the licensee; or

(d) the beneficiary has received notice of expiration or non-extension of a letter of credit and the licensee failed to demonstrate to the satisfaction of the beneficiary that the licensee will maintain permissible investments in accordance with K.S.A. 2025 Supp. ~~9-590(a)~~ 9-588(a), and amendments thereto, upon the expiration or non-extension of the letter of credit;

(E) the commissioner may designate an agent to serve on the commissioner's behalf as beneficiary to a letter of credit if the agent and letter of credit meet requirements established by the commissioner. The commissioner's agent may serve as agent for multiple licensing authorities for a single irrevocable letter of credit if the proceeds of the drawable amount for the purposes of subsection (a)(4) are assigned to the commissioner; and

(F) the commissioner is hereby authorized to participate in multistate processes designed to facilitate the issuance and administration of letters of credit, including, but not limited to, services provided by the nationwide multistate licensing system and registry and state regulatory registry, LLC; and

(5) 100% of the surety bond provided for under K.S.A. 2025 Supp. 9-587, and amendments thereto, that exceeds the average daily money transmission liability in Kansas.

(b) (1) Unless permitted by the commissioner by rules and regulations adopted or by order issued to exceed the limit as set forth herein, the following investments are permissible under K.S.A. 2025 Supp. 9-589, and amendments thereto, to the extent specified:

(A) Receivables payable to a licensee from the licensee's authorized delegates in the ordinary course of business that are less than seven days old up to 50% of the aggregate value of the licensee's total permissible investments; and

(B) of the receivables permissible under subparagraph (A), receivables payable to a licensee from a single authorized delegate in the ordinary course of business may not exceed 10% of the aggregate value of the licensee's total permissible investments.

(2) The following investments are permissible up to 20% per category and up to 50% combined of the aggregate value of the licensee's total permissible investments:

- (A) A short-term investment of up to six months, bearing an eligible rating;
- (B) commercial paper bearing an eligible rating;
- (C) a bill, note, bond or debenture bearing an eligible rating;
- (D) United States tri-party repurchase agreements collateralized at 100% or more with United States government or agency securities, municipal bonds or other securities bearing an eligible rating;
- (E) money market mutual funds rated less than AAA and equal to or higher than A- by Standard & Poor or the equivalent from any other eligible rating service; and
- (F) a mutual fund or other investment fund composed solely and exclusively of one or more permissible investments listed in subsection (a) (1) through (3).

(3) Cash, including demand deposits, savings deposits and funds in such accounts held for the benefit of the licensee's customers, at foreign depository institutions are permissible up to 10% of the aggregate value of the licensee's total permissible investments if the licensee has received a satisfactory rating in the licensee's most recent examination and the foreign depository institution:

- (A) Has an eligible rating;
- (B) is registered under the foreign account tax compliance act;
- (C) is not located in any country subject to sanctions from the office of foreign asset control; and
- (D) is not located in a high-risk or non-cooperative jurisdiction as designated by the financial action task force.

~~(e) This section shall take effect on and after January 1, 2025.~~

Sec. 20. K.S.A. 2025 Supp. 9-2301 is hereby amended to read as follows: 9-2301. (a) The provisions of K.S.A. 9-2301 through 9-2327, and amendments thereto, *and section 13, and amendments thereto*, shall be known and may be cited as the technology-enabled fiduciary financial institutions act. The technology-enabled fiduciary financial institutions act shall be a part of and supplemental to chapter 9 of the Kansas Statutes Annotated, and amendments thereto.

(b) For purposes of the technology-enabled fiduciary financial institutions act:

(1) "Act" means the technology-enabled fiduciary financial institutions act;

(2) "alternative asset" means professionally managed investment assets that are not publicly traded, including, but not limited to, private equity, venture capital, leveraged buyouts, special situations, structured credit, private debt, private real estate funds and natural resources, including any economic or beneficial interest therein;

(3) "alternative asset custody account" means an account created by

the owner of an alternative asset that designates a fiduciary financial institution as custodian or agent and into which the owner transfers, electronically or otherwise, content, materials, data, information, documents, reports and contracts in any form, including, without limitation, evidence of ownership, subscription agreements, private placement memoranda, limited partnership agreements, operating agreements, financial statements, annual and quarterly reports, capital account statements, tax statements, correspondence from the general partner, manager or investment advisor of the alternative asset, an investment contract as defined in K.S.A. 17-12a102(28)(E), and amendments thereto, and any digital asset as defined in K.S.A. 58-4802, and amendments thereto, whether such information is in hard copy form or a representation of such information that is stored in a computer readable format;

(4) “charitable beneficiaries” means one or more charities, contributions to which are allowable as a deduction pursuant to section 170 of the federal internal revenue code that are designated as beneficiaries of a fidfin trust;

(5) “custodial services” means the safekeeping and management of an alternative asset custody account, including the execution of customer instructions, serving as agent, fund administrative services and overall decision-making and management of the account by a fiduciary financial institution ~~and~~. “Custodial services” shall be deemed to involve the exercise of fiduciary and trust powers;

(6) “director” means a person designated as a member of the board of directors pursuant to K.S.A. 9-2306, and amendments thereto;

(7) “economic growth zone” means an incorporated community with a population of not more than 5,000 people located within one of the following counties: Allen, Anderson, Barber, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Decatur, Doniphan, Edwards, Elk, Ellsworth, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jackson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn, Logan, Marion, Marshall, Meade, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Republic, Rice, Rooks, Rush, Russell, Scott, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Trego, Thomas, Wabaunsee, Wallace, Washington, Wichita, Wilson or Woodson;

(8) “excluded fiduciary” means a fiduciary financial institution in its capacity as trustee of a fidfin trust, ~~provided~~ *except* that a fiduciary financial institution shall only be deemed an “excluded fiduciary” to the extent the fiduciary financial institution is excluded from exercising certain powers under the instrument that may be exercised by the trust advisor or other persons designated in the instrument;

(9) “fidfin,” “fidfin services” or “fidfin transactions” means the financing of a fidfin trust or the acquisition of alternative assets on behalf of and through a fidfin trust, or both, as provided in K.S.A. 9-2311, and amendments thereto, including loans, extensions of credit and direct investments;

(10) “fidfin trust” means a trust created to facilitate the delivery of fidfin services by a fiduciary financial institution;

(11) “fiduciary” means a trustee, a trust advisor or a custodian of an alternative asset custody account appointed under an instrument that is acting in a fiduciary capacity for any person, trust or estate;

(12) “instrument” means any document creating a fidfin trust or alternative asset custody account;

(13) “officer” means a person who participates or has authority to participate, other than in the capacity of a director, in major policymaking functions of a bank, trust company or fiduciary financial institution, whether or not the officer has an official title or if the officer is serving without salary or other compensation. “Officer” includes the chairperson of the board, president, vice president, cashier, secretary and treasurer of a bank, trust company or fiduciary financial institution;

(14) “organizer” means a person who filed the fiduciary financial institution formation documents;

(15) “out-of-state bank” means a national or state bank, savings and loan association or savings bank not incorporated under the laws of Kansas;

(16) “out-of-state financial institution” means an out-of-state bank or an out-of-state trust company;

(17) “out-of-state trust company” means a national or state trust company not incorporated under the laws of Kansas;

(18) (A) “qualified investment” means the purchase or development, in the aggregate, of at least 10,000 square feet of commercial, industrial, multiuse or multifamily real estate in the economic growth zone where the fiduciary financial institution maintains its principal office pursuant to K.S.A. 9-2309, and amendments thereto, provided that such community has committed to develop the necessary infrastructure to support a “qualified investment.” A “qualified investment”:

(i) May include, as part of satisfying the square footage requirements, the suitable office space of such fiduciary financial institution, as provided in K.S.A. 9-2309, and amendments thereto, if owned by the fiduciary financial institution;

(ii) shall be exempt from the provisions and limitations of K.S.A. 9-1102, and amendments thereto;

(iii) may be retained by a fiduciary financial institution for as long as the fiduciary financial institution operates in this state; and

(iv) may be sold, transferred or otherwise disposed of, including a sale or transfer to an affiliate of the fiduciary financial institution, if the

fiduciary financial institution continues to maintain its principal office in an economic growth zone pursuant to K.S.A. 9-2309, and amendments thereto;

(B) notwithstanding the foregoing provisions, if a fiduciary financial institution leases any portion of a qualified investment made by another fiduciary financial institution as the lessee fiduciary financial institution's suitable office space:

(i) The lessee fiduciary financial institution shall make, or cause to be made, a qualified investment in an economic growth zone other than the economic growth zone where such fiduciary financial institution maintains its principal office;

(ii) the leased square footage shall count toward the square footage requirement applicable to a qualified investment under this section, if such lease has an initial term of not less than five years; and

(iii) the square footage requirement otherwise applicable to a qualified investment of the lessee fiduciary financial institution shall be reduced from 10,000 square feet to 5,000 square feet;

(19) "technology-enabled fiduciary financial institution" or "fiduciary financial institution" means any limited liability company, limited partnership or corporation that:

(A) Is organized to perform any one or more of the activities and services authorized by this act;

(B) has been authorized to conduct business as a fiduciary financial institution under this chapter pursuant to the provisions of K.S.A. 9-2302, and amendments thereto;

(C) has made, committed to make or caused to be made a qualified investment; and

(D) has committed, in or as a part of the application provided in K.S.A. 9-2302, and amendments thereto, to conduct any fidfin transactions in accordance with K.S.A. 9-2311, and amendments thereto, including the distributions required therein;

(20) "trust" means a trust created pursuant to the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto, or created pursuant to the Kansas business trust act of 1961, K.S.A. 17-2707 et seq., and amendments thereto;

(21) "trust advisor" means a fiduciary granted authority by an instrument to exercise, consent, direct, including the power to direct as provided in K.S.A. 58a-808, and amendments thereto, or approve all or any portion of the powers and discretion conferred upon the trustee of a fidfin trust, including the power to invest the assets of a fidfin trust or make or cause distributions to be made from such fidfin trust; and

(22) the definitions of K.S.A. 9-701, and amendments thereto, apply to fiduciary financial institutions except as otherwise provided in this act.

Sec. 21. K.S.A. 52-717 and K.S.A. 2025 Supp. 9-551 and 9-2301 are hereby repealed.

Sec. 22. On and after July 1, 2026, K.S.A. 2025 Supp. 9-555, 9-556, 9-558, 9-572 and 9-589 are hereby repealed.

Sec. 23. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 9, 2026.

Published in the *Kansas Register* April 30, 2026.

CHAPTER 103

HOUSE BILL No. 2192

AN ACT concerning crimes, punishment and criminal procedure; relating to crimes against persons; limiting or prohibiting work release for an offender convicted of a second or third offense of domestic battery; requiring an offender convicted of a first offense to undergo a domestic violence offender assessment; relating to certified drug abuse treatment programs; excluding certain offenders convicted of a nonperson felony from participation in such programs; authorizing community correctional services officers to complete criminal risk-need assessments for divertees who are committed to such programs; amending K.S.A. 21-5414 and 21-6824 and K.S.A. 2025 Supp. 75-52,144 and repealing the existing sections.

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

Section 1. K.S.A. 21-5414 is hereby amended to read as follows: 21-5414. (a) Domestic battery is:

(1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or

(2) knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.

(b) Aggravated domestic battery is:

(1) Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner; or

(2) knowingly impeding the normal breathing or circulation of the blood by blocking the nose or mouth of a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting or angry manner.

(c) (1) Domestic battery is:

(A) Except as provided in subsection (c)(1)(B) or (c)(1)(C), a class B person misdemeanor and the offender shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 ~~or in the court's discretion the court may enter an order which requires the offender to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program.~~ *As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, unless otherwise ordered by the court;*

(B) except as provided in subsection (c)(1)(C), a class A person misdemeanor, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a second time and the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. ~~The five 90 days' imprisonment mandated by this paragraph may be served in a work release program only after such offender has served 48 consecutive hours' 20 days' imprisonment, provided if such work release program requires such offender to return to confinement at the end of each day in the work release program. The offender shall serve at least five consecutive 20 days' imprisonment before the offender is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, unless otherwise ordered by the court; and~~

(C) a person felony, if, within five years immediately preceding commission of the crime, an offender is convicted of domestic battery a third or subsequent time, and the offender shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$7,500. ~~The offender convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the offender has served at least 90 days' imprisonment shall serve at least 90 days' imprisonment before the offender is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the offender shall be required to undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, unless otherwise ordered by the court. If the offender does not undergo a domestic violence offender assessment conducted by a certified batterer intervention program and follow all recommendations made by such program, the offender shall serve not less than 180 days nor more than one year's imprisonment. The 90 days' imprisonment mandated by this paragraph may be served in a work release program only after such offender has served 48 consecutive hours imprisonment, provided such work release program requires such offender to return to confinement at the end of each day in the work release program.~~

(2) Aggravated domestic battery is a severity level 7, person felony.

(d) In determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense under this section,

a court shall consider information presented to the court relating to any current or prior protective order issued against such person.

(e) As used in this section:

(1) “Dating relationship” means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since the termination of the relationship, if applicable;

(2) “family or household member” means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. “Family or household member” also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(3) “protective order” means:

(A) A protection from abuse order issued pursuant to K.S.A. 60-3105, 60-3106 or 60-3107, and amendments thereto;

(B) a protective order issued by a court or tribunal of any state or Indian tribe that is consistent with the provisions of 18 U.S.C. § 2265;

(C) a restraining order issued pursuant to K.S.A. ~~2024~~ 2025 Supp. 23-2707, 38-2243, 38-2244 or 38-2255, and amendments thereto, or K.S.A. 60-1607, prior to its transfer;

(D) an order issued in this or any other state as a condition of pretrial release, diversion, probation, suspended sentence, postrelease supervision or at any other time during the criminal case or upon appeal that orders the person to refrain from having any direct or indirect contact with a family or household member;

(E) an order issued in this or any other state as a condition of release after conviction or as a condition of a supersedeas bond pending disposition of an appeal, that orders the person to refrain from having any direct or indirect contact with another person; or

(F) a protection from stalking order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments thereto.

(f) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under subsection (c)(1):

(1) “Conviction” includes being convicted of a violation of K.S.A. 21-3412a, prior to its repeal, this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(2) “conviction” includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(3) only convictions occurring in the immediately preceding five years including prior to July 1, 2001, shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(g) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of subsection (a) or (b) or an ordinance of any city or resolution of any county which prohibits the acts that subsection (a) or (b) prohibits only twice during any five-year period.

Sec. 2. K.S.A. 21-6824 is hereby amended to read as follows: 21-6824.

(a) There is hereby established a nonprison sanction of certified drug abuse treatment programs for certain offenders who are sentenced on or after November 1, 2003. Placement of offenders in certified drug abuse treatment programs by the court shall be limited to placement of adult offenders who meet the requirements of this subsection.

(1) Offenders convicted of a felony violation of K.S.A. 21-5705 or 21-5706, and amendments thereto, whose offense is classified in grid blocks:

(A) 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines grid for drug crimes and such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction; or

(B) 5-A, 5-B, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes and:

(i) Such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction;

(ii) the person felonies in the offender’s criminal history were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes; and

(iii) the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program.

(2) Offenders convicted of a nonperson felony whose offense is classified in grid blocks:

(A) 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 9-C, 9-D, 9-E, 9-F, 9-G, 9-H, 9-I, 8-C, 8-D, 8-E, 8-F, 8-G, 8-H, 8-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes and:

(i) Such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction; *and*

(ii) *the provisions of K.S.A. 21-6804(n), (p), (u) or (x), and amendments thereto, do not apply; or*

(B) 10-A, 10-B, 9-A, 9-B, 8-A, 8-B, 7-A or 7-B of the sentencing guidelines grid for nondrug crimes and:

(i) Such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction;

(ii) the person felonies in the offender's criminal history were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes; ~~and~~

(iii) the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program; *and*

(iv) *the provisions of K.S.A. 21-6804(n), (p), (u) or (x), and amendments thereto, do not apply.*

(b) As a part of the presentence investigation pursuant to K.S.A. 21-6813, and amendments thereto, offenders who meet the requirements of subsection (a), unless otherwise specifically ordered by the court, shall be subject to:

(1) A drug abuse assessment that shall include a clinical interview with a mental health professional and a recommendation concerning drug abuse treatment for the offender; and

(2) a criminal risk-need assessment. The criminal risk-need assessment shall assign a risk status to the offender.

(c) If the offender is assigned a risk status as determined by the drug abuse assessment performed pursuant to subsection (b)(1) and a risk status as determined by the criminal risk-need assessment performed pursuant to subsection (b)(2) that meets the criteria for participation in a drug abuse treatment program as determined by the Kansas sentencing commission, the sentencing court shall commit the offender to treatment in a drug abuse treatment program until the court determines the offend-

er is suitable for discharge by the court. The term of treatment shall not exceed 18 months. The court may extend the term of probation pursuant to K.S.A. 21-6608(c)(3), and amendments thereto. The term of treatment may not exceed the term of probation.

(d) (1) Offenders who are committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services.

(2) Offenders who are not committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services or court services based on the result of the criminal risk assessment.

(3) If the offender is permitted to go from the judicial district of the sentencing court, the court may, pursuant to K.S.A. 21-6610, and amendments thereto:

(A) Transfer supervision of the offender from that judicial district to another; and

(B) either transfer or retain jurisdiction of the offender.

(e) Placement of offenders under subsection (a)(1)(B) or (a)(2)(B) shall be subject to the departure sentencing statutes of the revised Kansas sentencing guidelines act.

(f) (1) Offenders in drug abuse treatment programs shall be discharged from such program if the offender:

(A) Is convicted of a new felony; or

(B) has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding.

(2) Offenders who are discharged from such program shall be subject to the revocation provisions of K.S.A. 21-6604(n), and amendments thereto.

(g) As used in this section, "mental health professional" includes licensed social workers, persons licensed to practice medicine and surgery, licensed psychologists, licensed professional counselors or registered alcohol and other drug abuse counselors licensed or certified as addiction counselors who have been certified by the Kansas sentencing commission to treat offenders pursuant to K.S.A. 75-52,144, and amendments thereto.

(h) (1) Offenders who meet the requirements of subsection (a) shall not be subject to the provisions of this section and shall be sentenced as otherwise provided by law, if such offenders:

(A) Are residents of another state and are returning to such state pursuant to the interstate corrections compact or the interstate compact for adult offender supervision;

(B) are not lawfully present in the United States and being detained for deportation; or

- (C) do not meet the risk assessment levels provided in subsection (c).
- (2) Such sentence shall not be considered a departure and shall not be subject to appeal.
- (i) The court may order an offender who otherwise does not meet the requirements of subsection (c) to undergo one additional drug abuse assessment while such offender is on probation. Such offender may be ordered to undergo drug abuse treatment pursuant to subsection (a) if such offender is determined to meet the requirements of subsection (c). The cost of such assessment shall be paid by such offender.

Sec. 3. K.S.A. 2025 Supp. 75-52,144 is hereby amended to read as follows: 75-52,144. (a) Drug abuse treatment programs certified in accordance with subsection (b) shall provide:

(1) Drug abuse assessments of any person who is convicted of or being considered for a diversion agreement in lieu of further criminal proceedings for a felony violation of K.S.A. 65-4160 or 65-4162, prior to such section's repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 21-5706, and amendments thereto, and meets the requirements of K.S.A. 21-4729, prior to its repeal, K.S.A. 21-6824(a) or 21-6825, and amendments thereto;

(2) treatment of all persons who are convicted of or entered into a diversion agreement in lieu of further criminal proceedings for a felony violation of K.S.A. 65-4160 or 65-4162, prior to such section's repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 21-5706, and amendments thereto, meet the requirements of K.S.A. 21-4729, prior to its repeal, K.S.A. 21-6824 or 21-6825, and amendments thereto, and whose sentence requires completion of a certified drug abuse treatment program, as provided in this section;

(3) one or more treatment options in the continuum of services needed to reach recovery: Detoxification, rehabilitation, continuing care and aftercare, and relapse prevention;

(4) treatment options to incorporate family and auxiliary support services; and

(5) treatment options for alcohol abuse when indicated by the assessment of the offender or required by the court.

(b) (1) *Except as provided further*, the criminal risk-need assessment shall be conducted by a court services officer. *A criminal risk-need assessment for use pursuant to K.S.A. 21-6825, and amendments thereto, may be conducted by a court services officer or a community correctional services officer.*

(2) The drug abuse treatment program placement assessment shall be conducted by a drug abuse treatment program certified in accordance with the provisions of this subsection to provide assessment and treatment services.

(3) A drug abuse treatment program shall be certified by the Kansas sentencing commission. The commission may establish qualifications for the certification of programs, which may include requirements for supervision and monitoring of clients, fee reimbursement procedures, handling of conflicts of interest, delivery of services to clients unable to pay and other matters relating to quality and delivery of services by the program. Drug abuse treatment may include community based and faith based programs. The certification shall be for a four-year period. The commission may establish a process for revoking certification of programs that do not meet the commission's qualifications for certification. Recertification of a program shall be by the commission.

(4) To be eligible for certification or recertification under this subsection, the commission shall determine that a drug abuse treatment program:

- ~~(1)(A)~~ Meets the qualifications established by the commission;
- ~~(2)(B)~~ is capable of providing the assessments, supervision and monitoring required under subsection (a);
- ~~(3)(C)~~ has employed or contracted with certified treatment providers; and
- ~~(4)(D)~~ meets any other functions and duties specified by law.

(c) Any treatment provider who is employed or has contracted with a certified drug abuse treatment program who provides services to offenders shall be certified by the Kansas sentencing commission. The commission shall require education and training that shall include, but not be limited to, case management and cognitive behavior training. The duties of providers who prepare the presentence drug abuse assessment may also include appearing at sentencing and probation hearings in accordance with the orders of the court, monitoring offenders in the treatment programs, notifying the probation department and the court of any offender failing to meet the conditions of probation or referrals to treatment, appearing at revocation hearings as may be required and providing assistance and data reporting and program evaluation.

(d) (1) The cost for all drug abuse assessments performed pursuant to subsection (a)(1), and the cost for all certified drug abuse treatment programs for any person who meets the requirements of K.S.A. 21-6824 or 21-6825, and amendments thereto, shall be paid by the Kansas sentencing commission from funds appropriated for such purpose. The Kansas sentencing commission shall contract for payment for such services with the supervising agency.

(2) The sentencing court shall determine the extent, if any, that such person is able to pay for such assessment and treatment. Such payments shall be used by the supervising agency to offset costs to the state. If such financial obligations are not met or cannot be met, the sentencing court

shall be notified for the purpose of collection or review and further action on the offender's sentence.

(3) If the person has entered into a diversion agreement in lieu of further criminal proceedings, the county or district attorney shall determine the extent, if any, that such person is able to pay for such assessment and treatment. Such payments shall be used by the supervising agency to offset costs to the state or county. If such financial obligations are not met or cannot be met, the county or district attorney shall be notified for the purpose of collection or review and further action on the person's diversion agreement.

(e) The community corrections staff shall work with the substance abuse treatment staff to ensure effective supervision and monitoring of the offender.

(f) The Kansas sentencing commission is hereby authorized to adopt rules and regulations to carry out the provisions of this section.

Sec. 4. K.S.A. 21-5414 and 21-6824 and K.S.A. 2025 Supp. 75-52,144 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 9, 2026.

CHAPTER 104

Senate Substitute for HOUSE BILL No. 2099*

AN ACT concerning the disposition of state real property; authorizing the secretary of corrections on behalf of the department of corrections and the state of Kansas to convey certain real property in Leavenworth county, Kansas, to Leavenworth county.

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

Section 1. (a) The secretary of corrections is hereby authorized and empowered, for and on behalf of the department of corrections and the state of Kansas, to convey, without consideration, all of the rights, title and interest in the following described real estate, and any improvements thereon, to Leavenworth county, Kansas:

All of Blocks 20, 21, 22, 23, 33, 34, 35, 36, 46, 47, 48 in the Town of Delaware, a subdivision recorded in Plat Book 1A, Page 50 and all that part of Blocks 7, 8, 9, 10 in said subdivision, lying West of Union Pacific Railroad and all that part of Blocks 49, 59, 60, 61 in said subdivision lying East of K-5 Highway (Wolcott Road). Including all vacated alleys and streets in said Blocks. All being located in Section 20, Township 9 South, Range 23 East of the Sixth Principal Meridian, Leavenworth County, Kansas.

(b) Conveyance of such rights, title and interest in such real estate, and any improvements thereon, shall be executed in the name of the department of corrections and the state of Kansas by the secretary of corrections. The deed for such conveyance shall be by quitclaim deed.

(c) No conveyance of real estate and improvements thereon as authorized by this section shall be made by the secretary of corrections until the deed and conveyances have been reviewed and approved by the attorney general.

(d) All costs in any way related to the conveyance shall be paid by Leavenworth county, Kansas. The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(e) In the event that the secretary of corrections determines that the legal description of the real estate described by this section is incorrect, the secretary of corrections may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

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

Approved April 9, 2026.

CHAPTER 105

SENATE BILL No. 487

AN ACT concerning the Kansas offender registration act; relating to agencies that register offenders under the act; requiring the Kansas bureau of investigation to provide a statewide offender registration system; providing for a petition to determine that an offender is indigent; authorizing a notice to appear to be issued for a violation of the act involving nonpayment of a fee; allowing offenders required to register under the act to report where such offender works or attends school at a single point of registration; amending K.S.A. 22-4903, 22-4904 and 22-4905 and section 1 of this act, and repealing the existing sections.

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

New Section 1. (a) (1) On and after July 1, 2028, the Kansas bureau of investigation shall provide a statewide offender registration system for registering law enforcement agencies to use when registering offenders under the Kansas offender registration act. Such system shall be used to maintain compliance with the Kansas offender registration act and ensure real-time delivery of offender relocation notifications. The Kansas bureau of investigation, in consultation with the Kansas sheriffs' association, shall provide each registering law enforcement agency and any state agency required to register offenders with access to the statewide offender registration system.

(2) Registering law enforcement agencies shall submit registration data collected pursuant to K.S.A. 22-4904, and amendments thereto, to the statewide offender registration system in a form and manner approved by the director of the Kansas bureau of investigation in consultation with the Kansas sheriffs' association.

(b) On and after July 1, 2026, offenders who are required to register shall remit payment of a technology fee of \$10 to the sheriff's office at the time of registration as provided in K.S.A. 22-4905, and amendments thereto. Such technology fee shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the offender registration technology fund.

(c) There is hereby created in the state treasury the offender registration technology fund. The director of the Kansas bureau of investigation shall administer the fund. All expenditures from the fund shall be for the purpose of developing and maintaining the statewide offender registration system. All expenditures from the offender registration technology fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas bureau of investigation.

(d) The Kansas bureau of investigation shall be responsible for the costs of administering, purchasing and maintaining the statewide offender registration system used by registering law enforcement agencies.

(e) This section shall be a part of and supplemental to the Kansas offender registration act.

Sec. 2. On and after July 1, 2028, section 1 of this act is hereby amended to read as follows: (a) (1) ~~On and after July 1, 2028,~~ The Kansas bureau of investigation shall provide a statewide offender registration system for registering law enforcement agencies to use when registering offenders under the Kansas offender registration act. Such system shall be used to maintain compliance with the Kansas offender registration act and ensure real-time delivery of offender relocation notifications. The Kansas bureau of investigation, in consultation with the Kansas sheriffs' association, shall provide each registering law enforcement agency and any state agency required to register offenders with access to the statewide offender registration system.

(2) Registering law enforcement agencies shall submit registration data collected pursuant to K.S.A. 22-4904, and amendments thereto, to the statewide offender registration system in a form and manner approved by the director of the Kansas bureau of investigation in consultation with the Kansas sheriffs' association.

(b) ~~On and after July 1, 2026,~~ Offenders who are required to register shall remit payment of a technology fee ~~of \$10~~ to the sheriff's office at the time of registration as provided in K.S.A. 22-4905, and amendments thereto. *The amount of such fee shall be fixed by rules and regulations adopted by the director of the Kansas bureau of investigation, except that such fee shall not exceed \$10.* Such technology fee shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the offender registration technology fund.

(c) There is hereby created in the state treasury the offender registration technology fund. The director of the Kansas bureau of investigation shall administer the fund. All expenditures from the fund shall be for the purpose of developing and maintaining the statewide offender registration system. All expenditures from the offender registration technology fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas bureau of investigation.

(d) The Kansas bureau of investigation shall be responsible for the costs of administering, purchasing and maintaining the statewide offender registration system used by registering law enforcement agencies.

(e) This section shall be a part of and supplemental to the Kansas offender registration act.

New Sec. 3. (a) An offender may file a petition with the district court in the county where such offender resides to establish that such offender is indigent for the purposes of K.S.A. 22-4905, and amendments thereto. No surcharge or fee shall be imposed on any offender filing a petition pursuant to this section.

(b) The petition shall be accompanied by an affidavit that sets forth a factual basis upon which the offender alleges by reason of poverty an inability to pay the fees described in K.S.A. 22-4905, and amendments thereto, including, but not limited to, the source and amount of such offender's weekly income. Such affidavit shall contain the information required in an affidavit pursuant to K.S.A. 60-2001, and amendments thereto, and be signed and sworn to by the offender under penalty of perjury, K.S.A. 21-5903, and amendments thereto. The form of the affidavit shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(c) The court may conduct a hearing on the petition and require additional information from the offender. The court, with or without a hearing, may:

- (1) Deny the petition; or
- (2) grant the petition, determine that the offender is indigent for the purposes of K.S.A. 22-4905, and amendments thereto, and enter the basis for such decision on the record.

(d) This section shall be a part of and supplemental to the Kansas offender registration act.

Sec. 4. K.S.A. 22-4903 is hereby amended to read as follows: 22-4903. (a) Violation of the Kansas offender registration act is the failure by an offender, as defined in K.S.A. 22-4902, and amendments thereto, to comply with any and all provisions of such act, including any and all duties set forth in K.S.A. 22-4905 through 22-4907, and amendments thereto. Any violation of the Kansas offender registration act which continues for more than 30 consecutive days shall, upon the 31st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate offense every 30 days thereafter for as long as the violation continues.

(b) Aggravated violation of the Kansas offender registration act is violation of the Kansas offender registration act which continues for more than 180 consecutive days. Any aggravated violation of the Kansas offender registration act which continues for more than 180 consecutive days shall, upon the 181st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate violation of the Kansas offender registration act every 30 days thereafter, or a new and separate aggravated violation of the Kansas offender registration act every 180 days thereafter, for as long as the violation continues.

(c) (1) (A) Except as provided in subsection (c)(3), violation of the Kansas offender registration act is:

- ~~(A)~~(i) Upon a first conviction, a severity level 6 felony;
- ~~(B)~~(ii) upon a second conviction, a severity level 5 felony; and
- ~~(C)~~(iii) upon a third or subsequent conviction, a severity level 3 felony.

(B) Such violation shall be designated as a person or nonperson crime in accordance with the designation assigned to the underlying crime for which the offender is required to be registered under the Kansas offender registration act. If the offender is required to be registered under both a person and nonperson underlying crime, the violation shall be designated as a person crime.

(2) (A) Except as provided in subsection (c)(3), aggravated violation of the Kansas offender registration act is a severity level 3 felony.

(B) Such violation shall be designated as a person or nonperson crime in accordance with the designation assigned to the underlying crime for which the offender is required to be registered under the Kansas offender registration act. If the offender is required to be registered under both a person and nonperson underlying crime, the violation shall be designated as a person crime.

(3) (A) Violation of the Kansas offender registration act or aggravated violation of the Kansas offender registration act consisting only of failing to remit payment to the sheriff's office as required in K.S.A. 22-4905(l), and amendments thereto, is:

~~(A)~~(i) Except as provided in subsection (c)(3)(B), a class A misdemeanor if, ~~within 15 days of registration~~, full payment is not remitted to the sheriff's office *at the time of registration*;

~~(B)~~(ii) a severity level 9 felony if, ~~within 15~~ *20 calendar* days of the most recent registration, two or more full payments have not been remitted to the sheriff's office.

(B) Such violation shall be designated as a person or nonperson crime in accordance with the designation assigned to the underlying crime for which the offender is required to be registered under the Kansas offender registration act. If the offender is required to be registered under both a person and nonperson underlying crime, the violation shall be designated as a person crime.

(C) *If payment is not made at the time of registration pursuant to subparagraph (A)(i), the registering law enforcement agency may issue a notice to appear pursuant to K.S.A. 22-2408, and amendments thereto. If such payment is made within 20 calendar days of registration, the criminal charge shall be dismissed.*

(d) Prosecution of violations of this section may be held:

- (1) In any county in which the offender resides;

(2) in any county in which the offender is required to be registered under the Kansas offender registration act;

(3) in any county in which the offender is located during which time the offender is not in compliance with the Kansas offender registration act; or

(4) in the county in which any conviction or adjudication occurred for which the offender is required to be registered under the Kansas offender registration act.

Sec. 5. On and after July 1, 2028, K.S.A. 22-4904 is hereby amended to read as follows: 22-4904. (a) (1) At the time of conviction or adjudication for an offense requiring registration as provided in K.S.A. 22-4902, and amendments thereto, the court shall:

(A) Inform any offender, on the record, of the procedure to register and the requirements of K.S.A. 22-4905, and amendments thereto; and

(B) if the offender is released:

(i) Complete a notice of duty to register, which shall include title and statute number of conviction or adjudication, date of conviction or adjudication, case number, county of conviction or adjudication, and the following offender information: Name, address, date of birth, social security number, race, ethnicity and gender;

(ii) require the offender to read and sign the notice of duty to register, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(iii) order the offender to report within three business days to the registering law enforcement agency in the county or tribal land of conviction or adjudication and to the registering law enforcement agency in any place where the offender resides, ~~maintains employment or attends school~~, to complete the registration form with all information and any updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and

(iv) provide one copy of the notice of duty to register to the offender and, within three business days, send a copy of the form to the law enforcement agency having initial jurisdiction and to the Kansas bureau of investigation.

(2) At the time of sentencing or disposition for an offense requiring registration as provided in K.S.A. 22-4902, and amendments thereto, the court shall ensure the age of the victim is documented in the journal entry of conviction or adjudication.

(3) Upon commitment for control, care and treatment by the Kansas department for aging and disability services pursuant to K.S.A. 59-29a07, and amendments thereto, the court shall notify the registering law enforcement agency of the county where the offender resides during commitment of such offender's commitment. Such notice shall be prepared

by the office of the attorney general for transmittal by the court by electronic means, including by fax or e-mail.

(b) The staff of any correctional facility or the registering law enforcement agency's designee shall:

(1) ~~At the time~~ *Within three business days* of initial custody, register any offender ~~within three business days by entering all required registration information in the statewide offender registration system and:~~

(A) Inform the offender of the procedure for registration and of the offender's registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) complete the registration form with all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(D) provide one copy of the form to the offender and, within three business days, ~~send a copy of the form to enter the registration information into the statewide offender registration system provided by the~~ Kansas bureau of investigation; and

(E) enter all offender information, *including updates to such information*, required by the national crime information center *and for registration as provided in K.S.A. 22-4907, and amendments thereto*, into ~~the national sex offender registry system within three business days of completing the registration or electronically submit all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto, within three business days to the statewide offender registration system provided by the~~ Kansas bureau of investigation;

(2) notify the Kansas bureau of investigation of the incarceration of any offender and of the location or any change in location of the offender while in custody;

(3) prior to any offender being discharged, paroled, furloughed or released on work or school release that does not require the daily return to a correctional facility:

(A) Inform the offender of the procedure for registration and of the offender's registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) complete the registration form with all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(D) photograph the offender's face and any identifying marks;

(E) obtain fingerprint and palm prints of the offender; and

(F) provide one copy of the form to the offender and, ~~within three business days, send a copy of the form and of enter the registration information, including the photograph or photographs, to the law enforcement agency having initial jurisdiction and to into the statewide registration system provided by~~ the Kansas bureau of investigation; and

(4) notify the law enforcement agency having initial jurisdiction and the Kansas bureau of investigation seven business days prior to any offender being discharged, paroled, furloughed or released on work or school release.

(c) The staff of any treatment facility shall:

(1) Within three business days of an offender's arrival for inpatient treatment, inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of the offender's presence at the treatment facility and the expected duration of the treatment, and immediately notify the registering law enforcement agency of an unauthorized or unexpected absence of the offender during the offender's treatment;

(2) inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located within three business days of an offender's discharge or release; and

(3) provide information upon request to any registering law enforcement agency having jurisdiction relevant to determining the presence of an offender within the treatment facility.

(d) The registering law enforcement agency, upon the reporting of any offender, shall:

(1) Inform the offender of the duty to register as provided by the Kansas offender registration act;

(2) (A) explain the procedure for registration and the offender's registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) obtain the information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(3) complete the registration form with all information and updated information required for registration, as provided in K.S.A. 22-4907, and amendments thereto, each time the offender reports to the registering law enforcement agency. All information and updated information reported by an offender shall be ~~forwarded to~~ *entered into the statewide offender registration system provided by* the Kansas bureau of investigation ~~within three business days;~~

(4) maintain the original signed registration form, provide one copy of the completed registration form to the offender and, ~~within three business days, send one copy of the completed form to enter the registration information into the statewide offender registration system provided by the Kansas bureau of investigation;~~

(5) forward a copy of any certified letter used for reporting pursuant to K.S.A. 22-4905, and amendments thereto, when utilized, within three business days to the Kansas bureau of investigation;

(6) obtain registration information from every offender required to register regardless of whether or not the offender remits payment;

(7) upon every required reporting, update the photograph or photographs of the offender's face and any new identifying marks and immediately forward copies or electronic files of the photographs to the Kansas bureau of investigation;

(8) enter all offender information required by the national crime information center into the national sex offender registry system within three business days of completing the registration or electronically submit all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto, within three business days to the Kansas bureau of investigation;

(9) maintain a special fund for the deposit and maintenance of fees paid by offenders. All funds retained by the registering law enforcement agency pursuant to the provisions of this section shall be credited to a special fund of the registering law enforcement agency which shall be used solely for law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to reduce the amount of funding otherwise made available to the registering law enforcement agency; and

(10) forward any initial registration and updated registration information within three business days to any out-of-state jurisdiction where the offender is expected to reside, maintain employment or attend school.

(e)(1) The Kansas bureau of investigation shall, *through the use of the statewide offender registration system*:

(A) Forward all additions or changes in information to any registering law enforcement agency, other than the agency that submitted the form, where the offender expects to reside, maintain employment or attend school;

(B) ensure that offender information is immediately entered in the state registered offender database and the Kansas registered offender website, as provided in K.S.A. 22-4909, and amendments thereto;

(C) transmit offender conviction or adjudication data, fingerprints and palm prints to the federal bureau of investigation; and

(D) ensure all offender information required by the national crime information center is transmitted into the national sex offender registry

system within three business days of such information being electronically submitted to the Kansas bureau of investigation.

(2) The director of the Kansas bureau of investigation may adopt rules and regulations necessary to implement the provisions of the Kansas offender registration act.

(f) The attorney general shall, within 10 business days of an offender being declared a sexually violent predator, forward to the Kansas bureau of investigation all relevant court documentation declaring an offender a sexually violent predator.

(g) The state department of education shall annually notify any school of the Kansas bureau of investigation internet website, and any internet website containing information on the Kansas offender registration act sponsored or created by the registering law enforcement agency of the county or location of jurisdiction in which the school is located, for the purpose of locating offenders who reside near such school. Such notification shall include information that the registering law enforcement agency of the county or location of jurisdiction where such school is located is available to the school to assist in using the registry and providing additional information on registered offenders.

(h) The secretary of health and environment shall annually notify any licensed child care facility of the Kansas bureau of investigation internet website, and any internet website containing information on the Kansas offender registration sponsored or created by the registering law enforcement agency of the county in which the facility is located, for the purpose of locating offenders who reside near such facility. Such notification shall include information that the registering law enforcement agency of the county or location of jurisdiction where such child care facility is located is available to the child care facilities to assist in using the registry and providing additional information on registered offenders.

(i) Upon request, the clerk of any court of record shall provide the Kansas bureau of investigation copies of complaints, indictments, information, journal entries, commitment orders or any other documents necessary to the performance of the duties of the Kansas bureau of investigation under the Kansas offender registration act. No fees or charges for providing such documents may be assessed.

Sec. 6. K.S.A. 22-4905 is hereby amended to read as follows: 22-4905. Any offender required to register as provided in the Kansas offender registration act shall:

(a) Except as otherwise provided in this subsection, register in person with the registering law enforcement agency within three business days of coming into any county or location of jurisdiction in which the offender resides or intends to reside, maintains employment or intends to maintain employment, or attends school or intends to attend school. Any

such offender who cannot physically register in person with the registering law enforcement agency for such reasons including, but not limited to, incapacitation or hospitalization, as determined by a person licensed to practice medicine or surgery, or involuntarily committed pursuant to the Kansas sexually violent predator act, shall be subject to verification requirements other than in-person registration, as determined by the registering law enforcement agency having jurisdiction;

(b) except as provided further, for any: (1) Sex offender, including a violent offender or drug offender who is also a sex offender, report in person four times each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending a school; and (2) violent offender or drug offender, report in person four times each year to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or is attending a school, except that, at the discretion of the registering law enforcement agency, one of the four required reports may be conducted by certified letter. When utilized, the certified letter for reporting shall be sent by the registering law enforcement agency to the reported residence of the offender. The offender shall indicate any changes in information as required for reporting in person. The offender shall respond by returning the certified letter to the registering law enforcement agency within 10 business days by certified mail. The offender shall be required to report to the registering law enforcement agency once during the month of the offender's birthday and every third, sixth and ninth month occurring before and after the month of the offender's birthday. The registering law enforcement agency may determine the appropriate times and days for reporting by the offender, consistent with this subsection. Nothing contained in this subsection shall be construed to alleviate any offender from meeting the requirements prescribed in the Kansas offender registration act;

(c) provide the information required for registration as provided in K.S.A. 22-4907, and amendments thereto, and verify all information previously provided is accurate;

(d) if in the custody of a correctional facility, register with the correctional facility within three business days of initial custody ~~and but~~ shall not be required to update such registration until discharged, paroled, furloughed or released on work or school release from a correctional facility. A copy of the registration form and any updated registrations for an offender released on work or school release shall be ~~sent, within three business days,~~ *entered into the statewide offender registration system to distribute the information* to the registering law enforcement agency where the offender is incarcerated, maintains employment or attends school; and to the Kansas bureau of investigation;

(e) if involuntarily committed pursuant to the Kansas sexually violent predator act, register within three business days of arrival in the county where the offender resides during commitment. The offender shall not be required to update such registration until placed in a reintegration facility, on transitional release or on conditional release. Upon placement in a reintegration facility, on transitional release or on conditional release, the offender shall be personally responsible for complying with the provisions of the Kansas offender registration act;

(f) notwithstanding subsections (a) and (b), if the offender is transient, report in person to the registering law enforcement agency of such county or location of jurisdiction in which the offender is physically present within three business days of arrival in the county or location of jurisdiction. Such offender shall be required to register in person with the registering law enforcement agency every 30 days, or more often at the discretion of the registering law enforcement agency. Such offender shall comply with the provisions of the Kansas offender registration act and, in addition, shall:

(1) Provide a list of places where the offender has slept and otherwise frequented during the period of time since the last date of registration; and

(2) provide a list of places where the offender may be contacted and where the offender intends to sleep and otherwise frequent during the period of time prior to the next required date of registration;

(g) if required by out-of-state law, register in any out-of-state jurisdiction, where the offender resides, maintains employment or attends school;

(h) register in person upon any commencement, change or termination of residence location, employment status, school attendance or other information as provided in K.S.A. 22-4907, and amendments thereto, within three business days of such commencement, change or termination, to the registering law enforcement agency or agencies where last registered and provide written notice to the Kansas bureau of investigation;

(i) report in person to the registering law enforcement agency or agencies within three business days of any change in name;

(j) if receiving inpatient treatment at any treatment facility, inform the treatment facility of the offender's status as an offender and inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of the offender's presence at the treatment facility and the expected duration of the treatment;

(k) submit to the taking of an updated photograph by the registering law enforcement agency on each occasion when the offender registers with or reports to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains em-

ployment or attends school. In addition, such offender shall submit to the taking of a photograph to document any changes in identifying characteristics, including, but not limited to, scars, marks and tattoos;

(l) remit payment to the sheriff's office in the amount of \$20 as part of the reporting process required pursuant to subsection (b) in each county in which the offender resides, maintains employment or is attending school *and remit the technology fee described in section 1, and amendments thereto, in the county where the offender resides. On and after July 1, 2028, such offender shall remit payment to the sheriff's office in the amount of \$20 plus the technology fee described in section 1, and amendments thereto, only in the county where the offender resides.* Registration will be completed regardless of whether or not the offender remits payment. Failure of the offender to remit full payment ~~within 15 days at the~~ time of registration is a violation of the Kansas offender registration act and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments thereto. Notwithstanding other provisions herein, payment of ~~this fee such fees~~ is not required:

(1) When an offender provides updates or changes in information or during an initial registration unless such updates, changes or initial registration is during the month of such offender's birthday and every third, sixth and ninth month occurring before and after the month of the offender's birthday;

(2) when an offender is transient and is required to register every 30 days, or more frequently as ordered by the registering law enforcement agency, except during the month of the offender's birthday and every third, sixth and ninth month occurring before and after the month of the offender's birthday; or

(3) if an offender has, prior to the required reporting and within the last three years, been determined to be indigent by a court of law, and the basis for that finding is recorded by the court;

(m) annually renew any driver's license pursuant to K.S.A. 8-247, and amendments thereto, and annually renew any identification card pursuant to K.S.A. 2025 Supp. 8-1325a, and amendments thereto;

(n) if maintaining primary residence in this state, surrender all driver's licenses and identification cards from other states, territories and the District of Columbia, except if the offender is presently serving and maintaining active duty in any branch of the United States military or the offender is an immediate family member of a person presently serving and maintaining active duty in any branch of the United States military;

(o) read and sign the registration form noting whether the requirements provided in this section have been explained to the offender; and

(p) report in person to the registering law enforcement agency in the jurisdiction of the offender's residence and provide written notice to the

Kansas bureau of investigation 21 days prior to any travel outside of the United States, and provide an itinerary including, but not limited to, destination, means of transport and duration of travel, or if under emergency circumstances, within three business days of making travel arrangements.

Sec. 7. K.S.A. 22-4903 and 22-4905 are hereby repealed.

Sec. 8. On and after July 1, 2028, K.S.A. 22-4904 and section 1 of this act 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 9, 2026.

CHAPTER 106

HOUSE BILL No. 2613

AN ACT concerning the crime victims compensation board; relating to fees chargeable for conducting examinations of persons who may be victims of sexual assault; authorizing the board to establish such fees and adopt rules and regulations for the administration thereof; authorizing the board to use moneys in the crime victims compensation fund for the payment of such fees; relating to confidentiality of records and information given to the crime victims compensation board; providing certain exceptions thereto; amending K.S.A. 2025 Supp. 65-448, 74-7304, 74-7308 and 74-7317 and repealing the existing sections.

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

Section 1. K.S.A. 2025 Supp. 65-448 is hereby amended to read as follows: 65-448. (a) Upon the request of any law enforcement officer and with the written consent of the reported victim, or upon the request of the victim, any physician, a licensed physician assistant who has been specially trained in performing sexual assault evidence collection, or a registered professional nurse who has been specially trained in performing sexual assault evidence collection, if such physician, licensed physician assistant or registered nurse is on call or on duty at a:

(1) (A) Medical care facility of this state, as defined by K.S.A. 65-425(h), and amendments thereto, shall examine persons who may be victims of sexual assault; or

(B) child advocacy center of this state, as defined by K.S.A. 38-2227, and amendments thereto, or any other facility licensed or operated by a physician, physician assistant or registered nurse licensed pursuant to chapter 65 of the Kansas Statutes Annotated, and amendments thereto, may examine persons who may be victims of sexual assault.

(2) All examinations performed pursuant to paragraph (1), shall be conducted using Kansas bureau of investigation sexual assault evidence collection kits or similar kits approved by the Kansas bureau of investigation, for the purposes of gathering evidence of any such crime.

(b) If an examination takes place solely upon the request of the victim, the medical care facility, child advocacy center or other facility where the examination takes place shall not notify any law enforcement agency without the written consent of the victim, unless otherwise required by law.

(c) If the physician, licensed physician assistant or registered professional nurse refuses to perform an examination at a medical care facility pursuant to subsection (a)(1), the prosecuting attorney is hereby empowered to seek a mandatory injunction against such physician, licensed physician assistant or registered professional nurse to enforce the provisions of subsection (a)(1). Any refusal by a physician, licensed physician assistant or registered professional nurse to perform an ex-

amination ~~which~~ *that* has been requested pursuant to subsection (a)(1) shall be reported by the county or district attorney to the state board of healing arts or the board of nursing, whichever is applicable, for appropriate disciplinary action.

(d) The Kansas bureau of investigation shall establish procedures for gathering evidence pursuant to this section.

(e) (1) The medical care facility, child advocacy center or other facility shall give written notice to the parent or guardian of a minor that such an examination has taken place, except when:

(A) The medical care facility, child advocacy center or other facility has information that a parent, guardian or family or household member is the subject of a related criminal investigation; or

(B) the physician, licensed physician assistant or registered professional nurse, after consultation with law enforcement, reasonably believes that the child will be harmed if such notice is given.

(2) A minor may consent to an examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of a parent or guardian of the minor is not required for such examination.

(f) All unreported sexual assault kits shall be sealed by either the sexual assault nurse examiner program or the facility that provided the examination and sent to the Kansas bureau of investigation. The Kansas bureau of investigation shall retain all unreported sexual assault kits connected to a report of sexual assault in evidence storage for 20 years. After 20 years, such kits shall be destroyed by the Kansas bureau of investigation.

(g) Each sexual assault kit that is received by the Johnson county sheriff's office criminalistics laboratory, Sedgwick county regional forensic science center or the Kansas bureau of investigation shall be examined if the kit is required to be released to a law enforcement agency in connection with a report of sexual assault.

(h) The fee chargeable for conducting an examination of a victim as ~~herein provided in this section~~ shall be established by the ~~department of health and environment~~ *crime victims compensation board established pursuant to K.S.A. 74-7303, and amendments thereto*. Such fee, including the cost of the sexual assault evidence collection kit, shall be charged to and paid by the ~~county where the alleged offense was committed~~ *crime victims compensation board*, and refusal of the victim to report the alleged offense to law enforcement shall not excuse or exempt the ~~county~~ *crime victims compensation board* from paying such fee. *Payment of such fee is not contingent on a victim or claimant being otherwise eligible for compensation under K.S.A. 74-7301 et seq., and amendments thereto.* The fee for conducting an examination of a victim pursuant to this section shall not be charged or billed to the victim or to the victim's insurance carrier. ~~Such county~~ *The crime victims compensation board* shall be reimbursed

such fee upon the costs being paid by the defendant as court costs assessed pursuant to K.S.A. 28-172a, and amendments thereto.

(i) No medical care facility, child advocacy center or other facility shall incur any civil, administrative or criminal liability as a result of notifying or failing to notify any law enforcement agency if an examination has taken place solely upon the request of the victim and such notification is not otherwise required by law.

(j) The Kansas bureau of investigation may adopt rules and regulations as deemed necessary to implement the provisions of this section.

(k) As used in this section:

(1) "Unreported sexual assault kit" means a sexual assault kit collected pursuant to subsection (b) that is not released to law enforcement; and

(2) "sexual assault" means a sexual offense cognizable as a violation of K.S.A. 21-5503, 21-5504, 21-5506 or 21-5604, and amendments thereto.

Sec. 2. K.S.A. 2025 Supp. 74-7304 is hereby amended to read as follows: 74-7304. In addition to the powers and duties specified elsewhere in this act, the board shall have the following powers and duties:

(a) The power to adopt by rule and regulation a description of the organization of the board, stating the general method and course of operation of the board;

(b) (1) The power to adopt rules and regulations:

(A) *Necessary* to carry out the provisions of this act; and the property crime restitution and compensation act, including rules for the allowance of attorney fees for representation of claimants; ~~and to adopt rules and regulations~~

(B) providing for discovery proceedings, including medical examination, consistent with the provisions of this act ~~relating~~ *related* thereto; and

(C) *necessary to carry out the provisions of K.S.A. 65-448, and amendments thereto.*

(2) Rules and regulations adopted by the board shall be statements of general applicability ~~which~~ *that* implement, interpret or prescribe policy; or describe the procedure or practice requirements of the board;

(c) the duty to hear and determine all matters relating to claims for compensation; and the power to reinvestigate or reopen claims without regard to statutes of limitation or periods of prescription;

(d) the duty, if it would contribute to the function of the board, to subpoena witnesses and other prospective evidence, administer oaths or affirmations, conduct hearings and receive relevant, nonprivileged evidence; and

(e) the power to take notice of judicially recognizable facts and general, technical and scientific facts within their specialized knowledge.

Sec. 3. K.S.A. 2025 Supp. 74-7308 is hereby amended to read as follows: 74-7308. (a) There shall be no privilege, except privileges arising

from the attorney-client relationship, as to communications or records relevant to an issue of the physical, mental or emotional conditions of the claimant or victim in a proceeding under this act in which such condition is an element.

(b) If the mental, physical or emotional condition of a victim or claimant is material to a claim, the board may order the victim or claimant to submit to a mental or physical examination by a physician or psychologist, and may order an autopsy of a deceased victim. The order may be made for good cause shown upon notice to the person to be examined and to all persons who have appeared. The order shall specify the time, place, manner, conditions and scope of the examination or autopsy and the person by whom ~~it~~ *the examination or autopsy* is to be made; ~~and the order shall~~ require the person to file with the board a detailed written report of the examination or autopsy. The report shall set out the findings of the person making the report, including results of all tests made, diagnoses, prognosis and other conclusions and reports of earlier examinations of the same conditions.

(c) On request of the person examined, the board shall furnish a copy of the report to such person. If the victim is deceased, the board, on request, shall furnish to the claimant a copy of the report.

(d) The board may require the claimant to supplement the application with any reasonably available medical or psychological reports relating to the injury for which compensation is claimed.

(e) (1) All records and information given to the board and the crime victims compensation division created by K.S.A. 75-773, and amendments thereto, to process a claim on behalf of a crime victim shall be confidential. Such exhibits, medical records, psychological records, counseling records, work records, criminal investigation records, criminal court case records, witness statements, telephone records and other records of any type or nature whatsoever gathered for the purpose of evaluating whether to compensate a victim shall not be obtainable by any party to any action, civil or criminal, through any discovery process except:

~~(1)(A)~~ (A) In the event of an appeal under the Kansas administrative procedure act from a decision of the board and then only to the extent narrowly and necessarily to obtain court review;

~~(2)(B)~~ (B) *by the board upon a finding that the records and information given to the board were not previously available to an agency investigating or prosecuting child abuse or neglect. Upon such a finding, the board or the board's designee may disclose such records and information necessary to assist in such investigation or prosecution to:*

(i) Any law enforcement agency of this state or any political subdivision of this state;

(ii) any county or district attorney of this state; and

(iii) *the Kansas department for children and families;*

(C) *by the board upon a finding that the records and information given to the board are wholly or partially false or fraudulent. Upon such a finding, the board or the board's designee may disclose such records and information to any law enforcement agency or political subdivision of this state responsible for investigating or prosecuting such false or fraudulent records and information;*

(D) *upon a strict showing to the court in a separate civil or criminal action that particular information or documents are not obtainable after diligent effort from any independent source, and are known to exist otherwise only in board records, the court may inspect in camera such records to determine whether the specific requested information exists. If the court determines the specific information sought exists in the board records, the documents may then be released only by court order if the court finds as part of its order that the documents will not pose any threat to the safety of the victim or any other person whose identity may appear in board records; or*

~~(3)(E)~~ *by any board order granting or denying compensation to a crime victim.*

(2) *The provisions of paragraphs (1)(B) and (C) shall expire on July 1, 2031, unless the legislature reviews and reenacts such provisions pursuant to K.S.A. 45-229, and amendments thereto.*

Sec. 4. K.S.A. 2025 Supp. 74-7317 is hereby amended to read as follows: 74-7317. (a) There is hereby established in the state treasury the crime victims compensation fund.

(b) Moneys in the crime victims compensation fund shall be used only for the payment of compensation pursuant to K.S.A. 74-7301 et seq., and amendments thereto, *the payment of fees pursuant to K.S.A. 65-448, and amendments thereto, and for the state operations of the board and the crime victims compensation division of the office of the attorney general created pursuant to K.S.A. 75-773, and amendments thereto.* Payments from the fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board and the attorney general or by a person or persons designated by the chairperson and the attorney general.

(c) The crime victims compensation board may apply for, receive and accept money from any source, including financial contributions from inmates as provided by K.S.A. 75-5211(b), and amendments thereto, for the purposes for which money in the crime victims compensation fund may be expended. Upon receipt of any such money, the chairperson of the board shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit

the entire amount in the state treasury to the credit of the crime victims compensation fund.

Sec. 5. K.S.A. 2025 Supp. 65-448, 74-7304, 74-7308 and 74-7317 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 9, 2026.

CHAPTER 107

SENATE BILL No. 403

AN ACT concerning motor vehicles; relating to license plates; providing for the pheasants forever and quail forever and delta waterfowl distinctive license plates; restricting the use of material or objects covering a license plate; relating to the Kansas uniform commercial drivers' license act; modifying the definition of conviction in the uniform act; amending K.S.A. 8-133, 8-2,128 and 8-15,110 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, 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 license plate authorized by pheasants forever, inc., and established pursuant to this section 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) Pheasants forever, inc., may authorize the use of the organization's logos 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 pheasants forever, 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) Subject to the approval of the director of vehicles, pheasants forever, inc., is authorized to establish two new distinctive license plates. Each such plate shall be subject to the provisions of K.S.A. 8-1,141, and amendment thereto. The plates are intended to promote:

- (1) Pheasants forever; and
- (2) quail forever.

(d) 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.

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

(f) The director of vehicles may transfer a pheasants forever inc., authorized license plate 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 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.

(h) Pheasants forever, inc., with the approval of the director of vehicles, shall design the plates to be issued under the provisions of this section.

(i) As a condition of receiving the pheasants forever license inc., authorized 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 pheasants forever, inc., and the state treasurer.

(j) The collection and remittance of annual royalty payments by the county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h), and amendments thereto.

New Sec. 2. (a) On and after January 1, 2027, 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 delta waterfowl 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 board of directors of delta waterfowl 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 board of directors of delta waterfowl, 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 delta waterfowl 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 board of directors of delta waterfowl, 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 delta waterfowl 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 board of directors of delta waterfowl and the state treasurer.

(j) The collection and remittance of annual royalty payments by the county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h), and amendments thereto, except that payments from the delta waterfowl license plate royalty fund shall be made on a monthly basis to the delta waterfowl foundation.

Sec. 3. K.S.A. 8-133 is hereby amended to read as follows: 8-133.

(a) The license plate assigned to the vehicle shall be attached to the rear of the vehicle and shall be displayed during the current registration year or years. Except as otherwise provided in subsection (b), a Kansas registered vehicle shall not have a license plate attached to the front of the vehicle.

(b) The following classes of vehicles shall attach a license plate in the location or locations specifically stated:

(1) The license plate issued for a truck tractor shall be attached to the front of the truck tractor;

(2) a model year license plate issued for an antique vehicle, in accordance with K.S.A. 8-172, and amendments thereto, may be attached to the front of the antique vehicle;

(3) a personalized license plate issued to a passenger vehicle or truck pursuant to K.S.A. 8-132(c), and amendments thereto, may be attached to the front of the passenger vehicle or truck;

(4) the license plate issued for a motor vehicle used as a concrete mixer truck may be attached to either the front or rear of the vehicle; and

(5) the license plate issued for a motor vehicle used as a dump truck with a gross weight of 26,000 pounds or more shall be attached to the front of the vehicle. The provisions of this paragraph shall not apply to such vehicle if such vehicle is registered as a farm truck.

~~(c) Every license plate shall at all times be securely fastened to the vehicle to which it is assigned, to prevent the plate from swinging, and at a height not less than 12 inches from the ground, measuring from the bottom of such plate. The license plate shall be fastened in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.~~

(d) During any period in which the construction of license plates has been suspended pursuant to the provisions of K.S.A. 8-132, and amendments thereto, the plate, tag, token, marker or sign assigned to such vehicle shall be attached to and displayed on such vehicle in such place, position, manner and condition as shall be prescribed by the director of vehicles.

~~(e) A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (b)(5). The provisions of this subsection shall expire and have no effect on and after January 1, 2022.~~

Sec. 4. K.S.A. 8-2,128 is hereby amended to read as follows: 8-2,128. As used in this act:

(a) “Alcohol” means any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(b) “alcohol concentration” means:

(1) The number of grams of alcohol per 100 milliliters of blood; or

(2) the number of grams of alcohol per 210 liters of breath;

(c) “commercial driver’s license” means a commercial license issued pursuant to K.S.A. 8-234b, and amendments thereto;

(d) “commercial driver license system” means the information system established pursuant to the commercial motor vehicle safety act of 1986 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(e) “instruction permit” means a permit issued pursuant to K.S.A. 8-294, and amendments thereto;

(f) “commercial motor vehicle” means a motor vehicle designed or used to transport passengers or property, if:

(1) The vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive than the federal regulation;

(2) the vehicle is designed to transport 16 or more passengers, including the driver; or

(3) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. § 172, subpart F;

(g) “controlled substance” means any substance so classified under K.S.A. 21-5701, and amendments thereto;

(h) “conviction” means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law ~~and~~ in a court of original jurisdiction or an administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person’s appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated;

(i) “disqualification” means any of the following:

(1) The suspension, revocation, or cancellation of a commercial driver’s license by the state or jurisdiction of issuance;

(2) any withdrawal of a person’s privileges to drive a commercial motor vehicle by a state or other jurisdiction as the result of a violation of state or local law relating to motor vehicle traffic control, other than parking, vehicle weight or vehicle defect violations;

(3) a determination by the federal motor carrier safety administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. § 391;

(j) “drive” means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of K.S.A. 8-2,137, 8-2,138, 8-2,142, 8-2,144 and 8-2,145, and amendments thereto, “drive” includes operation or physical control of a motor vehicle anywhere in the state;

(k) “driver” means any person who drives, operates or is in physical control of a commercial motor vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required to hold a commercial driver’s license;

(l) “driver’s license” means any driver’s license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

(1) Any temporary license or instruction;

(2) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; or

(3) any nonresident’s operating privilege;

(m) “employer” means any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle;

(n) “endorsement” means an authorization to an individual’s commercial driver’s license required to permit the individual to operate certain types of commercial motor vehicles;

(o) “felony” means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(p) “gross vehicle weight rating” means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the “gross combination weight rating”) is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units;

(q) “hazardous materials” means any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73;

(r) “motor vehicle” means every vehicle ~~which~~ *that* is self-propelled, and every vehicle ~~which~~ *that* is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs;

(s) “out-of-service order” means a temporary prohibition against driving a commercial motor vehicle, ~~which~~ *that* is imposed when a driver has any measured or detected alcohol concentration while on duty, or operating, or in physical control of a commercial motor vehicle or a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle or a motor carrier operation, is out-of-service pursuant to 49 C.F.R. part 386.72, 392.5, 395.13, 396.9 or such compatible laws, or the North American out-of-service criteria;

(t) “residence” means the place ~~which~~ *that* is adopted by a person as the person’s place of habitation and ~~to which~~ *where*, 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;

(u) “secretary” means the secretary of the Kansas department of revenue;

(v) “serious traffic violation” means:

(1) Excessive speeding, *which* is defined as 15 miles per hour or more over the posted speed limit;

(2) reckless driving, as defined under K.S.A. 8-1566, and amendments thereto;

(3) a violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;

(4) changing lanes of traffic illegally or erratically, as defined under K.S.A. 8-1548, and amendments thereto;

(5) following another vehicle too closely, as defined under K.S.A. 8-1523, and amendments thereto;

(6) a violation of subsection (a) of K.S.A. 8-2,132, and amendments thereto; or

(7) any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, ~~which~~ *that* the secretary determines by rule and regulation to be serious;

(w) “state” means a state of the United States and the District of Columbia;

(x) “state of domicile” means that state where a person has such person’s true, fixed and permanent home and principal residence ~~and to which~~ *where* such person has the intention of returning whenever such person is absent;

(y) “tank vehicle” means a tank vehicle, as defined in 49 C.F.R. § 383.5, as in effect on the date of this act or such later version as adopted by rules and regulations of the secretary pursuant to K.S.A. 8-2,140, and amendments thereto;

(z) “United States” means the 50 states and the District of Columbia;

(aa) “division” means the division of vehicles of the Kansas department of revenue;

(bb) “director” means the director of the division of vehicles of the Kansas department of revenue;

(cc) “foreign country” means any jurisdiction other than the United States;

(dd) “nonresident commercial driver’s license” means a license issued pursuant to K.S.A. 8-2,148, and amendments thereto;

(ee) “fatality” means the death of a person as a result of a motor vehicle accident;

(ff) “noncommercial motor vehicle” means a motor vehicle or combination of motor vehicles not defined by the term commercial motor vehicle in subsection (f); *and*

(gg) “school bus” means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events. “School bus” does not include a bus used as a common carrier.

Sec. 5. K.S.A. 8-15,110 is hereby amended to read as follows: 8-15,110. (a) It shall be unlawful for any person to attach ~~and~~ *or* display on any vehicle, *or to operate a vehicle with*, a license plate, as required under article 1 of chapter 8 of the Kansas Statutes Annotated, *and amendments thereto*:

(1) Which is covered, in whole or in part, with any clear or opaque

material or any other plastic-like material that affects the plate's visibility or reflectivity; or

(2) *with any frame or other object on or around the plate affecting the visibility or legibility as required in subsection (b).*

(b) *Every license plate shall at all times be securely fastened to the vehicle to which it is assigned, to prevent the plate from swinging, and at a height not less than 12 inches from the ground, measuring from the bottom of such plate. The license plate shall be fastened in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.*

(c) *As used in this section, "clearly legible," "clearly visible," "legibility" or "visibility" means the ability to determine the alphanumeric registration number assigned, the state of issue, the month of expiration on the registration decal, the color of the registration decal and any other required decal from a reasonably safe distance. "Clearly legible," "clearly visible," "legibility" or "visibility" does not include the ability to determine the abbreviated state designation on the registration decal, the expiration year on the registration decal and plate number on the registration decal.*

(d) *A law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (a)(2). The provisions of this subsection shall expire and have no effect on and after January 1, 2027.*

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

Sec. 6. K.S.A. 8-133, 8-2,128 and 8-15,110 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 9, 2026.

CHAPTER 108

SENATE BILL No. 353*

AN ACT designating the official Kansas railroad hall of fame for the purpose of celebrating the rich railroad heritage of Kansas and the Kansans who were and are leaders in such industry; setting the location of such hall of fame at the great plains transportation museum in Wichita; establishing the Kansas railroad hall of fame selection committee; prescribing powers and duties of the committee.

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

Section 1. (a) The legislature finds that the state of Kansas, during the latter half of the 19th century, was a nexus for development of rail transportation in the new frontier of the west. The growth of transcontinental routes, as well as secondary lines that served the cattle and farming industries and delivered goods to the burgeoning new communities across the state, left in their wake a rich heritage of rail travel and shipment that constituted a pivotal part of Kansas history. Even today, goods move through Kansas by rail at a high rate, and the railroad transportation system continues to be an important part of the state economy. Therefore, the legislature finds that there shall be established an officially sanctioned Kansas railroad hall of fame to recognize the important individuals who developed rail transportation in Kansas and continue such endeavors today. The legislature further finds that the location that would best serve this purpose is the great plains transportation museum, located in Wichita, because the museum is established with a focus on transportation and could provide benefits, synergies and facilities helpful to establishing and ensuring the success of the Kansas railroad hall of fame.

(b) The great plains transportation museum, located in Wichita, is hereby designated as the official site of and repository for the Kansas railroad hall of fame.

(c) The management of the Kansas railroad hall of fame located at the great plains transportation museum is vested in the Kansas railroad hall of fame selection committee established pursuant to section 2, and amendments thereto.

(d) The provisions of sections 1 through 4, and amendments thereto, shall be known and may be cited as the Kansas railroad hall of fame act.

Sec. 2. (a) There is hereby established the Kansas railroad hall of fame selection committee composed of:

(1) The executive director of the great plains transportation museum, who shall serve ex officio with all powers of an appointed member;

(2) the executive director of the state historical society, who shall serve ex officio with all powers of an appointed member;

(3) one member who shall be initially appointed by the governor from a list of at least five individuals nominated by the board of directors of the great plains transportation museum. Such list shall be comprised of current or former members of such board of directors. The term of a great plains transportation museum board member appointed to the selection committee shall be for the period of such individual's membership on such museum board of directors. The term of a former board member shall be four years. All subsequent appointments and any vacancy in office of a member of the selection committee appointed pursuant to this paragraph shall be filled by the governor by appointment from a list of at least three individuals nominated by the board of directors of the great plains transportation museum who meet the requirements as described by this paragraph;

(4) one representative of the public who is or has been employed in the railroad industry as described by section 3(a)(1)(A) or (B), and amendments thereto, to be appointed by the governor for a term of two years;

(5) two representatives of the public who are or have been employed in the railroad industry as described by section 3(a)(1)(A) or (B), and amendments thereto. Of such representatives of the public, one representative shall be appointed by the president of the senate and one representative shall be appointed by the speaker of the house of representatives. Both appointments shall be for a term of two years;

(6) one member appointed by the sheet metal, air, rail and transportation workers union, or any successor to such organization; and

(7) one member appointed by the Kansas railroad association, or any successor to such organization.

(b) Upon the vacancy of office or expiration of the term of office of any member who has been appointed, a successor shall be appointed in the same manner as the original appointment, except as otherwise provided by paragraph (a)(3). Vacancies in office of appointed members with an unexpired term of years shall be filled by appointment for the unexpired term of the member creating the vacancy. The appointing authority may remove a member who was appointed by such appointing authority at any time, and the resulting vacancy shall be promptly filled as provided by this section. Appointed members may be reappointed but shall not serve more than two consecutive terms, including any partial term.

(c) The Kansas railroad hall of fame selection committee shall organize annually by electing one of the committee members as chairperson, one as vice chairperson and one as treasurer. Meetings of the selection committee shall be held upon the call of the chairperson or may be called by a majority of the selection committee. Meetings shall be open to the public and shall be held at the facilities of the great plains transportation museum, if possible, or in proximity to the Kansas railroad hall of fame.

(d) Members of the Kansas railroad hall of fame selection committee shall serve without compensation, except that members may receive reimbursement for expenses incurred in attending meetings or performing duties for the selection committee from available moneys.

(e) Decisions of the Kansas railroad hall of fame selection committee shall be by the majority vote of all members. Members may participate and vote remotely if such participation and vote is ascertainable by members of the public physically present at the meeting.

Sec. 3. (a) The Kansas railroad hall of fame selection committee established pursuant to section 2, and amendments thereto, may annually select individuals for induction into the Kansas railroad hall of fame. The purpose of such selections shall be to honor those individuals whose achievements in or for the Kansas railroad industry have brought distinction to themselves and to the state of Kansas. A candidate for induction into the Kansas railroad hall of fame shall have:

(1) (A) Worked within this state with an officially sanctioned railroad operating within this state;

(B) worked within this state in the manufacture within this state of railroad-related products, rail cars or locomotives; or

(C) been otherwise significantly involved in the railroad industry in this state; and

(2) contributed significantly to rail service in Kansas or to the preservation of the rail heritage of Kansas.

(b) Any member of the Kansas railroad hall of fame selection committee or interested individual may nominate a candidate for consideration by the selection committee for induction into the Kansas railroad hall of fame. The selection committee shall prepare and make available to the public a nomination form available in printed format or on the website or webpage of the Kansas railroad hall of fame. The nomination form shall include:

(1) Contact information pertaining to the nominee, including the name, address, phone number and email address or, if the nominee is deceased, the name and contact information of a relative or close personal acquaintance of the nominee;

(2) information pertaining to the nominator, including the name, address, phone number, email address and the nominator's relationship to the nominee;

(3) a statement of approximately 1,000 words or more explaining why the nominee should be a candidate for induction into the Kansas railroad hall of fame, including how the nominee contributed to the Kansas rail industry and meets the criteria of subsection (a)(1) and (a)(2) and why such contribution is significant; and

(4) such other information as may be required by the selection committee.

(c) The Kansas railroad hall of fame selection committee may research or request additional information as the selection committee may find helpful in determining whether to induct a candidate into the Kansas railroad hall of fame. Information provided to or obtained and considered by the selection committee for the purpose of reviewing candidates and making a decision as to which candidates are to be inducted into the Kansas railroad hall of fame may be made available to the public for the purpose of informing the public regarding the basis of the committee's decision and the accomplishments and contribution of candidates to the railroad heritage of Kansas. The selection committee shall not be required to disclose information or records, including, but not limited to, personally identifiable information or other personal information provided on the nomination form, that are not required to be disclosed by a public agency pursuant to K.S.A. 45-221, and amendments thereto, or are protected under any other applicable state or federal law.

(d) The Kansas railroad hall of fame selection committee:

(1) Shall provide for an appropriate location at the facilities of the great plains transportation museum, if possible, or in close proximity to such facilities for the display of any plaques, trophies, mementos, awards, photographs, biographical or historical material or other information that may come into the committee's possession for the purpose of recognizing the achievements of the individual Kansans inducted into the Kansas railroad hall of fame. The selection committee shall also provide for the appropriate display of such items or information at such location;

(2) may provide an outside display on a printed metal sign or signs that may include photos of the inductees, abbreviated biographies of inductees and information about the Kansas railroad hall of fame. The display may be mounted on public property or a public right-of-way at a suitable location, as determined by the selection committee in cooperation with the Kansas department of transportation or local government authorities. The Kansas department of transportation shall assist with the siting and establishment of the display upon request by the selection committee;

(3) shall establish a website or webpage for the Kansas railroad hall of fame, which may be located on or linked with the website of the great plains transportation museum;

(4) may solicit and accept gifts, grants, bequests, donations or gratuities of money, services, real or personal property or rights from individuals, businesses, organizations or any governmental source to be used for the Kansas railroad hall of fame. Such moneys, property or services shall be used for the purposes for which provided, including the purchase of awards, outdoor or indoor displays, display or exhibit cases, induction ceremonies, a website or webpage or such other purposes for the Kansas railroad hall of fame that the selection committee may deem appropriate.

Such moneys and any fees received pursuant to section 4, and amendments thereto, shall be deposited by the treasurer in a suitable account of the Kansas railroad hall of fame at an appropriate financial institution as determined by the selection committee. All expenditures from such account shall be used for the purposes and intent of the Kansas railroad hall of fame act and authorized by the majority vote of the selection committee. Financial records of the selection committee shall be maintained by the treasurer; and

(5) may enter into such agreements or contracts with public or private entities or individuals to fulfill the duties and purposes of the selection committee and the intent of this act, including, but not limited to, agreements or contracts with the great plains transportation museum for the use of facilities and other assistance and cooperation.

Sec. 4. (a) The Kansas railroad hall of fame selection committee shall provide appropriate ceremonies to induct the individuals selected pursuant to section 3, and amendments thereto, into the Kansas railroad hall of fame. Such ceremonies shall be conducted at least annually on approximately the same date at the facilities of the great plains transportation museum, if possible, or in proximity to the Kansas railroad hall of fame. Such ceremonies shall include appropriate awards and certifications and may include food or entertainment.

(b) The selection committee may fix and charge fees for attendance at ceremonies described by subsection (a) to recover all or a part of the expenses of the ceremonies or other expenses of the Kansas railroad hall of fame. Such fees shall be deposited and expended by the selection committee pursuant to section 3, and amendments thereto.

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

Approved April 9, 2026.

CHAPTER 109

SENATE BILL No. 321

AN ACT concerning roads and highways; designating certain bridges on United States highway 69 and 18th street expressway in Johnson county as the Representative Robert M Tomlinson memorial bridge and a bridge on interstate 135 in Sedgwick county as the Don Snyder memorial bridge; designating a portion of interstate 35 as the deputy Sam Smith memorial highway; designating a portion of United States highway 36 as the undersheriff Brandon Gaede memorial highway; designating a portion of K-49 highway as the Pvt Michael E Gerber memorial highway; redesignating a current portion of the 35th infantry division memorial highway for interstate 35; amending K.S.A. 68-1013 and repealing the existing section.

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

New Section 1. Bridge No. 105-0283: 69-105-154.61 (283) and bridge no. 105-0278: 69-105-154.62 (278) located on United States highway 69 and 18th street expressway in Johnson county are hereby collectively designated as the Representative Robert M Tomlinson memorial bridge. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs to indicate that such bridge is the Representative Robert M Tomlinson memorial bridge.

New Sec. 2. Bridge No. 0087-B0854 located on interstate 135 in Sedgwick county is hereby designated as the Don Snyder memorial bridge. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs to indicate that such bridge is the Don Snyder memorial bridge.

New Sec. 3. The portion of interstate 35 from the northern junction with United States highway 59 in Franklin county, then south to the junction with Eisenhower road, is hereby designated as the deputy Sam Smith memorial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs along the highway right-of-way at proper intervals to indicate that the highway is the deputy Sam Smith memorial highway.

New Sec. 4. The portion of U.S. highway 36 from the eastern city limits of Phillipsburg, then west on U.S. highway 36 to the western city limits of Phillipsburg in Phillips county, is hereby designated as the undersheriff Brandon Gaede memorial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs along the highway right-of-way at proper intervals to indicate that the highway is the undersheriff Brandon Gaede memorial highway.

New Sec. 5. The portion of K-49 highway from its junction with west 119th street then south to its junction with United States highway 160 in Sumner county is hereby designated as the Pvt Michael E Gerber memo-

rial highway. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs along the highway right-of-way at proper intervals to indicate that the highway is the Pvt Michael E Gerber memorial highway.

Sec. 6. K.S.A. 68-1013 is hereby amended to read as follows: 68-1013. That portion of ~~federal interstate highway No. 35 which traverses the state~~ *interstate 35 where interstate 35 enters the state on the Kansas-Missouri line, then south on interstate 35 to the northern junction with United States highway 59 in Franklin county, then south on interstate 35 from the junction with Eisenhower road to the Kansas-Oklahoma state line* is hereby designated “*as the 35th infantry division memorial highway.*”

Sec. 7. K.S.A. 68-1013 is hereby repealed.

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

Approved April 9, 2026.

CHAPTER 110

SENATE BILL No. 412

AN ACT concerning the probate code; relating to guardians and conservators; imposing the duty to notify certain entities and persons of any court order commanding performance or safekeeping of the conservatee's estate assets; amending K.S.A. 59-30,176 and repealing the existing section.

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

Section 1. K.S.A. 59-30,176 is hereby amended to read as follows: 59-30,176. (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.

(m) Not later than 15 calendar days following the issuance of any court order commanding performance or safekeeping of the conservatee's estate assets, the conservator shall notify entities and persons that the conservator has identified as the location of an asset of the conservatee's estate.

Sec. 2. K.S.A. 59-30,176 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 9, 2026.

CHAPTER 111

SENATE BILL No. 435

AN ACT concerning state-managed investments; relating to deposits, procedures, standards and requirements therefor and certain retirement benefits therefrom; requiring banks, savings and loan associations and savings banks to enter into a written agreement with the state treasurer to be a depository of public moneys; increasing the market value of securities necessary to secure the deposit of public moneys; providing procedures for when a depository fails to follow the requirements of the state treasurer; authorizing the state treasurer to assess a fee to operate the public moneys pooled method; creating the public moneys fee fund of the state treasurer; providing exceptions to the public moneys pooled method; making and concerning appropriations for the fiscal year ending June 30, 2027, for the office of the state treasurer; authorizing a certain transfer from the state general fund to the public moneys fee fund; modifying investment standards for the board of trustees of the Kansas public employees retirement system of moneys certified by the state treasurer as equivalent to the aggregate net amount received for unclaimed property and authorizing investments in certain foreign governments; authorizing the board of trustees to elect the vice chairperson of the board; requiring newly affiliated employers of the Kansas police and firemen's retirement system to contribute at the actuarial required rate for past and future service; repealing certain working after retirement statutes for state and local elected officials; amending K.S.A. 9-1401, 9-1403, 9-1405, 9-1406, 9-1407, 9-1408, 74-4967 and 75-4201 and K.S.A. 2025 Supp. 9-1402, 9-1410, 12-1675, 74-4905, 75-2263 and 75-4218 and repealing the existing sections; also repealing K.S.A. 74-4915b and 74-4915c.

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

New Section 1.

OFFICE OF THE STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2027, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Public moneys fee fund.....No limit

(b) On July 1, 2026, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$250,000 from the state general fund to the public moneys fee fund.

Sec. 2. K.S.A. 9-1401 is hereby amended to read as follows: 9-1401. (a) The governing body of any municipal corporation or quasi-municipal corporation shall designate by official action, recorded upon the governing body's minutes, the banks, savings and loan associations and savings banks ~~which~~ *that* shall serve as depositories of the governing body's funds, and the officer and official having the custody of such funds shall not deposit such funds other than at such designated banks, savings and loan associations and savings banks. The 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 municipal corporation or

quasi-municipal corporation is located shall be designated as such official depositories if the municipal or quasi-municipal corporation can obtain satisfactory security therefor.

(b) Every officer or person depositing public funds shall deposit all such public funds coming into the officer's or person's possession in their name and official title as such officer. If the governing body of the municipal corporation or quasi-municipal corporation fails to designate an official depository or depositories, the officer thereof having custody of the governing body's funds shall deposit such funds with one or more 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 municipal corporation or quasi-municipal corporation is located if satisfactory security can be obtained therefor. If the officer having custody is unable to obtain satisfactory security at a depository within the county or counties where the governing body is located, then the officer may deposit funds elsewhere. If the governing body's funds are deposited elsewhere, the officer shall serve notice in writing on the governing body showing the names and locations of the banks, savings and loan associations and savings banks where the funds are deposited, and upon so doing the officer having custody of the funds shall not be liable for the loss of any portion thereof except for official misconduct or for the misappropriation of such funds by such officer.

(c) If eligible banks, savings and loan associations or savings banks under ~~subsections~~ *subsection* (a) or (b) cannot or will not provide an acceptable bid, which shall include services, for the depositing of public funds under this section, then banks, savings and loan associations or savings banks ~~which~~ *that* have main or branch offices in an adjoining county to the county in which all or part of such municipal or quasi-municipal corporation is located may receive deposits of such municipal corporation or quasi-municipal corporation, if such banks, savings and loan associations or savings banks have been designated as official depositories under subsection (a), and the ~~municipal corporation or quasi-municipal corporation can obtain~~ *state treasurer may receive* satisfactory security therefor.

(d) The depository bank, savings and loan association or savings bank and any agent, trustee, wholly owned subsidiary or affiliate having identical ownership granting a security interest shall enter into a written agreement with the ~~municipal corporation or quasi-municipal corporation which so~~ *state treasurer in accordance with K.S.A. 2025 Supp. 9-1410, and amendments thereto, that* designates the bank as a depository for the municipal corporation or quasi-municipal corporation's public moneys.

(1) The agreement shall secure the public moneys of the municipal corporation or quasi-municipal corporation by granting a security interest in securities held by the depository bank, savings and loan association or sav-

ings bank and any agent, trustee, wholly owned subsidiary or affiliate having identical ownership pursuant to K.S.A. 9-1402, and amendments thereto.

(2) The depository bank, savings and loan association or savings bank and any agent, trustee, wholly owned subsidiary or affiliate having identical ownership shall perfect the security interest causing control to be given to the ~~municipal corporation or quasi-municipal corporation~~ *state treasurer* in accordance with the ~~Kansas uniform commercial code~~ *K.S.A. 2025 Supp. 9-1410, and amendments thereto.*

(3) The security agreement shall be in writing, executed by all parties thereto, maintained as part of the parties' official records, and except for the municipal corporations or quasi-municipal corporations, approved by the boards of directors or loan committees, which approvals shall be reflected in the minutes of the boards or committees.

Sec. 3. K.S.A. 2025 Supp. 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 governmental unit of the state of Kansas with any bank, savings and loan association or savings bank, such 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. 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 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 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 ~~governmental unit~~ *municipal corporation or quasi-municipal corporation* 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~~ *institution's* wholly owned subsidiary or by such affiliate, the market value of which is equal to ~~100%~~ *102%* 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 governmental unit~~ *pooled money investment board* 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 corporations that under federal law may be accepted as security for public funds;

(2) bonds of any ~~governmental unit~~ *municipal corporation or quasi-municipal corporation* of the state of Kansas 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 ~~governmental unit~~ *municipal corporation or quasi-municipal corporation* of the state of Kansas;

(5) revenue bonds of any ~~governmental unit~~ *municipal corporation or quasi-municipal corporation* of the state of Kansas if approved by the commissioner;

(6) temporary notes of any ~~governmental unit~~ *municipal corporation or quasi-municipal corporation* of the state of Kansas that are general obligations of the ~~governmental unit~~ *municipal corporation or quasi-municipal corporation* issuing such temporary notes;

(7) warrants of any ~~governmental unit~~ *municipal corporation or quasi-municipal corporation* of the state of Kansas ~~the issuance of which is if~~ *issuance* are authorized by the state board of tax appeals and ~~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 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 mortgag-

es 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 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 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 K.S.A. 2025 Supp. 9-1410, 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 K.S.A. 2025 Supp. 9-1410, 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 governmental unit of the state of Kansas, any securities that consist of:

(1) Bonds secured by revenues of a utility 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 (c) or such bonds are rated at least Aa by Moody's investors service or AA by Standard & Poor's corp.

(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.~~*In cases where a depository fails to meet the requirements established by the state treasurer, the state treasurer shall instruct the governmental unit that such governmental unit shall select one of the following options:*

(1) *Close the account for the full amount, including accrued interest, without penalty if the deposit exceeds seven days; or*

(2) *convert the account to a repurchase agreement under terms acceptable to the state treasurer.*

Sec. 4. K.S.A. 9-1403 is hereby amended to read as follows: 9-1403.

(a) During the periods of peak deposits occurring at tax paying time and tax distributing time and continuing for a period of not to exceed 60 continuous days at any given time and not to exceed 120 days in any calendar year, the amount of security for the deposits of ~~municipal corporations or quasi-municipal corporations~~ *governmental units* as required under K.S.A. 9-1402, and amendments thereto, may be reduced by up to 50% of the amount on deposit during the peak period.

(b) ~~If the custodian of the funds of each municipal corporation or quasi-municipal corporation~~ *governmental unit* together with an officer of the depository bank, savings and loan association or savings bank *and the state treasurer* agree to reduce the amount of security as provided in subsection (a), then the parties shall enter into an agreement ~~which~~ *that* designates in writing the beginning and end of each such period, and a copy thereof, fully executed, shall be kept on file in the:

(1) ~~Office of the governing body of such municipal corporation or quasi-municipal corporation and in the~~ *governmental unit;*

(2) *files of such bank, savings and loan association or savings bank;*
and

(3) *office of the state treasurer.*

Sec. 5. K.S.A. 9-1405 is hereby amended to read as follows: 9-1405.

(a) All bonds and securities given by any bank, savings and loan association or savings bank to secure public moneys of the United States or any board, commission or agency thereof, shall be deposited as required by the United States government or any designated federal agencies.

(b) All securities, security entitlements and financial assets securing the deposits of any ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* shall be deposited as described in subsection (c)

or (d) or in a securities account with one of the following custodial banks or trust companies:

- (1) A Kansas state bank;
- (2) a Kansas national bank;
- (3) a state bank organized in another state and ~~which~~ *that* has a branch office in this state;
- (4) a trust company incorporated under the laws of this state or another state; or

- (5) the federal home loan bank of Topeka.

(c) Securities, security entitlements and financial assets securing the deposits of any ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* may be deposited with the state treasurer pursuant to a written custodial agreement and a receipt issued with one copy going to the ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* making the public deposit and one copy going to the bank, savings and loan association or savings bank ~~which~~ *that* has secured such public deposits. The receipt shall identify the securities, security entitlements and financial assets ~~which~~ *that* are subject to a security interest to secure payment of the deposits of the ~~municipal corporation or quasi-municipal corporation~~ *governmental unit*.

(d) Securities, security entitlements and financial assets securing the deposits of any ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* may be deposited with the federal reserve bank of Kansas City to be there held in such manner, under regulations and operating letters of the federal reserve bank of Kansas City, as to secure payment of the deposits of the ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* in the depository institution.

(e) This section shall not prohibit any custodial bank or trust company from depositing securities, security entitlements and financial assets in the custodial bank or trust company's account if:

- (1) The custodial bank or trust company's account is located at a bank or trust company organized under the laws of any state, the United States or any centralized securities depository wherever located within the United States; and

- (2) the custodial bank or trust company issues a receipt ~~which~~ *that* identifies the securities, security entitlements and financial assets on deposit at the custodial bank or trust company.

(f) No securities, security entitlements and financial assets securing public deposits shall be deposited in any custodial bank or trust company ~~which~~ *that* has the following commonalities with the depository bank, savings and loan association or savings bank:

- (1) Direct or indirect ownership by any parent corporation;
- (2) common controlling shareholders;

(3) common majority of the board of directors; or
(4) common directors with the ability to control or influence directly or indirectly the acts or policies of the depository bank, savings and loan association or savings bank securing such public deposits.

(g) When securities, security entitlements and financial assets are deposited with the state treasurer as authorized by this section, the state treasurer shall make a charge for such service ~~which~~ *that* is equivalent to the reasonable and customary charge made therefor.

(h) The custodial agreement shall be in writing, executed by all parties thereto, maintained as part of the parties' official records, and, except for the ~~municipal corporations or quasi-municipal corporation~~ *governmental unit*, approved by the boards of directors or loan committees, ~~which~~. Such approvals shall be reflected in the minutes of the boards or committees.

(i) A bank, savings and loan association or savings bank ~~which~~ *that* fails to pay any deposit of public moneys of any ~~municipal or quasi-municipal corporation~~ *governmental unit* according to the terms of the security agreement shall immediately take action to enable bonds and securities pledged to secure the deposit to be sold to satisfy the bank's or association's obligation to the ~~municipal or quasi-municipal corporation~~ *governmental unit*.

Sec. 6. K.S.A. 9-1406 is hereby amended to read as follows: 9-1406. No public officer ~~nor~~ or the sureties upon such officer's bond shall be liable for any loss sustained by the failure or default of any designated depository or depositories after a deposit or deposits have been made in an officially designated bank, savings and loan association or savings bank as provided in ~~this act~~ *article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto*. ~~This~~ *Such* exemption from liability shall apply even though other statutes shall require the furnishing of a bond or other securities by the designated depositories of public moneys. ~~This~~ *Such* exemption shall also apply whenever a public officer, ~~municipal corporation or quasi-municipal corporation~~ *or governmental unit* has acted in good faith to comply with the provisions of ~~this act~~ *article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto*.

Sec. 7. K.S.A. 9-1407 is hereby amended to read as follows: 9-1407. (a) That portion of any deposit of public moneys or funds ~~which~~ *that* is insured by the federal deposit insurance corporation, or its successor, need not be secured as provided in article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto.

(b) Public moneys or funds deposited by a ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* in a selected bank, savings and loan association or savings bank ~~which~~ *that* are part of a reciprocal deposit program shall not be treated as securities and need not be secured as provided in article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto, if the:

(1) Bank, savings and loan association or savings bank 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~~ *governmental unit*; and

(2) 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.

Sec. 8. K.S.A. 9-1408 is hereby amended to read as follows: 9-1408. As used in article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto:

(a) “Branch” means any office within this state or another state, other than the main office, that is approved as a branch by a federal or state supervisory agency and at which deposits are received, checks paid or money lent. “Branch” does not include an automated teller machine, remote service unit or similar device, a loan production office or a deposit production office;

(b) “centralized securities depository” means a clearing agency registered with the securities and exchange commission ~~which~~ *that* provides safekeeping and book-entry settlement services to the agency’s participants;

(c) “~~government~~ *governmental unit*” means any state, county, municipality or other political subdivision thereof;

(d) “Kansas national bank” means a federally chartered bank ~~which~~ *that* has a main office or branch located in this state;

(e) “Kansas state bank” means a Kansas state chartered bank;

(f) “main office” means the place of business specified in the articles of association, certificate of authority or similar document where the business of the institution is carried on and ~~which~~ is not a branch;

(g) “municipal corporation” or “quasi-municipal corporation” includes each investing governmental unit under K.S.A. 12-1675, and amendments thereto;

(h) “savings and loan association” means any savings and loan association incorporated under the laws of this state or any other state or organized under the laws of the United States and ~~which~~ has a main or branch office in this state;

(i) “savings bank” means any savings bank organized under the laws of the United States and ~~which~~ has a main or branch office in this state; and

(j) “securities,” “security entitlements,” “financial assets,” “securities account,” “security agreement,” “security interest,” “perfection” and “control” ~~shall have the meanings given such terms under~~ *mean the same as defined in the Kansas uniform commercial code.*

Sec. 9. K.S.A. 2025 Supp. 9-1410 is hereby amended to read as follows: 9-1410. (a) For purposes of K.S.A. 2025 Supp. 9-1410 through 9-1412, 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)(3) “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(e) a pool of eligible securities used by a bank, savings and loan association or savings bank to 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.~~

~~(5)(4) “Treasurer” means the state treasurer.~~

(b) A bank, savings and loan association or savings bank designated as a public depository 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 depository 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 K.S.A. 2025 Supp. 9-1410 through 9-1412, and amendments thereto, the treasurer may adopt rules and regulations to administer and implement the provisions of K.S.A. 2025 Supp. 9-1410 through 9-1412, 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~~*On and after July 1, 2027, the treasurer may assess a fee to be used solely to operate the public moneys pooled method. Such fee shall be equivalent to the reasonable and customary charge made therefor and shall be adopted through rules and regulations. All such fees received shall be deposited in the state treasury to the credit of the public moneys fee fund, which is hereby created. All expenditures from the public moneys 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 treasurer or the treasurer's designee.*

Sec. 10. K.S.A. 2025 Supp. 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, fire-

men'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 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) (A) 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)~~(i) In banks, savings and loan associations and savings banks that have main or branch offices located in such investing governmental unit; or

~~(B)~~(ii) 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 that have main or branch offices in the county or counties in which all or part of such investing governmental unit is located.

~~(C)~~(B) In selecting a bank, savings and loan association or savings bank pursuant to ~~subparagraphs subparagraph (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 subparagraph (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, 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 K.S.A. 12-1675a(g), and amendments thereto, then ~~such re-~~

~~purchase agreements may be entered into with~~ banks, savings and loan associations or savings banks 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 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 to 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

(C) primary government securities dealers 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 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 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 that have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with banks 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, that are general obligations of the municipality issuing the same.

(c) The investments authorized in 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 subsection (b)(2), cannot or will not make the investments authorized in subsection (b)(2) 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.

(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.

(e) Public moneys deposited pursuant to subsection (b)(2) by the governing body of any governmental unit listed in subsection (a) 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:

(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 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 statute.

(f) (1) *Except as provided in paragraph (2),* 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 K.S.A. 2025 Supp. 9-1410, 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 K.S.A. 2025 Supp. 9-1410, and amendments thereto.

(2) *The provisions of paragraph (1) shall not apply to an account of a governmental unit if such account is subject to a conflicting federal law.*

(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.

Section 11. K.S.A. 2025 Supp. 74-4905 is hereby amended to read as follows: 74-4905. (a) On July 1, 1993, the board of trustees of the Kansas public employees retirement system, as such board existed on June 30, 1993, is hereby abolished. On July 1, 1993, there is hereby established a new board of trustees of the Kansas public employees retirement system. Such board established on July 1, 1993, shall consist of nine members, as follows:

(1) Six appointed members, four appointed by the governor subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, one appointed by the president of the senate and one appointed by the speaker of the house of representatives. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the board whose appointment is subject to confirmation, shall exercise any power, duty or function as a member of the board until confirmed by the senate. No more than two members of the board whose appointment is subject to confirmation shall be from the same political party;

(2) two retirement system members elected by the members and retirants of the system as provided in K.S.A. 74-4909(12), and amendments thereto. As provided in this subsection, only active and retired members of the system shall be eligible to be elected to the board and only active and retired members of the system shall be eligible to elect the two retirement system members pursuant to this subsection. Inactive members shall not be eligible to be elected to the board nor to elect the two retirement system members elected pursuant to this subsection. If a member elected to the board as provided in this subsection becomes inactive, such member is disqualified from service on the board and such member's board position shall be vacant and such vacancy shall be filled as provided in subsection (b)(1). Of the two retirement system members elected pursuant to this subsection, one shall be a member of the retirement system who is in school employment as provided in K.S.A. 74-4931 et seq., and amendments thereto and one shall be a member of the retirement system other than a member who is in school employment. For purposes of this subsection, retirement system means the Kansas public employees retirement system, the Kansas police and firemen's retirement system and the retirement system for judges; and

(3) the state treasurer.

(b) (1) Except as provided by this paragraph and paragraph (2), all members of the board as provided in subsection (a)(1) and (a)(2) shall serve four-year terms, except that of the members first appointed by the governor, two shall be appointed for two-year terms and the member ap-

pointed by the speaker of the house of representatives shall be appointed for a two-year term. The governor shall designate the term for which each of the members first appointed shall serve. All members appointed to fill vacancies in the membership of the board and all members appointed to succeed members appointed to membership on the board shall be appointed in like manner as that provided for the original appointment of the member succeeded. All members appointed to fill vacancies of a member of the board appointed by the governor, the president of the senate or the speaker of the house of representatives shall be appointed to fill the unexpired term of such member. All vacancies on the board by a member elected by the members and retirants of the system shall be filled by the board as provided by rules and regulations adopted as provided in K.S.A. 74-4909(12), and amendments thereto.

(2) Except as provided in K.S.A. 46-2601, and amendments thereto, no person appointed to the board by the governor shall exercise any power, duty or function as a member of the board until confirmed by the senate. The terms of members appointed by the governor who are serving on the board on the effective date of this act shall expire on January 15, of the year in which such member's term would have expired under the provisions of this section prior to amendment by this act. Thereafter, members shall be appointed for terms of four years and until their successors are appointed and confirmed.

(c) The board shall elect a chairperson of the board at the first regular meeting held on or after July 1, 1993, and at each annual meeting thereafter from the members of the board. The chairperson shall preside over meetings of the board and perform such other duties as required by the board.

(d) ~~The~~ *Following the election of a chairperson, the board shall appoint* ~~elect~~ another board member as ~~vice chairperson~~ *vice chairperson*, and the ~~vice chairperson~~ *vice chairperson* shall perform the duties of chairperson in the absence of the chairperson or upon the chairperson's inability or refusal to act.

(e) The six members appointed pursuant to subsection (a)(1) shall have demonstrated experience in the financial affairs of a public or private organization or entity ~~which~~ *that* employs 100 or more employees or had at least five years' experience in the field of investment management or analysis, actuarial analysis or administration of an employee benefit plan.

(f) No person shall serve on the board if such person has knowingly acquired a substantial interest in any nonpublicly traded investment made with moneys of the fund. Any such person who knowingly acquires such an interest shall vacate such member's position on the board and shall be guilty of a class A misdemeanor. For purposes of this subsection, "substantial interest" means any of the following:

(1) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

(2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation ~~which~~ *that* is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

(3) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.

(4) If an individual or an individual's spouse receives compensation ~~which~~ *that* is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

(5) If an individual or an individual's spouse has received a loan from or received financing from any bank, savings and loan, credit union or any other financial institution in an amount ~~which~~ *that* exceeds \$2,000, the individual has a substantial interest in that financial institution.

(6) As used in this subsection, "client or customer" means a business or combination of businesses.

(7) Any person who serves on the board shall fully disclose any substantial interest that such person has in any publicly traded investment made with moneys of the fund.

(g) No person who serves on the board shall be employed for a period of two years commencing on the date the person no longer serves on the board and ending two years after such date with any organization in which moneys of the fund were invested, except that the employment limitation contained in this subsection shall not apply if such person's employment is with an organization whose stock or other evidences of ownership are traded on the public stock or bond exchanges.

(h) All members of the board named, appointed or elected to the board shall be fingerprinted and to submit to a state and national criminal background check in accordance with K.S.A. 2025 Supp. 22-4714, and amendments thereto. The committee, in accordance with K.S.A. 75-4319,

and amendments thereto, shall recess for a closed or executive meeting to receive and discuss information received by the committee pursuant to this subsection.

(i) All of the powers, duties and functions of the board of trustees of the Kansas public employees retirement system as such board existed prior to July 1, 1993, are hereby transferred to and conferred and imposed upon the board of trustees established pursuant to this act. The board of trustees of the Kansas public employees retirement system established pursuant to this act shall be the successor in every way of the powers, duties and functions of the board of trustees existing prior to July 1, 1993, in which the same were vested prior to July 1, 1993.

Sec. 12. K.S.A. 74-4967 is hereby amended to read as follows: 74-4967. (1) Upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908, and amendments thereto, the board shall certify, on or before July 15 of each year to each participating employer an actuarially determined estimate of the rate of contribution ~~which that~~ shall be required to be paid by each such participating employer to pay all of the liabilities ~~which that~~ shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be uniform for all participating employers, and shall be comprised of a rate for benefits accruing after June 30, 1993, and a rate for amortization of the additional liability for benefits provided by this act ~~which that~~ is attributable to service rendered before July 1, 1993. Such additional liability shall be amortized as determined by the board. The employer's rate of contribution determined under this section shall not include the costs of administration of the system.

(2) The board shall determine for each employer separately an amount sufficient to amortize all liabilities for past service costs ~~which that~~ shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each participating employer separately an actuarially determined estimate of the rate of contribution ~~which that~~ shall be required to be paid by that participating employer to pay all of the liabilities for such past service costs. Such rate shall be termed the employer's prior service contribution. The board may enter into agreements with any participating employer ~~which that~~ has employees or retirants under the special pension systems established under K.S.A. 13-14a01 to through 13-14a14, inclusive, and amendments thereto or K.S.A. 14-10a01 to through 14-10a15, inclusive, and amendments thereto, for the purpose of scheduling the payment of such past service costs in an orderly manner, which will tend to stabilize the annual total financial burden on such employers in meeting ~~their~~ such employer's present and future obligations under this system and such special systems,

but in no event shall the annual prior service contribution be less than the interest cost on the total of such past service liability.

(3) Each participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligations under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each employer may levy annually at the time of its levy of taxes, a tax ~~which~~ *that* may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act, and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located in such county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto.

(5) Employer contributions shall in no way be limited by any other act ~~which~~ *that* now or in the future establishes or limits the compensation of any member.

(6) ~~The rate of contribution certified to each participating employer as provided in~~ *Each participating employer affiliating pursuant to the provisions of this section shall apply during the fiscal year of such participating employer which begins in the second calendar year following the year of the actuarial valuation, but the rate of contribution during the first year following the employer's entry date shall be equal to 16% of the amount of compensation on which members contribute during the year appropriate and pay to the system a sum sufficient to satisfy the obligations hereunder certified by the board.*

(7) Each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within 20 days after the end of the period covered by the remittance or within 25 days after forms or written instructions from the system were mailed by the system to such employer, whichever is later. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection ~~(7)~~ shall be subject to interest at the rate established for interest on judgments under ~~subsection (a)~~ of K.S.A. 16-204(a), and amendments thereto. At the request of the board, delinquent payments ~~which~~ *that* are due or interest owed on such payments, or both, may be deducted from

any other moneys payable to such employer by any department or agency of the state.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 74-49,114a, shall be reflected in the employer contribution rate in the fiscal year immediately following such enactment.

Sec. 13. K.S.A. 2025 Supp. 75-2263 is hereby amended to read as follows: 75-2263. (a) (1) The state treasurer shall certify to the board of trustees a portion of state moneys available for investment by the pooled money investment board that is equivalent to the aggregate net amount received for unclaimed property. The state treasurer may transfer the amount certified to the board of trustees. All such moneys shall be considered moneys in the state treasury for purposes of K.S.A. 75-6704, and amendments thereto.

(2) Subject to the provisions of subsection (h), the board of trustees is responsible for the management and investment of that portion of state moneys available for investment by the pooled money investment board that is certified by the state treasurer to the board of trustees as being equivalent to the aggregate net amount received for unclaimed property and shall discharge the board's duties with respect to such moneys solely in the interests of the state general fund and shall invest and reinvest such moneys and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of such moneys within the limitations and according to the powers, duties and purposes as prescribed by this section.

(b) Moneys specified in subsection (a) shall be invested and reinvested to achieve the investment objective, which is preservation of such moneys and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this section. No such moneys shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(c) In investing and reinvesting moneys specified in subsection (a) and in acquiring, retaining, managing and disposing of investments of the moneys, the board of trustees shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing that persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the moneys so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar moneys, considering the probable income as well as the probable safety of their capital.

(d) In the discharge of such management and investment responsibilities the board of trustees may:

(1) Contract for the services of one or more professional investment advisors or other consultants in the management and investment of such moneys and otherwise in the performance of the duties of the board of trustees under this section;~~and~~

(2) arrange for the custody of such moneys as the board of trustees considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale; *and*

(3) *invest in United States dollar-denominated bonds, notes, debentures or other similar obligations of a foreign government that the international monetary fund lists as an industrial country and for which the full faith and credit of such nation has been pledged for the payment of principal and interest so long as such country shall be rated at least A- or better by Standard and Poor's corporation, A3 or better by Moody's investors service or A- or better by Fitch ratings or an equivalent investment grade by a securities rating organization accepted by the national association of insurance commissioners. Investments shall only be allowed in a country that has never defaulted on short-term or long-term debt obligations. The investment in such foreign securities at any one time shall not exceed 5% of the cash available for investment that may be invested pursuant to this section. Under no circumstances shall investments be made in bonds, notes, debentures or any similar obligations of any country of concern as defined in K.S.A. 2025 Supp. 75-42b02, and amendments thereto.*

(e) The board of trustees shall require that each person contracted with under subsection (d)(1) or (2) to provide services shall obtain commercial insurance that provides for errors and omissions coverage for such person in an amount to be specified by the board of trustees. The amount of such coverage specified by the board of trustees shall be at least the greater of \$500,000 or 1% of the funds entrusted to such person up to a maximum of \$10,000,000. The board of trustees shall require a person contracted with under subsection (d) to provide services to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board of trustees, with corporate surety authorized to do business in this state. Such persons contracted with the board of trustees pursuant to subsection (d) and any persons contracted with such persons to perform the functions specified in subsection (b) shall be deemed to be fiduciary agents of the board of trustees in the performance of contractual obligations.

(f) (1) Subject to the objective set forth in subsection (b) and the standards set forth in subsection (c), the board of trustees shall formulate and adopt policies and objectives for the investment and reinvestment of such

moneys and the acquisition, retention, management and disposition of investments of the moneys. Such policies and objectives shall be in writing and shall include:

- (A) Specific asset allocation standards and objectives;
- (B) establishment of criteria for evaluating the risk versus the potential return on a particular investment; and
- (C) a requirement that all investment advisors, and any managers or others with similar duties and responsibilities as investment advisors, shall immediately report all instances of default on investments to the board of trustees and provide such board of trustees with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment.

(2) The board of trustees shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(g) All interest or other income of the investments of the moneys invested under this section, after payment of any management fees, shall be deposited in the state treasury to the credit of the state general fund.

(h) The state treasurer shall maintain the discretionary authority to liquidate some or a portion of such moneys transferred to the board of trustees pursuant to subsection (a) for:

- (1) Investment by the pooled money investment board; or
- (2) necessary payments to owners as defined in K.S.A. 58-3934(m), and amendments thereto.

(i) As used in this section:

(1) "Board of trustees" means the board of trustees of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto.

(2) "Fiduciary" means a person who, with respect to the moneys invested under this section:

(A) Exercises any discretionary authority with respect to administration of the moneys;

(B) exercises any authority to invest or manage such moneys or has any authority or responsibility to do so;

(C) provides investment advice for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so;

(D) provides actuarial, accounting, auditing, consulting, legal or other professional services for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so; or

(E) is a member of the board of trustees or of the staff of the board of trustees.

(3) “Pooled money investment board” means the pooled money investment board established by K.S.A. 75-4221a, and amendments thereto.

Sec. 14. K.S.A. 75-4201 is hereby amended to read as follows: 75-4201. As used in this act, unless the context otherwise requires:

- (a) “Treasurer” means state treasurer.
- (b) “Controller” means director of accounts and reports.
- (c) “Board” means the pooled money investment board.
- (d) “Bank” means a bank incorporated under the laws of this state; or organized under the laws of the United States or another state and ~~which~~ has a main or branch office in this state.
- (e) “State moneys” means all moneys in the treasury of the state or coming lawfully into the possession of the treasurer.
- (f) “State bank account” means state moneys or fee agency account moneys deposited in accordance with the provisions of this act.
- (g) “Operating account” means a state bank account ~~which~~ *that* is payable or withdrawable, in whole or in part, on demand.
- (h) “Investment account” means a state bank account ~~which~~ *that* is not payable on demand.
- (i) “Fee agency account” means a state bank account of any state agency consisting of moneys authorized by law prior to remittance to the state treasurer.
- (j) “Disbursement” means a payment of any kind whatsoever made from the state treasury or from any operating account, except transfer of moneys between or among operating accounts and investment accounts or either or both ~~of them~~.
- (k) “Securities” means, for the purposes of this section and K.S.A. 75-4218, and amendments thereto, ~~securities, security entitlements, financial assets and securities account consisting of any one or more of the following, and security entitlements thereto, which may be accepted or rejected by the pooled money investment board:~~
 - (1) ~~Direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations, letters of credit and securities of United States sponsored enterprises which under federal law may be accepted as security for public funds.~~
 - (2) ~~Kansas municipal bonds which are general obligations of the municipality issuing the same.~~
 - (3) ~~Revenue bonds of any agency or arm of the state of Kansas.~~
 - (4) ~~Revenue bonds of any municipality, as defined by K.S.A. 10-101, and amendments thereto, within the state of Kansas or bonds issued by a public building commission as authorized by K.S.A. 12-1761, and amendments thereto, if approved by the state bank commissioner, except (A) bonds issued under the provisions of K.S.A. 12-1740 et seq., and amendments thereto, unless such bonds are rated at least MIG-1 or Aa~~

by Moody's Investors Service or AA by Standard & Poor's Corp. and (B) bonds secured by revenues of a utility which has been in operation for less than three years. Any expense incurred in connection with granting approval of revenue bonds shall be paid by the applicant for approval.

(5) Temporary notes of any municipal corporation or quasi-municipal corporation within the state of Kansas which are general obligations of the municipal corporation or quasi-municipal corporation issuing the same.

(6) Warrants of any municipal corporation or quasi-municipal corporation within the state of Kansas the issuance of which is authorized by the state board of tax appeals and which are payable from the proceeds of a mandatory tax levy.

(7) Bonds of any municipal or quasi-municipal corporation of the state of Kansas which have been refunded in advance of their 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. A copy of such escrow agreement shall be furnished to the treasurer.

(8) Securities listed in paragraph (14) of subsection (d) of K.S.A. 9-1402, and amendments thereto, within limitations of K.S.A. 9-1402, and amendments thereto.

(9) A corporate surety bond guaranteeing deposits in a bank, savings or savings and loan association in excess of federal deposit insurance corporation insurance, underwritten by an insurance company authorized to do business in the state of Kansas.

(10) 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.

(11) All of such securities shall be current as to interest according to the terms thereof *the securities listed in K.S.A. 9-1402(c)(1) through (14), and amendments thereto, which may be accepted or rejected by the pooled money investment board.*

(l) "Savings bank" means a savings bank organized under the laws of the United States or another state insured by the federal deposit insurance corporation or its successor and having a main or branch office in the county in which a state agency making collection of any fees, tuition, or charges is located.

(m) "Savings and loan association" means a savings and loan association incorporated under the laws of this state or organized under the laws of the United States or another state, insured by the federal deposit insurance corporation or its successor and having a main or branch office in the county in which a state agency making collection of any fees, tuition or charges is located.

(n) “Custodial bank” means a bank holding on deposit collateral ~~which~~ *that* is security for state bank accounts.

(o) “Centralized securities depository” means a clearing agency registered with the securities and exchange commission ~~which that~~ provides safekeeping and book-entry settlement services to its participants.

(p) “Depository bank” means a bank, savings bank or savings and loan association authorized and eligible to receive state moneys.

(q) “Main office” means the place of business specified in the articles of association, certificate of authority or similar document, where the business of the institution is carried on and which is not a branch.

(r) “Branch” means any office, agency or other place of business within this state, other than the main office, at which deposits are received, checks paid or money lent with approval of the appropriate regulatory authorities. “Branch” does not include an automated teller machine, remote service unit or similar device.

(s) ~~“Securities,” “security,” “Security entitlements,” “financial assets,” “securities account,” “security agreement,” “security interest,” “perfection” and “control” shall have the meanings given~~ *mean the same as* such terms *are defined* under the Kansas uniform commercial code.

Sec. 15. K.S.A. 2025 Supp. 75-4218 is hereby amended to read as follows: 75-4218. (a) All state bank accounts shall be secured as provided in this section.

The bank, savings bank or savings and loan association receiving or having a state bank account shall 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 state of Kansas, in the manner provided in this act, securities owned by the depository bank directly or indirectly through its agent or trustee holding securities on its behalf, or owned by the depository bank’s wholly-owned subsidiary or by such affiliate, the market value of which is equal to ~~100%~~ 102% of the amount of the account ~~plus accrued interest~~, less that portion of the amount of the account ~~plus accrued interest~~ ~~which that~~ is insured by the federal deposit insurance corporation or its successor.

(b) All securities securing state bank accounts shall be deposited in a securities account with ~~a bank~~ *any custodial bank or trust company as described in K.S.A. 9-1405(b), and amendments thereto*, having the prior approval of the board, a credit union having the prior approval of the board, ~~the federal home loan bank of Topeka~~ or with the state treasurer pursuant to a written custodial agreement, and a receipt taken therefor with one copy going to the treasurer and one copy going to the bank, savings bank or savings and loan association ~~which that~~ has secured such state bank account. The receipt shall identify the securities ~~which that~~ are

subject to a security interest to secure payment of the state bank account. This section shall not prohibit any custodial bank receiving securities on deposit from issuing a receipt and depositing securities identified in the receipt in such bank's account with any bank chartered in Kansas or any other state, any trust company chartered in Kansas or any other state, any national bank, or any centralized securities depository wherever located within the United States. No securities securing state bank accounts shall be deposited in any bank, trust company or national bank ~~which that~~ is owned directly or indirectly by any parent corporation of the depository bank, or with any bank, trust company, or national bank having common controlling shareholders, having a common majority of the board of directors or having common directors with the ability to control or influence directly or indirectly the acts or policies of the bank, savings and loan association or savings bank securing such state bank account. Any custodial bank ~~which that~~ releases securities securing a state bank account without being authorized to do so under the custodial agreement shall be liable to the state for any loss to the state resulting therefrom.

(c) Securities securing state bank accounts may be deposited with the federal reserve bank of Kansas City to be there held in such manner, under regulations and operating letters of the federal reserve bank, as to secure payment of the state bank account in the depository bank.

(d) The depository bank, and any agent, trustee, wholly-owned subsidiary or affiliate having identical ownership granting a security interest shall enter into a written agreement with the state of Kansas granting the state of Kansas a security interest in the securities to secure payment of the state bank account. Such security interest shall be perfected by the depository bank and any agent, trustee, wholly-owned subsidiary or affiliate having identical ownership granting a security interest causing control of the securities under the Kansas uniform commercial code to be given to the state of Kansas. The security agreement and the custodial agreement shall be in writing, executed by all parties thereto, maintained as part of their official records, and, except for the state of Kansas, approved by their boards of directors or their loan committees, ~~which~~. Such approvals shall be reflected in the minutes of the boards or committees.

Sec. 16. K.S.A. 9-1401, 9-1403, 9-1405, 9-1406, 9-1407, 9-1408, 74-4915b, 74-4915c, 74-4967 and 75-4201 and K.S.A. 2025 Supp. 9-1402, 9-1410, 12-1675, 74-4905, 75-2263 and 75-4218 are hereby repealed.

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

CHAPTER 112

SENATE BILL No. 232*

AN ACT concerning the department of health and environment office of vital statistics; relating to information regarding government-administered savings accounts; establishing the born to invest act; requiring the office of vital statistics to provide information regarding children born in Kansas to the state treasurer; permitting the state treasurer to provide informational materials on government-administered savings accounts for such children and such children's families.

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 born to invest act.

(b) (1) The state treasurer shall determine the data necessary to distribute informational materials that describe the availability, purposes, advantages and enrollment procedures concerning:

(A) For a child born on or after January 1, 2025, a Trump account established by section 530A of the federal internal revenue code;

(B) the postsecondary educational savings program established by section 529 of the federal internal revenue code and K.S.A. 75-640 through 75-648, and amendments thereto; and

(C) an ABLE savings account established by section 529A of the federal internal revenue code and K.S.A. 75-651 through 75-657, and amendments thereto.

(2) The data may include the:

(A) Name of the child;

(B) name and mailing address of the child's parent or legal guardian on the child's certificate of live birth; or

(C) date of the child's live birth.

(c) (1) Notwithstanding any other law to the contrary, the state registrar of vital statistics shall provide to the state treasurer the data determined necessary under subsection (b).

(2) (A) By September 1, 2026, if no corresponding death certificate has been issued for a child, the state registrar of vital statistics shall provide to the state treasurer data relating to children in Kansas who were born prior to July 1, 2026, and are currently eligible for government-administered savings accounts.

(B) Within 90 days after the issuance of a certificate of a live birth of a child in Kansas, unless a corresponding death certificate has been issued for the child within such time, the state registrar of vital statistics shall provide to the state treasurer the data relating to children born in Kansas on or after July 1, 2026.

(3) The data shall be transmitted in a secure electronic manner consistent with applicable federal and state law.

(d) The informational materials shall be in a suitable form and manner as prescribed by the state treasurer for mail, including brochures, letters, inserts or other printed information. The state treasurer may share information and materials with the department of administration division of printing for the printing, production and distribution of the informational materials.

(e) The state treasurer shall maintain information regarding the availability, purposes and advantages of the government-administered savings accounts described in subsection (b). To ensure that Kansas families are aware of the accounts, the state treasurer shall publicize the information on the state treasurer's website and through financial literacy educational training.

(f) The secretary of health and environment and the state treasurer may enter into interagency agreements to carry out this section. The agreements may address procedures, confidentiality, data transfers, reimbursements of actual costs and any other matters determined necessary by the secretary and state treasurer.

(g) Except as permitted by state or federal law and the purposes of this section, nothing in this section shall be construed to authorize the disclosure of any confidential or protected records or information.

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

Approved April 9, 2026.

CHAPTER 113

SENATE BILL No. 92

AN ACT concerning electric public utilities; relating to parallel generation; extending the expiration date for provisions that authorize a utility to not offer parallel generation service to certain large load customers and exempt certain large load customers from the determination of a utility's peak demand; amending K.S.A. 2025 Supp. 66-1,184 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 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 co-operatives, 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 otherwise provided in this section, every utility that provides retail electric service in this state shall enter into a contract for parallel generation service with any person who is a customer in good standing with such utility that authorizes such customer to attach or connect to the utility’s delivery and metering system a listed device for the purpose of exporting excess electrical power generated by such customer’s distributed energy system to the utility’s system. No such device shall cause damage to the public 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 contract for parallel generation service shall include provisions relating to fair and equitable compensation for energy 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 avoided cost.

(2) A utility shall credit such compensation to the customer's account.

(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.

(e) A customer-generator of any investor-owned utility shall have the option of entering into a contract pursuant to this section or utilizing the net metering and easy connection act. The customer-generator shall exercise the option in writing, filed with the utility.

(f) The following terms and conditions shall apply to contracts for parallel generation service:

(1) The utility shall furnish, own and maintain, at the utility's expense, all necessary meters and associated equipment utilized for billing;

(2) the utility may install, at the utility's expense, load research meters and equipment to monitor customer generation and load. The customer shall provide, at no expense to the utility, a suitable location for such meters and equipment;

(3) for the purposes of 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;

(4) the customer shall furnish, install, operate and maintain in good order and repair, at the customer's expense, a listed device that is suitable for the operation of the customer's distributed energy system in parallel with the utility's system;

(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;

(7) the customer shall notify the utility prior to the initial energizing and start-up testing of the customer's distributed energy system;

(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 export capacity of additional distributed energy systems to be connected to the utility's system due to the capacity of the distribution line to which such distributed energy system will be connected.

(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~~ 2027.

(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.

(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 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.

(2) In any case where the customer and 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.

(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:

(A) Net energy cost savings will accrue to the school from such renewable generation over a 20-year period; or

(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.

(p) 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.

(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 K.S.A. 66-1264(b)(1), and amendments thereto.

Sec. 2. K.S.A. 2025 Supp. 66-1,184 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 9, 2026.

CHAPTER 114

HOUSE BILL No. 2479
(Amended by Chapter 155)

AN ACT concerning crimes, punishment and criminal procedure; relating to release of persons prior to trial; authorizing electronic monitoring with victim notification as a condition of release for certain offenders charged with a domestic violence offense, domestic battery, stalking or violation of a protective order; modifying the culpable mental state required to commit the crime of breach of privacy and increasing the criminal penalties for certain violations of such crime and attempt, conspiracy or criminal solicitation of certain violations of such crime; modifying the elements of the crime of blackmail related to threatened dissemination of any image, video or other recording of another identifiable person who is nude or engaged in sexual activity by changing the connection to breach of privacy and describing the content of the image, video or other recording; describing who is a person in a position of authority for a school for the crime of unlawful sexual relations; increasing the penalties for the crimes of endangering a child and aggravated endangering a child if the child is less than six years of age; amending K.S.A. 21-5301, 21-5302, 21-5303, 21-5428 and 21-5512 and K.S.A. 2025 Supp. 21-5601, 21-6101 and 22-2802 and repealing the existing sections.

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

New Section 1. (a) (1) If a magistrate is required to consider ordering electronic monitoring with victim notification pursuant to K.S.A. 22-2802, and amendments thereto, the magistrate may order such electronic monitoring pursuant to this section as a condition of release.

(2) Nothing in this section shall be construed as limiting a magistrate's authority to order electronic monitoring of a person without victim notification pursuant to K.S.A. 22-2802, and amendments thereto.

(b) In determining whether to order electronic monitoring of a person with victim notification, a magistrate may hold a hearing to consider the likelihood that the person's participation in electronic monitoring will deter the person from injuring a protected person. The magistrate shall consider the following factors:

(1) The gravity and seriousness of harm that the person inflicted on another person in the commission of any act of domestic violence;

(2) the person's previous history of domestic violence;

(3) the person's history of other criminal acts, if any;

(4) the person has access to a weapon;

(5) whether the person has threatened suicide or homicide;

(6) the person has a history of mental illness or has been civilly committed; and

(7) whether the person has a history of alcohol or substance abuse.

(c) Electronic monitoring with victim notification shall be ordered only with the protected person's informed consent after such person is given the following information:

(1) The protected person's right to refuse to participate in such mon-

itoring and the process for requesting that the magistrate terminate such participation after monitoring has been ordered;

(2) the manner in which the electronic monitoring technology functions and the risks and limitations of such technology;

(3) the boundaries imposed on the person being monitored during the electronic monitoring;

(4) the sanctions that the magistrate may impose for violations of the magistrate's orders;

(5) the procedure that the protected person is to follow if the person being monitored violates an order or the electronic monitoring equipment fails;

(6) identification of support services available to assist the protected person in developing a safety plan to use if the person being monitored violates an order or the electronic monitoring equipment fails;

(7) identification of community services available to assist the protected person in obtaining shelter, counseling, education, child care, legal representation and other help in addressing the consequences and effects of domestic violence; and

(8) the nonconfidential nature of the protected person's communications with the magistrate concerning electronic monitoring and the restrictions to be imposed upon the monitored person's movements.

(d) Before ordering electronic monitoring of a person with victim notification, the magistrate shall afford an alleged victim 48 hours to provide the magistrate with a list of areas from which the victim would like the person excluded and shall consider the victim's request, if any, in determining the locations that the person will be ordered to refrain from going to or from being in close proximity. If the magistrate orders electronic monitoring of the person with victim notification, the magistrate shall specifically describe the locations that the person has been ordered to refrain from going to or from being in close proximity and the minimum distances, if any, that the person shall maintain from such locations.

(e) A person ordered to be placed on electronic monitoring with victim notification shall be ordered to pay the related costs and expenses.

(f) An alert from an electronic monitoring device shall be probable cause to arrest the monitored person for a violation of a protective order.

(g) The courts and state and local law enforcement agencies shall share information obtained via electronic monitoring conducted pursuant to this section.

(h) As used in this section:

(1) "Electronic monitoring with victim notification" means an electronic monitoring system that has the capability to track and monitor the movement of a person and immediately transmit the monitored person's location to the protected person through an appropriate means, includ-

ing, but not limited to, the telephone, an electronic beeper or paging device, whenever the monitored person enters or is near the protected premises; and

(2) “protected premises” means a location that the magistrate has ordered the monitored person to refrain from going to or from being in close proximity pursuant to this section.

(i) This section shall be a part of and supplemental to the Kansas code of criminal procedure.

Sec. 2. K.S.A. 21-5301 is hereby amended to read as follows: 21-5301.

(a) An attempt is any overt act toward the perpetration of a crime done by a person who intends to commit such crime but fails in the perpetration thereof or is prevented or intercepted in executing such crime.

(b) It shall not be a defense to a charge of attempt that the circumstances under which the act was performed or the means employed or the act itself were such that the commission of the crime was not possible.

(c) (1) An attempt to commit an off-grid felony shall be ranked at nondrug severity level 1. An attempt to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for an attempt to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of attempting to commit the crime of:

(A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 21-5422, and amendments thereto;

(D) rape, as defined in K.S.A. 21-5503(a)(3), and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in K.S.A. 21-5506(b)(3), and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b)(1) or (2), and amendments thereto, if the offender is 18 years of age or older;

(G) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(H) sexual exploitation of a child, as defined in K.S.A. 21-5510(a)(1) or (4), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age;

(I) aggravated internet trading in child pornography, as defined in

K.S.A. 21-5514(b), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; ~~or~~

(J) capital murder, as defined in K.S.A. 21-5401, and amendments thereto; *or*

(K) *breach of privacy, as defined in K.S.A. 21-6101(a)(6) or (7), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age.*

(d) (1) An attempt to commit a felony ~~which~~ *that* prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(2) The provisions of this subsection shall not apply to a violation of attempting to commit a violation of K.S.A. 21-5703, and amendments thereto.

(e) An attempt to commit a class A person misdemeanor is a class B person misdemeanor. An attempt to commit a class A nonperson misdemeanor is a class B nonperson misdemeanor.

(f) An attempt to commit a class B or C misdemeanor is a class C misdemeanor.

Sec. 3. K.S.A. 21-5302 is hereby amended to read as follows: 21-5302. (a) A conspiracy is an agreement with another person to commit a crime or to assist in committing a crime. No person may be convicted of a conspiracy unless an overt act in furtherance of such conspiracy is alleged and proved to have been committed by such person or by a co-conspirator.

(b) It is immaterial to the criminal liability of a person charged with conspiracy that any other person with whom the defendant conspired lacked the actual intent to commit the underlying crime provided that the defendant believed the other person did have the actual intent to commit the underlying crime.

(c) It shall be a defense to a charge of conspiracy that the accused voluntarily and in good faith withdrew from the conspiracy, and communicated the fact of such withdrawal to one or more of the accused person's co-conspirators, before any overt act in furtherance of the conspiracy was committed by the accused or by a co-conspirator.

(d) (1) Conspiracy to commit an off-grid felony shall be ranked at non-drug severity level 2. Conspiracy to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for conspiracy to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of conspiracy to commit the crime of:

(A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

- (B) terrorism, as defined in K.S.A. 21-5421, and amendments thereto;
- (C) illegal use of weapons of mass destruction, as defined in K.S.A. 21-5422, and amendments thereto;
- (D) rape, as defined in K.S.A. 21-5503(a)(3), and amendments thereto, if the offender is 18 years of age or older;
- (E) aggravated indecent liberties with a child, as defined in K.S.A. 21-5506(b)(3), and amendments thereto, if the offender is 18 years of age or older;
- (F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b)(1) or (2), and amendments thereto, if the offender is 18 years of age or older;
- (G) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;
- (H) sexual exploitation of a child, as defined in K.S.A. 21-5510(a)(1) or (4), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age;
- (I) aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; ~~or~~
- (J) violations of the Kansas racketeer influenced and corrupt organization act, as described in K.S.A. 21-6329, and amendments thereto; *or*
- (K) *breach of privacy, as defined in K.S.A. 21-6101(a)(6) or (7), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age.*

(e) Conspiracy to commit a felony ~~which~~ *that* prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(f) A conspiracy to commit a misdemeanor is a class C misdemeanor.

Sec. 4. K.S.A. 21-5303 is hereby amended to read as follows: 21-5303. (a) Criminal solicitation is commanding, encouraging or requesting another person to commit a felony, attempt to commit a felony or aid and abet in the commission or attempted commission of a felony for the purpose of promoting or facilitating the felony.

(b) It is immaterial under subsection (a) that the actor fails to communicate with the person solicited to commit a felony if the person's conduct was designed to effect a communication.

(c) It is an affirmative defense that the actor, after soliciting another person to commit a felony, persuaded that person not to do so or otherwise prevented the commission of the felony, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purposes.

(d) (1) Criminal solicitation to commit an off-grid felony shall be ranked at nondrug severity level 3. Criminal solicitation to commit any other nondrug felony shall be ranked on the nondrug scale at three se-

verity levels below the appropriate level for the underlying or completed crime. The lowest severity level for criminal solicitation to commit a non-drug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of criminal solicitation to commit the crime of:

(A) Aggravated human trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 21-5422, and amendments thereto;

(D) rape, as defined in K.S.A. 21-5503(a)(3), and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in K.S.A. 21-5506(b)(3), and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in K.S.A. 21-5504(b)(1) or (2), and amendments thereto, if the offender is 18 years of age or older;

(G) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(H) sexual exploitation of a child, as defined in K.S.A. 21-5510(a)(1) or (4), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; ~~or~~

(I) aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age; *or*

(J) *breach of privacy, as defined in K.S.A. 21-6101(a)(6) or (7), and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age.*

(e) Criminal solicitation to commit a felony ~~which~~ *that* prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

Sec. 5. K.S.A. 21-5428 is hereby amended to read as follows: 21-5428. (a) Blackmail is intentionally gaining or attempting to gain anything of value or compelling or attempting to compel another to act against such person's will, *excluding sexual contact, sexual intercourse or conduct that is of a sexual nature*, by threatening to:

(1) Communicate accusations or statements about any person that would subject such person or any other person to public ridicule, contempt or degradation; or

(2) disseminate any ~~videotape, photograph, film or image obtained in violation of K.S.A. 21-6101(a)(6) or (a)(8), and amendments thereto, video or other recording:~~

(A) *Obtained in violation of K.S.A. 21-6101(a)(6), and amendments thereto; or*

(B) *of another identifiable person who is nude or engaged in sexual activity, including, but not limited to, any image, video or other recording that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict such identifiable person, regardless of whether such identifiable person was involved in the creation of the original image, video or other recording.*

(b) Blackmail as defined in:

(1) Subsection (a)(1) is a severity level 7, nonperson felony; and

(2) subsection (a)(2) is a severity level 4, person felony.

(c) *As used in this section, “image, video or other recording” means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means.*

Sec. 6. K.S.A. 21-5512 is hereby amended to read as follows: 21-5512. (a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:

(1) The offender is an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services for a correctional institution, and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate;

(2) the offender is a parole officer, volunteer for the department of corrections or the employee or volunteer of a contractor who is under contract to provide supervision services for persons on parole, conditional release or postrelease supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole, conditional release or postrelease supervision and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is an inmate who has been released and is currently on parole, conditional release or postrelease supervision;

(3) the offender is a law enforcement officer, an employee of a jail, or the employee of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual

sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such jail;

(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility or sanctions house;

(5) the offender is an employee of the department of corrections or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility;

(6) the offender is an employee of the department of corrections or the employee of a contractor who is under contract to provide direct supervision and offender control services to the department of corrections and:

(A) The person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been:

(i) Released on conditional release from a juvenile correctional facility under the supervision and control of the department of corrections or juvenile community supervision agency; or

(ii) placed in the custody of the department of corrections under the supervision and control of the department of corrections or juvenile community supervision agency; and

(B) the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision;

(7) the offender is an employee of the Kansas department for aging and disability services or the Kansas department for children and families or the employee of a contractor who is under contract to provide services in an aging and disability or children and families institution or to the Kansas department for aging and disability services or the Kansas department for children and families and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a patient in such institution or in the custody of the secretary for aging and disability services or the secretary for children and families;

(8) the offender is a worker, volunteer or other person in a position of authority in a family foster home licensed by the department of health and environment and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a

person 16 years of age or older who is a foster child placed in the care of such family foster home;

(9) the offender is a teacher or other person in a position of authority *for a school* and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a student enrolled at ~~the such school where the offender is employed~~. If the offender is the parent of the student, *the provisions of this section shall not apply and the provisions of K.S.A. 21-5604(b), and amendments thereto, shall apply, not this subsection;*

(10) the offender is a court services officer or the employee of a contractor who is under contract to provide supervision services for persons under court services supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been placed on probation under the supervision and control of court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services;

(11) the offender is a community correctional services officer or the employee of a contractor who is under contract to provide supervision services for persons under community corrections supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been assigned to a community correctional services program under the supervision and control of community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of community corrections;

(12) the offender is a surety or an employee of a surety and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is the subject of a surety or bail bond agreement with such surety and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is the subject of a surety or bail bond agreement with such surety; or

(13) the offender is a law enforcement officer and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is interacting with such law enforcement officer during the course of a traffic stop, a custodial interrogation, an interview in connection with an investigation, or while the law enforcement officer has such person detained.

(b) Unlawful sexual relations as defined in:

- (1) Subsection (a)(5) is a severity level 4, person felony; and
- (2) subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12) or (a)(13) is a severity level 5, person felony.
- (c) (1) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of K.S.A. 21-5503, and amendments thereto, *the provisions of this section shall not apply and* the provisions of K.S.A. 21-5503, and amendments thereto, shall apply, ~~not this section.~~
- (2) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of K.S.A. 21-5506(b)(1), and amendments thereto, *the provisions of this section shall not apply and* the provisions of K.S.A. 21-5506(b)(1), and amendments thereto, shall apply, ~~not this section.~~
- (3) If an offender violates the provisions of this section by engaging in sodomy which would constitute a violation of K.S.A. 21-5504(a)(3), (a)(4) or (b), and amendments thereto, *the provisions of this section shall not apply and* the provisions of K.S.A. 21-5504(a)(3), (a)(4) or (b), and amendments thereto, shall apply, ~~not this section.~~
- (4) If an offender violates the provisions of this section by engaging in lewd fondling or touching which would constitute a violation of K.S.A. 21-5506(b)(2), and amendments thereto, *the provisions of this section shall not apply and* the provisions of K.S.A. 21-5506(b)(2), and amendments thereto, shall apply, ~~not this section.~~
- (d) As used in this section:
 - (1) ~~“Correctional institution” means the same as in K.S.A. 75-5202, and amendments thereto;~~
 - (2) ~~“inmate” means the same as in K.S.A. 75-5202, and amendments thereto;~~
 - (3) ~~“parole officer” means the same as in K.S.A. 75-5202, and amendments thereto;~~
 - (4) ~~“postrelease supervision” means the same as in K.S.A. 21-6803, and amendments thereto;~~
 - (5) ~~“juvenile detention facility” means the same as in K.S.A. 38-2302, and amendments thereto;~~
 - (6) ~~“juvenile correctional facility” means the same as in K.S.A. 38-2302, and amendments thereto;~~
 - (7) ~~“sanctions house” means the same as in K.S.A. 38-2302, and amendments thereto;~~
 - (8) ~~“institution” means the same as in K.S.A. 76-12a01, and amendments thereto;~~
 - (9) “teacher” means and includes teachers, coaches, supervisors, principals, superintendents and any other professional employee in any public or private school offering any of grades kindergarten through 12;

(10) “Community corrections” means the entity responsible for supervising adults and juvenile offenders for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the community corrections act, K.S.A. 75-5290, and amendments thereto, and the revised Kansas juvenile justice code, K.S.A. 38-2301 et seq., and amendments thereto;

(2) “correctional institution” means the same as defined in K.S.A. 75-5202, and amendments thereto;

(11)(3) “court services” means the entity appointed by the district court that is responsible for supervising adults and juveniles placed on probation and misdemeanants placed on parole by district courts of this state;

(4) “inmate” means the same as defined in K.S.A. 75-5202, and amendments thereto;

(5) “institution” means the same as defined in K.S.A. 76-12a01, and amendments thereto;

(12)(6) “juvenile community supervision agency” means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the department of corrections; ~~and~~

(7) “juvenile correctional facility” means the same as defined in K.S.A. 38-2302, and amendments thereto;

(8) “juvenile detention facility” means the same as defined in K.S.A. 38-2302, and amendments thereto;

(9) “parole officer” means the same as defined in K.S.A. 75-5202, and amendments thereto;

(10) “person in a position of authority for a school” includes, but is not limited to, any person who is:

(A) Not a student enrolled at the school;

(B) delegated authority by the school to interact with students; and

(C) (i) a volunteer for the school who is 21 years of age or older;

(ii) designated or assigned through such person’s employment to provide services for the school; or

(iii) a contractor or an employee of a contractor who is under contract to provide services for the school;

(11) “postrelease supervision” means the same as defined in K.S.A. 21-6803, and amendments thereto;

(12) “sanctions house” means the same as defined in K.S.A. 38-2302, and amendments thereto;

(13) “school” means any public or private school offering any of the grades kindergarten through 12;

(13)(14) “surety” means the same as defined in K.S.A. 22-2809a, and amendments thereto; and

(15) “teacher” means and includes teachers, coaches, supervisors, principals, superintendents and any other professional employee in any school.

Sec. 7. K.S.A. 2025 Supp. 21-5601 is hereby amended to read as follows: 21-5601. (a) Endangering a child is knowingly and unreasonably causing or permitting a child under the age of 18 years *of age* to be placed in a situation in which the child's life, body or health may be endangered.

(b) Aggravated endangering a child is:

(1) Recklessly causing or permitting a child under the age of 18 years *of age* to be placed in a situation in which the child's life, body or health is endangered;

(2) causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or attempting to manufacture any methamphetamine or any fentanyl-related controlled substance; or

(3) causing or permitting such child to be in an environment where the person knows or reasonably should know that:

(A) Drug paraphernalia or volatile, toxic or flammable chemicals are stored or used for the purpose of manufacturing or attempting to manufacture any methamphetamine; or

(B) drug paraphernalia or toxic materials, compounds or mixtures are stored or used for the purpose of manufacturing or attempting to manufacture any fentanyl-related controlled substance.

(c) (1) Endangering a child is a:

(A) Class A person misdemeanor *if the child is at least six years of age but less than 18 years of age; and*

(B) *severity level 9, person felony if the child is less than six years of age.*

(2) *Except as provided in subsection (c)(3), aggravated endangering a child is a:*

(A) Severity level 9, person felony ~~except as provided in subsection (c)(2)(B) if the child is at least six years of age but less than 18 years of age; and~~

(B) *severity level 8, person felony if the child is less than six years of age.*

(3) *Aggravated endangering a child when bodily harm is inflicted upon the child is a:*

(A) Severity level 6, person felony ~~when bodily harm is inflicted upon the child if the child is at least six years of age but less than 18 years of age; and~~

(B) *severity level 5, person felony if the child is less than six years of age.*

(3)(4) The sentence for a violation of aggravated endangering a child shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(d) Nothing in subsection (a) shall be construed to mean a child is endangered for the sole reason *that* the child's parent or guardian, in good

faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

(e) As used in this section:

(1) “Drug paraphernalia,” “fentanyl-related controlled substance” and “manufacture” mean the same as defined in K.S.A. 21-5701, and amendments thereto; and

(2) “methamphetamine” means any substance designated in K.S.A. 65-4107(d)(3) or (f)(1), and amendments thereto, or any analog thereof.

Sec. 8. K.S.A. 2025 Supp. 21-6101 is hereby amended to read as follows: 21-6101. (a) Breach of privacy is ~~knowingly~~ *intentionally* and without lawful authority:

(1) Intercepting, without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication;

(2) divulging, without the consent of the sender or receiver, the existence or contents of such message if such person knows that the message was illegally intercepted, or if such person illegally learned of the message in the course of employment with an agency in transmitting such message;

(3) entering with intent to listen surreptitiously to private conversations in a private place or to observe the personal conduct of any other person or persons entitled to privacy therein;

(4) installing or using outside or inside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place, which sounds would not ordinarily be audible or comprehensible without the use of such device, without the consent of the person or persons entitled to privacy therein;

(5) installing or using any device or equipment for the interception of any telephone, telegraph or other wire or wireless communication without the consent of the person in possession or control of the facilities for such communication;

(6) ~~installing or using a camcorder, motion picture camera or photographic camera of any type to videotape, film, photograph or any device or software to record or view, by electronic or other means, the nude body of, or the undergarments worn by, another identifiable person under or through the clothing being worn by that other person or another identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which that other person has a reasonable expectation of privacy;~~

(7) disseminating or permitting the dissemination of any ~~videotape, photograph, film or image~~, *video or other recording* obtained in violation of subsection (a)(6); or

(8) disseminating any ~~videotape, photograph, film or image~~, *video or other recording* of another identifiable person 18 years of age or older who is nude or engaged in sexual activity and under circumstances in which such identifiable person had a reasonable expectation of privacy, with the intent to harass, threaten or intimidate such identifiable person, and such identifiable person did not consent to such dissemination. This includes disseminating any ~~videotape, photograph, film or image~~, *video or other recording* that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict such identifiable person, regardless of whether such identifiable person was involved in the creation of the original image, *video or other recording*.

(b) Breach of privacy as defined in:

(1) Subsection (a)(1) through (a)(5) is a class A nonperson misdemeanor;

(2) subsection (a)(6) ~~or (a)(8)~~ is a:

(A) Severity level 8, person felony, except as provided in ~~subsection subsections (b)(2)(B), (b)(2)(C) and (b)(4); and~~

(B) severity level 5, person felony upon a second or subsequent conviction within the previous five years, *except as provided in subsection (b)(4); and*

(C) *severity level 5, person felony if the victim is 14 years of age or older but less than 18 years of age;*

(3) subsection (a)(7) is a severity level 5, person felony, *except as provided in subsection (b)(4);*

(4) *subsection (a)(6) or (a)(7) or attempt, conspiracy or criminal solicitation to commit breach of privacy as defined in subsection (a)(6) or (a)(7) is an off-grid person felony if the offender is 18 years of age or older and the victim is less than 14 years of age; and*

(5) subsection (a)(8) is a:

(A) Severity level 8, person felony, except as provided in subsection (b)(4)(B); and

(B) *severity level 5, person felony upon a second or subsequent conviction within the previous five years.*

(c) *If the offender is 18 years of age or older and the victim is less than 14 years of age, the provisions of:*

(1) K.S.A. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of breach of privacy as defined in subsection (a)(6) or (a)(7);

(2) K.S.A. 21-5302(d), and amendments thereto, shall not apply to a

violation of conspiracy to commit the crime of breach of privacy as defined in subsection (a)(6) or (a)(7); and

(3) *K.S.A. 21-5303(d), and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of breach of privacy as defined in subsection (a)(6) or (a)(7).*

(d) Subsection (a)(1) shall not apply to messages overheard through a regularly installed instrument on a telephone party line or on an extension.

~~(d)~~(e) The provisions of this section shall not apply to:

(1) An operator of a switchboard, or any officer, employee or agent of any public utility providing telephone communications service, whose facilities are used in the transmission of a communication, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity ~~which~~ *that* is incident to the rendition of public utility service or to the protection of the rights of property of such public utility;

(2) a provider of an interactive computer service, as defined in 47 U.S.C. § 230, for content provided by another person;

(3) a radio common carrier, as defined in K.S.A. 66-1,143, and amendments thereto;

(4) a local exchange carrier or telecommunications carrier as defined in K.S.A. 66-1,187, and amendments thereto;

(5) a cable service, as defined in 47 U.S.C. § 522;

(6) a provider of direct-to-home satellite services, as defined in 47 U.S.C. § 303(v); and

(7) a multichannel video programming distributor, as defined in 47 U.S.C. § 522(13), or an affiliate thereof.

~~(e)~~(f) The provisions of subsection (a)(8) shall not apply to a person acting with a bona fide and lawful scientific, educational, governmental, news or other similar public purpose.

~~(f)~~(g) As used in this section:

(1) *“Image, video or other recording” means any photograph, film, video picture, digital or computer-generated image or picture, whether made or produced by electronic, mechanical or other means;*

(2) *“lawful authority” does not include any act or behavior prohibited by this section that is undertaken with the intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person;*

(3) *“nude” means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered; and*

(4) *“private place” means a place where one may reasonably expect to be safe from uninvited intrusion or surveillance.*

Sec. 9. K.S.A. 2025 Supp. 22-2802 is hereby amended to read as follows: 22-2802. (a) Any person charged with a crime shall, at the person's first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person's appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection (n) at the time required by the court to answer the charge against such person and at any time thereafter that the court requires. Unless the magistrate makes a specific finding otherwise, if the person is being bonded out for a person felony or a person misdemeanor, the bond shall be conditioned on the person being prohibited from having any contact with the alleged victim of such offense for a period of at least 72 hours. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:

(1) Place the person in the custody of a designated person or organization agreeing to supervise such person;

(2) place restrictions on the travel, association or place of abode of the person during the period of release;

(3) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours;

(4) place the person under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; or

(5) place the person under the supervision of a court services officer responsible for monitoring the person's compliance with any conditions of release ordered by the magistrate. The magistrate may order the person to pay for any costs associated with the supervision provided by the court services department in an amount not to exceed \$15 per week of such supervision. The magistrate may also order the person to pay for all other costs associated with the supervision and conditions for compliance in addition to the \$15 per week.

(b) In addition to any conditions of release provided in subsection (a), for any person charged with:

(1) A felony, the magistrate may order such person to submit to a drug and alcohol abuse examination and evaluation in a public or private treatment facility or state institution and, if determined by the head of such facility or institution that such person is a drug or alcohol abuser or is incapacitated by drugs or alcohol, to submit to treatment for such drug or alcohol abuse, as a condition of release; *and*

(2) *a domestic violence offense, as defined in K.S.A. 21-5111, and amendments thereto, domestic battery or aggravated domestic battery, as described in K.S.A. 21-5414, and amendments thereto, stalking, as described in K.S.A. 21-5427, and amendments thereto, or violation of a protective order as described in K.S.A. 21-5924, and amendments thereto, the magistrate shall consider ordering electronic monitoring of the person with victim notification pursuant to section 1, and amendments thereto, as a condition of release.*

(c) The appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas, unless the magistrate determines, in the exercise of such magistrate's discretion, that requiring sureties is not necessary to assure the appearance of the person at the time ordered.

(d) A deposit of cash in the amount of the bond may be made in lieu of the execution of the bond pursuant to subsection (c). Except as provided in subsection (e), such deposit shall be in the full amount of the bond and in no event shall a deposit of cash in less than the full amount of bond be permitted. Any person charged with a crime who is released on a cash bond shall be entitled to a refund of all moneys paid for the cash bond, after deduction of any outstanding restitution, costs, fines and fees, after the final disposition of the criminal case if the person complies with all requirements to appear in court. The court may not exclude the option of posting bond pursuant to subsection (c).

(e) Except as provided further, the amount of the appearance bond shall be the same whether executed as described in subsection (c) or posted with a deposit of cash as described in subsection (d). When the appearance bond has been set at \$2,500 or less and the most serious charge against the person is a misdemeanor, a severity level 8, 9 or 10 nonperson felony, a drug severity level 4 felony committed prior to July 1, 2012, a drug severity level 5 felony committed on or after July 1, 2012, or a violation of K.S.A. 8-1567, and amendments thereto, the magistrate may allow the person to deposit cash with the clerk in the amount of 10% of the bond, provided the person meets at least the following qualifications:

- (1) Is a resident of the state of Kansas;
 - (2) has a criminal history score category of G, H or I;
 - (3) has no prior history of failure to appear for any court appearances;
 - (4) has no detainer or hold from any other jurisdiction;
 - (5) has not been extradited from, and is not awaiting extradition to, another state; and
 - (6) has not been detained for an alleged violation of probation.
- (f) In the discretion of the court, a person charged with a crime may be released upon the person's own recognizance by guaranteeing payment of the amount of the bond for the person's failure to comply with all

requirements to appear in court. The release of a person charged with a crime upon the person's own recognizance shall not require the deposit of any cash by the person.

(g) The court shall not impose any administrative fee.

(h) In determining which conditions of release will reasonably assure appearance and the public safety, the magistrate shall, on the basis of available information, take into account the nature and circumstances of the crime charged; the weight of the evidence against the defendant; whether the defendant is lawfully present in the United States; the defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, record of convictions, record of appearance or failure to appear at court proceedings or of flight to avoid prosecution; the likelihood or propensity of the defendant to commit crimes while on release, including whether the defendant will be likely to threaten, harass or cause injury to the victim of the crime or any witnesses thereto; and whether the defendant is on probation or parole from a previous offense at the time of the alleged commission of the subsequent offense.

(i) The appearance bond shall set forth all of the conditions of release.

(j) A person for whom conditions of release are imposed and who continues to be detained as a result of the person's inability to meet the conditions of release shall be entitled, upon application, to have the conditions reviewed without unnecessary delay by the magistrate who imposed them. If the magistrate who imposed conditions of release is not available, any other magistrate in the county may review such conditions.

(k) A magistrate ordering the release of a person on any conditions specified in this section may at any time amend the order to impose additional or different conditions of release. If the imposition of additional or different conditions results in the detention of the person, the provisions of subsection (j) shall apply.

(l) Statements or information offered in determining the conditions of release need not conform to the rules of evidence. No statement or admission of the defendant made at such a proceeding shall be received as evidence in any subsequent proceeding against the defendant.

(m) The appearance bond and any security required as a condition of the defendant's release shall be deposited in the office of the magistrate or the clerk of the court where the release is ordered. If the defendant is bound to appear before a magistrate or court other than the one ordering the release, the order of release, together with the bond and security shall be transmitted to the magistrate or clerk of the court before whom the defendant is bound to appear.

(n) Proceedings before a magistrate as provided in this section to determine the release conditions of a person charged with a crime including

release upon execution of an appearance bond may be conducted by two-way electronic audio-video communication between the defendant and the judge in lieu of personal presence of the defendant or defendant's counsel in the courtroom in the discretion of the court. The defendant may be accompanied by the defendant's counsel. The defendant shall be informed of the defendant's right to be personally present in the courtroom during such proceeding if the defendant so requests. Exercising the right to be present shall in no way prejudice the defendant.

(o) The magistrate may order the person to pay for any costs associated with the supervision of the conditions of release of the appearance bond in an amount not to exceed \$15 per week of such supervision *except as provided in section 1, and amendments thereto*. As a condition of sentencing under K.S.A. 21-6604, and amendments thereto, the court may impose the full amount of any such costs in addition to the \$15 per week, including, but not limited to, costs for treatment and evaluation under subsection (b).

(p) (1) If a defendant is charged with rape, as described in K.S.A. 21-5503, and amendments thereto, criminal sodomy or aggravated criminal sodomy, as described in K.S.A. 21-5504, and amendments thereto, aggravated sexual battery, as described in K.S.A. 21-5505, and amendments thereto, or indecent liberties with a child or aggravated indecent liberties with a child, as described in K.S.A. 21-5506, and amendments thereto, the magistrate shall determine prior convictions of such offenses or comparable out-of-state convictions upon available evidence.

(2) If the magistrate determines that such defendant has a prior conviction of any crime that constitutes a sexually violent crime as defined in K.S.A. 22-4902, and amendments thereto, bond shall be at least \$750,000 cash or surety and have at least minimum conditions of no contact with any victims or witnesses and the magistrate shall place the person under a house arrest program pursuant to subsection (a)(4). Such bond shall not be reduced or modified downward unless the magistrate determines by a preponderance of the evidence at an evidentiary hearing and makes a written finding on the record that the defendant is not a public safety risk and not a flight risk. At such evidentiary hearing, there shall be a presumption that the defendant is both a public safety risk and a flight risk.

Sec. 10. K.S.A. 21-5301, 21-5302, 21-5303, 21-5428 and 21-5512 and K.S.A. 2025 Supp. 21-5601, 21-6101 and 22-2802 are hereby repealed.

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

CHAPTER 115

SENATE BILL No. 271

AN ACT concerning public assistance; relating to the eligibility and oversight thereof; updating income requirements for the state children's health insurance program; relating to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight; requiring the committee hold meetings each quarter; amending K.S.A. 38-2001 and 39-7,160 and repealing the existing sections.

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

Section 1. K.S.A. 38-2001 is hereby amended to read as follows: 38-2001. (a) The department of health and environment shall develop and submit a plan consistent with federal guidelines established under section 4901 of public law 105-33~~-, 42 U.S.C. § 1397aa et seq.~~, title XXI).

(b) The plan developed under subsection (a) shall be a capitated managed care plan covering Kansas children from zero to 19 years ~~which of age that:~~

(1) Contains benefit levels at least equal to those for the early and periodic screening, diagnosis and treatment program;

(2) provides for presumptive eligibility for children where applicable;

(3) provides continuous eligibility for 12 months once a formal determination is made that a child is eligible subject to subsection (e);

(4) has ~~performance based~~ *performance-based* contracting with measurable outcomes indicating age appropriate utilization of plan services ~~to include, including~~, but not limited to, such measurable services as immunizations, vision, hearing and dental exams, emergency room utilization, annual physical exams and asthma;

(5) shall use the same prior authorization standards and requirements as used for health care services under medicaid to further the goal of seamlessness of coverage between the two programs;

(6) shall provide targeted low-income children, as defined under section 4901 of public law 105-33~~-, 42 U.S.C. § 1397aa, et seq.~~, coverage subject to appropriations; *and*

(7) shall provide coverage, subject to appropriation of funds and eligibility requirements, for children residing in a household having a gross household income ~~(A) for 2009, at or under 225% of the 2008 federal poverty income guidelines and (B) for 2010 and subsequent years, at or under 250% of the 2008 federal poverty income guidelines.~~ The participants receiving coverage shall contribute to the payment for such coverage through a sliding-fee scale based upon ability to pay as established by rules and regulations of the secretary of health and environment; *and*

~~(8) contains a provision which requires the newly enrolled participants with a family income over 200% of the federal poverty income guidelines~~

to wait at least 8 months before participating in this program, if such participants previously had comprehensive health benefit coverage through an individual policy or a health benefit plan provided by any health insurer as defined in K.S.A. 40-4602, and amendments thereto. This waiting period provision shall not apply when the prior coverage ended due to loss of employment other than the voluntary termination, change to a new employer that does not provide an option for dependent coverage, discontinuation of health benefits to all employees, expiration of COBRA coverage period or any other situations where the prior coverage ended due to reasons unrelated to the availability of this program. *Rules and regulations adopted by the secretary shall establish a sliding-fee scale that charges per family; and*

(8) *provides coverage to pregnant Kansas children provided that the secretary requests and receives verification of such pregnancy as allowed by the centers for medicaid and medicare services.*

(c) The secretary of health and environment is authorized to contract with entities authorized to transact health insurance business in this state to implement the health insurance coverage plan pursuant to subsection (a) providing for several plan options to enrollees which are coordinated with federal and state child health care programs, except that when contracting to provide managed mental health care services the secretary of health and environment shall assure that contracted entities demonstrate the ability to provide a full array of mental health services in accordance with the early and periodic screening, diagnosis and treatment plan. The secretary of health and environment shall not develop a request for proposal process which excludes community mental health centers from the opportunity to bid for managed mental health care services.

(d) When developing and implementing the plan in subsection (a), the secretary of health and environment to the extent authorized by law:

(1) Shall include provisions that encourage contracting insurers to utilize and coordinate with existing community health care institutions and providers;

(2) may work with public health care providers and other community resources to provide educational programs promoting healthy lifestyles and appropriate use of the plan's health services;

(3) shall plan for outreach and maximum enrollment of eligible children through cooperation with local health departments, schools, child care facilities and other community institutions and providers;

(4) shall provide for a simplified enrollment plan;

(5) shall provide cost sharing as allowed by law;

(6) shall not count the caring program for children, the Kansas health insurance association plan or any charity health care plan as insurance under subsection (e)(1);

(7) may provide for payment of health insurance premiums, including contributions to a health savings account if applicable, and, in conjunction with an employer sponsored insurance premium assistance plan, may provide that supplemental benefits be purchased outside of the capitated managed care plan, if it is determined cost effective, taking into account the number of children to be served and the benefits to be provided;

(8) may provide that prescription drugs, transportation services and dental services are purchased outside of the capitated managed care plan to improve the efficiency, accessibility and effectiveness of the program; and

(9) shall include a provision that requires any individual to be a citizen or an alien lawfully admitted to the United States for purposes of establishing eligibility for benefits under the plan and to present satisfactory documentary evidence of citizenship or lawful admission of the individual. The criteria for determining whether the documentation is satisfactory shall be no more restrictive than the criteria used by the social security administration to determine citizenship. A document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe, such as a tribal enrollment card or certificate of degree of Indian blood shall be satisfactory documentary evidence of citizenship or lawful admission.

~~(e)—A child shall not be eligible for coverage and shall lose coverage under the plan developed under subsection (a) of K.S.A. 38-2001, and amendments thereto, if such child's family has not paid the enrollee's applicable share of any premium due. If the family pays all of the delinquent premiums owed during the year, such child will again be eligible for coverage for the remaining months of the continuous eligibility period. If a family is otherwise eligible for coverage and pays all of the delinquent premiums owed, such child will again be eligible for coverage at the time of renewal.~~

~~(f)~~ (f) The plan developed under section 4901 of public law 105-33 ~~§ 42 U.S.C. § 1397aa et seq., and amendments thereto~~ is not an entitlement program. The availability of the plan benefits shall be subject to funds appropriated. The secretary of health and environment shall not utilize waiting lists; but shall monitor costs of the program and make necessary adjustments to stay within the program's appropriations.

(g) Eligibility and benefits under the plan prescribed by subsection (b)(7) are not and shall not be construed to be entitlements, are for legal residents of the state of Kansas and are subject to availability of state and federal funds and to any state and federal requirements and the provisions of appropriation acts. If the secretary of health and environment determines that the available federal funds and the state funds appropriated are insufficient to sustain coverage for the income eligibility levels prescribed by subsection (b)(7), a lower income level shall be adopted and

implemented by the secretary of health and environment, within the limits of appropriations available therefor, and all such changes shall be published by the secretary of health and environment in the Kansas register.

Sec. 2. K.S.A. 39-7,160 is hereby amended to read as follows: 39-7,160. (a) There is hereby established the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight. The joint committee shall review the number of individuals who are transferred from state or private institutions and long-term care facilities to the home and community based services and the associated cost savings and other outcomes of the money-follows-the-person program. The joint committee shall review the funding targets recommended by the interim report submitted for the 2007 legislature by the joint committee on legislative budget and use ~~them~~ *such funding targets* as guidelines for future funding planning and policy making. The joint committee shall have oversight of savings resulting from the transfer of individuals from state or private institutions to home and community based services. As used in K.S.A. 39-7,159 through 39-7,162, and amendments thereto, "savings" means the difference between the average cost of providing services for individuals in an institutional setting and the cost of providing services in a home and community based setting. The joint committee shall study and determine the effectiveness of the program and cost-analysis of the state institutions or long-term care facilities based on the success of the transfer of individuals to home and community based services. The joint committee shall consider the issues of whether sufficient funding is provided for enhancement of wages and benefits of direct individual care workers and their staff training and whether adequate progress is being made to transfer individuals from the institutions and to move them from the waiver waiting lists to receive home and community based services. The joint committee shall review and ensure that any proceeds resulting from the successful transfer be applied to the system of provision of services for long-term care and home and community based services. The joint committee shall monitor and study the implementation and operations of the home and community based service programs, the children's health insurance program, the program for the all-inclusive care of the elderly and the state medicaid programs, including, but not limited to, access to and quality of services provided and any financial information and budgetary issues. Any state agency shall provide data and information on KanCare programs, including, but not limited to, ~~pay~~ *payment* for performance measures, quality measures and enrollment and disenrollment in specific plans, KanCare provider network data and appeals and grievances made to the KanCare ombudsman, to the joint committee, as requested.

(b) The joint committee shall consist of 11 members of the legislature appointed as follows: (1) Two members of the house committee on health

and human services appointed by the speaker of the house of representatives; (2) one member of the house committee on health and human services appointed by the minority leader of the house of representatives; (3) two members of the senate committee on public health and welfare appointed by the president of the senate; (4) one member of the senate committee on public health and welfare appointed by the minority leader of the senate; (5) two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the house committee on appropriations; (6) one member of the house of representatives appointed by the minority leader of the house of representatives; and (7) two members of the senate appointed by the president of the senate, one of whom shall be a member of the senate committee on ways and means.

(c) Members shall be appointed for terms coinciding with the legislative terms for which such members are elected or appointed. All members appointed to fill vacancies in the membership of the joint committee and all members appointed to succeed members appointed to membership on the joint committee shall be appointed in the manner provided for the original appointment of the member succeeded.

(d) The members originally appointed as members of the joint committee shall meet upon the call of the member appointed by the speaker of the house of representatives, who shall be the first chairperson, within 30 days of the effective date of this act. ~~The vice chairperson~~ *vice chairperson* of the joint committee shall be appointed by the president of the senate. Chairperson and ~~vice chairperson~~ *vice chairperson* shall alternate annually between the members appointed by the speaker of the house of representatives and the president of the senate. The ranking minority member shall be from the same chamber as the chairperson. ~~On and after the effective date of this act, The joint committee shall meet at least once in January and once in April when the legislature is in regular session and at least once for each quarter with two consecutive days of meetings during each of the third and fourth calendar quarters, on the call of the chairperson, but not to exceed six meetings in a calendar year, except additional meetings may be held on call of the chairperson when urgent circumstances exist which that require such meetings. Six members of the joint committee shall constitute a quorum.~~

(e) (1) At the beginning of each regular session of the legislature, the committee shall submit to the president of the senate, the speaker of the house of representatives, the house of representatives standing committee on health and human services and the senate standing committee on public health and welfare a written report on numbers of individuals transferred from the state or private institutions to the home and community based services, including the average daily census in the state institutions

and long-term care facilities, savings resulting from the transfer certified by the secretary for aging and disability services in a quarterly report filed in accordance with K.S.A. 39-7,162, and amendments thereto, and the current balance in the home and community based services savings fund of the Kansas department for aging and disability services.

(2) Such report submitted under this subsection shall also include, but not be limited to, the following information on the KanCare program:

(A) Quality of care and health outcomes of individuals receiving state medicaid services under the KanCare program, as compared to the provision of state medicaid services prior to January 1, 2013;

(B) integration and coordination of health care procedures for individuals receiving state medicaid services under the KanCare program;

(C) availability of information to the public about the provision of state medicaid services under the KanCare program, including, but not limited to, accessibility to health services, expenditures for health services, extent of consumer satisfaction with health services provided and grievance procedures, including quantitative case data and summaries of case resolution by the KanCare ombudsman;

(D) provisions for community outreach and efforts to promote the public understanding of the KanCare program;

(E) comparison of the actual medicaid costs expended in providing state medicaid services under the KanCare program after January 1, 2013, to the actual costs expended under the provision of state medicaid services prior to January 1, 2013, including the manner in which such cost expenditures are calculated;

(F) comparison of the estimated costs expended in a managed care system of providing state medicaid services under the KanCare program after January 1, 2013, to the actual costs expended under the KanCare program of providing state medicaid services after January 1, 2013;

(G) comparison of caseload information for individuals receiving state medicaid services prior to January 1, 2013, to the caseload information for individuals receiving state medicaid services under the KanCare program after January 1, 2013; and

(H) all written testimony provided to the joint committee regarding the impact of the provision of state medicaid services under the KanCare program upon residents of adult care homes.

(3) The joint committee shall consider the external quality review reports and quality assessment and performance improvement program plans of each managed care organization providing state medicaid services under the KanCare program in the development of the report submitted under this subsection.

(4) The report submitted under this subsection shall be published on the official website of the legislative research department.

(f) Members of the committee shall have access to any medical assistance report and caseload data generated by the Kansas department of health and environment division of health care finance. Members of the committee shall have access to any report submitted by the Kansas department of health and environment division of health care finance to the centers for medicare and medicaid services of the United States department of health and human services.

(g) Members of the committee shall be paid compensation, travel expenses and subsistence expenses or allowance as provided in K.S.A. 75-3212, and amendments thereto, for attendance at any meeting of the joint committee or any subcommittee meeting authorized by the committee.

(h) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee.

(i) The joint committee may make recommendations and introduce legislation as it deems necessary in performing its functions.

Sec. 3. K.S.A. 38-2001 and 39-7,160 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 9, 2026.

Published in the *Kansas Register* April 23, 2026.

CHAPTER 116

HOUSE BILL No. 2042*

AN ACT concerning administrative rules and regulations; relating to hazardous waste monitoring and permit application fees; authorizing the adoption of certain rules and regulations by the department of health and environment.

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

Section 1. Pursuant to K.S.A. 2025 Supp. 77-441, and amendments thereto, the department of health and environment is hereby authorized to adopt the following proposed permanent administrative rules and regulations concerning hazardous waste monitoring and permit application fees as identified and described in the economic impact statement prepared by the department on August 22, 2025, and provided to the senate committee on agriculture and natural resources on February 10, 2026: K.A.R. 28-31-10; and 28-31-10b.

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

Approved April 9, 2026.

Published in the *Kansas Register* April 16, 2026.

CHAPTER 117

SENATE BILL No. 382
(Amended by Chapter 155)

AN ACT concerning education; authorizing nonpublic schools to permit nonaccredited private elementary or secondary school students to participate in certain activities for such nonpublic schools; authorizing foreign exchange students who reside with a host family to enroll in and attend the host family's resident school district without being subject to the open-seat lottery process; adding certain third parties who contract with school districts to the definition of special teacher; authorizing special education state aid reimbursement for certain teachers who provide services pursuant to a contract; providing for the administration and proctoring of statewide assessments to a virtual school student by such student's virtual school; amending K.S.A. 2025 Supp. 72-3123, 72-3404, 72-3422 and 72-3717 and repealing the existing sections.

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

New Section 1. (a) (1) A nonpublic school may permit any student who meets the requirements of this section to participate in activities offered by such nonpublic school that are regulated, supervised, promoted and developed by the activities association referred to in K.S.A. 72-7114, and amendments thereto.

(2) A nonpublic school may permit any student participating in any activity pursuant to paragraph (1) to participate in any events, ceremonies, programs or other functions directly related to such activity and sponsored by such nonpublic school.

(3) The governing body of a nonpublic school may adopt policies regarding the participation of those students who are participating in an activity pursuant to paragraph (1) in the school-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) Is a resident of Kansas;
- (2) is enrolled and attending a nonaccredited private elementary or secondary school;
- (3) 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;
- (4) pays any fees required by the nonpublic school for participation in such activity if such fees are generally imposed upon all other students who participate in such activity; and
- (5) is permitted to participate in such activity by the governing body of the nonpublic school.

(c) The governing body of the nonpublic school shall determine if the student meets any academic eligibility requirements established by the activities association.

(d) The governing body of a nonpublic school 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) Except as provided in subsection (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.

(f) 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.

(g) It shall be unlawful for the governing body of a nonpublic school 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. 2025 Supp. 72-3123 is hereby amended to read as follows: 72-3123. (a) ~~Beginning in school year 2024-2025,~~ The board of education of any school district shall permit nonresident students to enroll in and attend the schools of the district if such school district has open seats as determined pursuant to this section.

(b) Each school district shall determine capacity in each school of the school district for the following school year as follows:

(1) For kindergarten and grades one through eight, the classroom student-teacher ratio in each grade level; and

(2) for grades nine through 12, the student-teacher ratio for each school building or program in each school building, including, but not limited to, advanced placement or international baccalaureate programs.

(c) (1) On or before May 1 of each year, each school board shall determine for each grade level in each school building of the school district for the next succeeding school year the:

(A) Capacity as determined pursuant to subsection (b);

(B) number of students expected to attend school in the school district; and

(C) number of open seats available to nonresident students.

(2) On or before June 1 of each year, each school district shall publish on such school district's website the number of open seats available to nonresident students in each grade level for each school building of the school district for the next succeeding school year.

(3) From January 1 through June 15, each school district shall accept applications from nonresident students who are seeking to enroll in and

attend the school district in the next succeeding school year. Applications shall be on a form and in a manner determined by the school district.

(4) If the number of applications for a grade level in a school building is ~~less~~ fewer than the number of available seats for such grade level in such school building, the nonresident students shall be accepted for enrollment and attendance at such school district. If the number of applications for a grade level in a school building is greater than the number of available seats for such grade level in such school building, the school district shall randomly select nonresident students using a confidential lottery process. Such process shall be completed on or before July 15 of each year.

(5) The school district shall provide to the parent or person acting as parent of a nonresident student who was not accepted for or denied enrollment at such school district the reason for the nonacceptance or denial and an explanation of the nonresident student selection process on or before July 30 of each year.

(6) If a school district denies an application of a nonresident student due to the school district deeming the nonresident student as not in good standing, the parent or person acting as parent of such student may appeal such denial to the school district board of education.

(d) (1) Subject to capacity, school districts shall give priority to any sibling of a nonresident student who is enrolled in and attending such school district or who is accepted to enroll in and attend such school district. Priority shall be given when the nonresident student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such sibling shall not be subject to the ~~open seat~~ open-seat lottery.

(2) Subject to capacity, school districts shall give priority to any nonresident student who is a military student as defined in K.S.A. 72-5139, and amendments thereto. Priority shall be given when the military student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such military student shall not be subject to the ~~open seat~~ open-seat lottery.

(3) Any child who is in the custody of the department for children and families and who is living in the home of a nonresident student who transfers may attend school in the receiving school district.

(4) Any nonresident student who has a parent or person acting as parent employed by a school district shall be permitted to enroll in and attend such school district as if the student ~~is were~~ a resident of the school district. Any such student shall not be subject to the open-seat lottery established pursuant to subsection (c) when enrolling in and attending the school district where the parent or person acting as parent is employed.

(5) *Any foreign exchange student who resides, or will reside, with a host family may be permitted to enroll in and attend the host family's res-*

ident school district as if the student were a resident of the school district. Any such student shall not be subject to the open-seat lottery established pursuant to subsection (c) when enrolling in and attending the host family's resident school district.

(6) Any child who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence.

(e) A school district shall not:

(1) Charge tuition or fees to any nonresident student who transfers to such school district pursuant to this section except fees that are otherwise charged to every student enrolled in and attending school in the district; or

(2) accept or deny a nonresident student transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability.

(f) (1) A nonresident student accepted for enrollment and attendance at a receiving school district on or after June 1, 2024, shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is deemed as no longer in good standing pursuant to subsection (g).

(2) A nonresident student who was enrolled in and attended a school district of nonresidence during school year 2023-2024 shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is deemed as no longer in good standing pursuant to subsection (g).

(3) A nonresident student who was enrolled in and attended a school district of residence during school year 2023-2024 shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is deemed as no longer in good standing pursuant to subsection (g).

(g) A receiving school district may deem any nonresident student as not in good standing in accordance with such school district's nonresident transfer policy, including any nonresident student who has not previously attended or been enrolled in the receiving school district. If a school district deems a nonresident student as not in good standing, such school district may deny such student's enrollment or continued enrollment in the school district. Prior to making any determination to deem a nonresident student as not in good standing, a district shall consider a student's status as a homeless child and the resulting factors of homelessness on such student's standing.

(h) A student may always enroll at any time in the school district where such student resides.

(i) Except for a child in the custody of the department for children and families or a child who is experiencing homelessness, a nonresident

student shall not transfer more than once per school year to one or more receiving school districts pursuant to the provisions of this section.

(j) Neither a resident school district nor a receiving school district shall be required to provide transportation to nonresident students unless otherwise required by applicable law. If space is available on school district transportation vehicles, a school district may provide nonresident students an in-district bus stop where transportation may be provided by such school district to and from such bus stop and the school for such nonresident students. A school district shall ensure that transportation for nonresident homeless students is provided comparably to that of housed students.

(k) Each school district board of education shall submit annually to the state department of education the school district's policy adopted pursuant to K.S.A. 2025 Supp. 72-3126, and amendments thereto, the number of nonresident student transfers approved and denied by such board in each grade level and whether the denials were based on capacity or in accordance with the policy adopted pursuant to K.S.A. 2025 Supp. 72-3126, and amendments thereto. The state department of education shall collect and report such data on such department's website and make such data available to the legislative division of post audit.

(l) (1) Each year, the state department of education, as part of the department's enrollment audit, shall audit the nonresident student capacity and enrollment.

(2) In calendar year 2027, subject to a request made by the house standing committee on K-12 education budget or the senate standing committee on education, or any successor committees, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit of nonresident student transfers pursuant to this section. If requested, such audit shall be reported to the legislative post audit committee on or before January 15, 2028, and subsequently presented to the house standing committee on K-12 education budget and the senate standing committee on education, or any successor committees.

(m) Nothing in this section shall be construed to exempt any nonresident student who transfers to a receiving school district pursuant to this section from the policies and requirements of the activities association referred to in K.S.A. 72-7114, and amendments thereto.

(n) The provisions of this section shall not apply to any:

(1) School located on a military installation as defined in K.S.A. 72-8268, and amendments thereto; or

(2) virtual school as defined in K.S.A. 72-3712, and amendments thereto.

Sec. 3. K.S.A. 2025 Supp. 72-3404 is hereby amended to read as follows: 72-3404. As used in this act:

- (a) “School district” means any public school district.
- (b) “Board” means the board of education of any school district.
- (c) “State board” means the state board of education.
- (d) “Department” means the state department of education.
- (e) “State institution” means any institution under the jurisdiction of a state agency.
- (f) “State agency” means the Kansas department for children and families, the Kansas department for aging and disability services, the department of corrections and the juvenile justice authority.
- (g) “Exceptional children” means persons who are children with disabilities or gifted children and are *of* school age, to be determined in accordance with rules and regulations adopted by the state board, whose age may differ from the ages of children required to attend school under the provisions of K.S.A. 72-3120, and amendments thereto.
- (h) “Gifted children” means exceptional children who are determined to be within the gifted category of exceptionality as such category is defined by the state board.
- (i) “Special education” means specially designed instruction provided at no cost to parents to meet the unique needs of an exceptional child, including:
 - (1) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
 - (2) instruction in physical education.
- (j) “Special teacher” means a person, employed by *a school district* or under contract with a school district ~~or~~, a state institution *or a third party that has a contract with a school district* to provide special education or related services, who is qualified to:
 - (1) Provide special education or related services to exceptional children as determined pursuant to standards established by the state board; or
 - (2) assist in the provision of special education or related services to exceptional children as determined pursuant to standards established by the state board.
- (k) “State plan” means the state plan for special education and related services authorized by this act.
- (l) “Agency” means boards and the state agencies.
- (m) “Parent” means:
 - (1) A natural parent;
 - (2) an adoptive parent;
 - (3) a person acting as parent;
 - (4) a legal guardian;
 - (5) an education advocate; or
 - (6) a foster parent, if the foster parent has been appointed the education advocate of an exceptional child.

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

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

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

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

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

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

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

(2) meet the standards of the state board;

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

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

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

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

(s) (1) “Related services” means transportation, and such developmental, corrective, and other supportive services, including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the child’s IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only, as may be required to assist an exceptional child to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

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

(t) “Supplementary aids and services” means aids, services, and other supports that are provided in regular education classes or other

education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

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

- (1) The parents of a child;
- (2) at least one regular education teacher of the child if the child is, or may be, participating in the regular education environment;
- (3) at least one special education teacher or, where appropriate, at least one special education provider of the child;
- (4) a representative of the agency directly involved in providing educational services for the child who is:
 - (A) Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of exceptional children;
 - (B) knowledgeable about the general curriculum; and
 - (C) knowledgeable about the availability of resources of the agency;
- (5) an individual who can interpret the instructional implications of evaluation results;
- (6) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (7) whenever appropriate, the child.

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

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

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

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

(z) “Children with disabilities” means children who:

- (1) Have an intellectual disability, hearing loss including deafness, speech or language disorders, visual impairments including blindness, emotional disability, orthopedic impairments, autism, dyslexia, traumatic brain injury, other health impairments; or specific learning disabilities and who, by reason thereof, need special education and related services; and
- (2) are experiencing one or more developmental delays and, by reason thereof, need special education and related services if such children are ages three through nine.

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

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

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

- (1) Physical;
- (2) cognitive;
- (3) adaptive behavior;
- (4) communication; or
- (5) social or emotional development.

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

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

(ff) “Emotional disability” means the same as the term “emotional disturbance” is used in public law 101-476, the individuals with disabilities education act.

Sec. 4. K.S.A. 2025 Supp. 72-3422 is hereby amended to read as follows: 72-3422. (a) Each year, the state board of education shall determine the amount of state aid for the provision of special education and related services each school district shall receive for the ensuing school year. The amount of such state aid shall be computed by the state board as provided in this section.

(b) (1) The state board shall determine the total amount of special education state aid to be provided to school districts for the provision of special education and related services as follows:

(A) Determine the total weighted full-time equivalent student enrollment as provided on the legal maximum general fund calculation data computed by the state department of education excluding the special education and related services weighting, bilingual weighting, transportation weighting, career technical education weighting and at-risk student weighting;

(B) multiply the amount determined in paragraph (1)(A) by the base aid for student excellence established pursuant to K.S.A. 72-5132, and amendments thereto;

(C) divide the amount obtained in paragraph (1)(B) by the total number of unweighted full-time equivalent students enrolled in all school districts on September 20;

(D) determine the total full-time equivalent enrollment of exceptional children receiving special education and related services provided by all school districts;

(E) multiply the amount of the quotient obtained in paragraph (1)(C) by the full-time equivalent enrollment determined in paragraph (1)(D);

(F) multiply the amount of the product obtained in paragraph (1)(E) by the statewide average local option budget authorized percent;

(G) add the amount determined in paragraph (1)(E) to the amount determined in paragraph (1)(F);

(H) determine the amount of federal funds received by all school districts for the provision of special education and related services;

(I) determine the amount of revenue received by all school districts for medicaid reimbursements and rendered under contracts with the state institutions for the provisions of special education and related services by the state institution;

(J) add the amounts determined under paragraphs (1)(G) through (1)(I);

(K) determine the total amount of expenditures of all school districts for the provision of special education and related services;

(L) subtract the amount of the sum obtained under paragraph (1)(J) from the amount determined under paragraph (1)(K); and

(M) multiply the amount determined under paragraph (1)(L) by 92%.

(2) Subject to appropriation acts of the legislature, the computed amount is the total amount of state aid that shall be received for the provision of special education and related services by school districts for the ensuing school year.

(c) Except as provided in subsection (e), each school district shall receive:

(1) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified under K.S.A. 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with duties in providing special education or related services for exceptional children. Such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances;

(2) reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education or related services;

(3) reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other

than the residence of such child for the purpose of providing special education or related services. Such reimbursement shall not exceed \$600 per exceptional child per school year; and

(4) (A) ~~except for those school districts that receive reimbursement under subsection (c)(4)(D) or (c)(4)(E), after subtracting the amounts of reimbursement under subsections (c)(1), (c)(2) and (c)(3) paragraphs (1), (2) and (3) from the total amount appropriated for special education and related services under this act, an amount which bears the same proportion to the remaining amount appropriated as proportional to the number of full-time equivalent special teachers who are qualified to provide special education or related services to exceptional children that are employed by the school district for who provide approved special education or related services bears to exceptional children with IEPs administered by the school district compared to the total number of such qualified full-time equivalent special teachers employed by all school districts for who provide approved special education or related services to exceptional children with IEPs administered by all school districts. This subparagraph shall not apply to school districts that receive reimbursement pursuant to subparagraph (D) or (E).~~

(B) Each special teacher who is qualified to assist in the provision of special education or related services to exceptional children shall be counted as $\frac{2}{5}$ full-time equivalent special teacher who is qualified to provide special education or related services to exceptional children.

(C) For purposes of this paragraph, a special teacher, qualified to assist in the provision of special education and related services to exceptional children, who assists in providing special education and related services to exceptional children at either the state school for the blind or the state school for the deaf and whose services are paid for by a school district pursuant to K.S.A. 76-1006 or 76-1102, and amendments thereto, shall be considered a special teacher of such school district.

(D) Each school district that has paid amounts for the provision of special education and related services under an interlocal agreement shall receive reimbursement under this paragraph. The amount of such reimbursement for the school district shall be the amount that bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services under the interlocal agreement, as the amount paid by such school district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all school districts in the current school year who have entered into such interlocal agreement for provision of such special education and related services.

(E) Each contracting school district that has paid amounts for the provision of special education and related services as a member of a coop-

erative shall receive reimbursement under this paragraph. The amount of such reimbursement for the school district shall be the amount that bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services by the cooperative, as the amount paid by such school district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all contracting school districts in the current school year by such cooperative for provision of such special education and related services.

(d) For fiscal year 2025, and each fiscal year thereafter, the legislature shall appropriate from the state general fund in the special education services aid account of the state department of education an amount that is equal to or greater than \$601,018,818.

(e) (1) In fiscal year 2025, and each fiscal year thereafter, the state department of education shall distribute from the special education services aid account of the state general fund an amount equal to \$528,018,516, to school districts pursuant to the statutory distribution schedule established pursuant to subsection (c).

(2) For fiscal year 2025, and each fiscal year thereafter, the state board of education shall establish a special education services aid equalization distribution schedule that prioritizes equalizing special education services aid distributions to school districts. When establishing or revising the special education services aid equalization distribution schedule, the state board of education shall give consideration to the discrepancies between each school district's excess cost as determined pursuant to K.S.A. 2025 Supp. 72-3422a, and amendments thereto. The purpose of such special education services aid equalization distribution schedule shall be to provide for a more equitable distribution of special education state aid among school districts based on each school district's excess costs.

(3) Notwithstanding the provisions of subsection (c), for fiscal year 2025, and each fiscal year thereafter, the state department of education shall:

(A) Determine the total amount appropriated for such fiscal year from the state general fund in the special education services aid account of the state department of education;

(B) subtract \$528,018,516 from the amount determined pursuant to paragraph (3)(A); and

(C) distribute the amount of the difference determined under paragraph (3)(B) to school districts pursuant to the special education services aid equalization distribution schedule established by the state board of education pursuant to paragraph (2).

(f) No time spent by a special teacher in connection with duties performed under a contract entered into by the Kansas juvenile correctional

complex, the Larned juvenile correctional facility or the Topeka juvenile correctional facility and a school district for the provision of special education services by such state institution shall be counted in making computations under this section.

(g) (1) There is hereby established in every school district a special education fund ~~that~~, *which* shall consist of all moneys deposited therein or transferred thereto according to law. Notwithstanding any other provision of law, all moneys received by the school district from whatever source for special education shall be credited to the special education fund established by this section, except that: (A) Amounts of payments received by a school district under K.S.A. 72-3423, and amendments thereto, and amounts of grants, if any, received by a school district under K.S.A. 72-3425, and amendments thereto, shall be deposited in the general fund of the district and transferred to the special education fund; and (B) moneys received by a school district pursuant to lawful agreements made under K.S.A. 72-3412, and amendments thereto, shall be credited to the special education fund established under the agreements.

(2) The expenses of a school district directly attributable to special education shall be paid from the special education fund and from special funds established under K.S.A. 72-3412, and amendments thereto.

(3) Obligations of a school district pursuant to lawful agreements made under K.S.A. 72-3412, and amendments thereto, shall be paid from the special education fund established by this section.

Sec. 5. K.S.A. 2025 Supp. 72-3717 is hereby amended to read as follows: 72-3717. (a) Any student enrolled in a virtual school on a full-time basis may take any statewide assessment required pursuant to K.S.A. 72-5170, and amendments thereto, in a virtual setting that best meets the educational needs of the student. Any administration of a virtual statewide assessment shall meet the following conditions:

(1) The assessment shall be administered *by the virtual school* to the student at an assigned date and time *that shall be in the same range of dates assigned for the administration of assessments to students enrolled in the same school district as the student enrolled in virtual school but who do not attend virtual school*;

(2) the assessment shall be administered during a synchronous assessment session initiated and managed by an employee of the virtual school;

(3) the assessment administered in the virtual setting shall be the same assessment administered to students enrolled in a virtual school but taking the assessment in an in-person setting;

(4) the student shall be monitored by ~~the~~ *an* assessment proctor *designated by the virtual school* via a camera for the duration of the assessment. *If the assessment platform provides integrated camera proctoring, the virtual school proctor may administer the assessment and monitor the*

student using the same device. If the assessment platform does not allow provide for integrated camera proctoring, the student shall use two devices during the assessment. The first device shall be used to take the assessment and the second device shall have a functioning camera and be used to monitor the student during the assessment have a second device with a functioning camera for the virtual school proctor to monitor the student, or, upon request by the student, the virtual school may provide such student a second device with a functioning camera for the virtual school proctor to monitor such student;

(5) the device on which the student takes the assessment shall have browser lockdown software in operation for the duration of the assessment to prohibit internet browser usage by the student;

(6) the student to proctor ratio during the administration of an assessment shall be 10 to one or lower;

(7) the student shall not exit the assessment platform until instructed to do so by the proctor; and

(8) the completed assessment shall be verified by the assessment administrator *designated by the virtual school*.

(b) Any costs incurred by the state department of education in implementing the provisions of this section shall be paid for from the department's funds for administering all statewide assessments, *except that the costs incurred for any proctor designated by a virtual school shall be paid by the virtual school*.

(c) *The state department of education may monitor the administration of state assessments to virtual school students for the same purpose and in a like manner as the department monitors the administration of state assessments to non-virtual students.*

(d) This section shall be a part of and supplemental to the virtual school act.

Sec. 6. K.S.A. 2025 Supp. 72-3123, 72-3404, 72-3422 and 72-3717 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 9, 2026.

CHAPTER 118

House Substitute for SENATE BILL No. 356*

AN ACT concerning administrative rules and regulations; relating to sports wagering; authorizing the adoption of certain rules and regulations by the Kansas racing and gaming commission.

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

Section 1. Pursuant to K.S.A. 2025 Supp. 77-441, and amendments thereto, the Kansas racing and gaming commission is hereby authorized to adopt the following proposed permanent administrative rules and regulations concerning sports wagering as identified and described in the economic impact statement approved by the division of budget on February 13, 2025: K.A.R. 112-201-1, 112-201-2, 112-201-3, 112-201-4, 112-201-5, 112-201-6, 112-201-7, 112-201-8, 112-201-9, 112-201-10, 112-201-11, 112-201-12, 112-201-13, 112-201-15, 112-201-16, 112-201-17, 112-201-18, 112-201-19, 112-201-20, 112-201-21, 112-201-22, 112-201-23, 112-202-1, 112-202-2, 112-203-1, 112-203-2, 112-203-3, 112-203-4, 112-203-5, 112-203-6, 112-203-7, 112-203-8, 112-204-1, 112-204-2, 112-204-3, 112-204-4, 112-204-5, 112-204-6 and 112-204-7.

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

Approved April 9, 2026.

Published in the *Kansas Register* April 16, 2026.

CHAPTER 119

SENATE BILL No. 374

AN ACT concerning criminal procedure; relating to competency of a defendant to stand trial; establishing procedures in the Kansas code of procedure for municipal courts related to determination of an accused person's competency to stand trial; authorizing a municipal judge to order an examination; authorizing a district court judge to rely on a psychiatric or psychological examination ordered by a municipal court to facilitate an examination; requiring further consideration of evaluation and treatment for defendants charged with the most serious offenses; requiring certain items to be contained in a petition and written report of the evaluation in an involuntary commitment proceeding; setting requirements for involuntary commitment proceedings when the defendant has not been committed or has been released and the court has determined a probability does not exist that the defendant will regain competency in the foreseeable future; requiring the court to make certain findings with respect to a person who is alleged to be mentally ill and subject to involuntary commitment for care and treatment when such person is also a criminal defendant; amending K.S.A. 12-4113, 22-3302, 22-3303, 22-3305 and 59-2983 and repealing the existing sections.

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

New Section 1. (a) At any time after a defendant has been served with the complaint and before the satisfaction of sentence, if the municipal judge before whom the proceedings are pending finds that there is reason to believe that such defendant is incompetent to stand trial, all speedy trial requirements shall be suspended and, after a hearing, the court may order a psychiatric or psychological examination of such defendant in accordance with this section.

(b) To facilitate a psychiatric or psychological examination, the court may order that an examination and report be completed by:

- (1) An appropriate state, county or private institution or facility;
- (2) a licensed physician or psychologist who is qualified through training or experience; or
- (3) an examiner from a list of competency examiners used in the district court where the municipal court is located.

(c) No statement made by a defendant during any examination provided for by this section, whether or not such defendant consents to the examination, shall be admitted in evidence against such defendant in any criminal proceeding.

(d) The costs for an examination ordered pursuant to this section shall be paid from municipal court funds or the general fund of the municipality.

(e) An examination ordered pursuant to this section shall be completed within 60 days of the court's order for such examination to determine the defendant's competency.

(f) Before the expiration of the 60-day examination period, an examiner approved by the court to examine a defendant shall certify to the court whether such defendant is competent to stand trial.

(g) Upon certification to the court that a defendant subject to examination under this section has been determined by the examiner to be competent to stand trial, the suspended proceedings shall resume.

(h) Upon certification to the court that a defendant subject to examination under this section has been determined by the examiner to be incompetent to stand trial, the court shall conduct a hearing to make a finding in writing regarding the competency of such defendant. Such defendant shall be present for any hearing to determine competency.

(i) If the court finds that a defendant is incompetent to stand trial, the criminal charges against such defendant shall be dismissed without prejudice and the city attorney may:

(1) File a petition pursuant to K.S.A. 59-2945 et seq., and amendments thereto, in the appropriate district court; or

(2) request that the district attorney or county attorney review the case for the filing of a complaint in the district court.

(j) If the city attorney receives credible information that a defendant who was previously found to be incompetent to stand trial has regained competency, the city attorney may refile the charges within the applicable statute of limitations.

(k) If a charge is refiled by the city attorney pursuant to subsection (j), the court shall conduct a hearing to make a finding in writing regarding the current state of the defendant's competency. The defendant shall be present for any hearing to determine competency.

(l) This section shall be a part of and supplemental to the Kansas code of procedure for municipal courts.

(m) The provisions of this section shall take effect on and after July 1, 2026.

Sec. 2. On and after July 1, 2026, K.S.A. 12-4113 is hereby amended to read as follows: 12-4113. As used in this act:

(a) "Appearance bond" means an undertaking, with or without security, entered into by a person in custody by which the person is bound to comply with the conditions of the undertaking.

(b) "Accused person" means a person, corporation or other legal entity accused by a complaint of the violation of a city ordinance.

(c) "Arraignment" means the formal act of calling the person accused of violating an ordinance before the municipal court to inform the person of the offense with which the person is charged, to ask the person whether the person is guilty or not guilty and, if guilty, to impose sentence.

(d) "Arrest" means the taking of a person into custody in order that the person will appear to answer for the violation of an ordinance. The giving of a notice to appear is not an arrest.

(e) "Bail" is the security given for the purpose of insuring compliance with the terms of an appearance bond.

(f) “City attorney” means any attorney who represents the city in the prosecution of an accused person for the violation of a city ordinance.

(g) “Complaint” means a sworn written statement, or a written statement by a law enforcement officer, of the essential facts constituting a violation of an ordinance.

(h) “Custody” means the restraint of a person pursuant to an arrest.

(i) “Detention” means the temporary restraint of a person by a law enforcement officer.

(j) “Law enforcement officer” means any person who by virtue of office or public employment is vested by law with a duty to maintain public order and to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof.

(k) “Notice to appear” is a written notice to a person accused by a complaint of having violated an ordinance of a city to appear at a stated time and place to answer to the charge of the complaint.

(l) “Subpoena” is a process issued by the court to cause a witness to appear and give testimony at a time and place therein specified.

(m) “Ordinance traffic infraction” is a violation of an ordinance that proscribes or requires the same behavior as that proscribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, and amendments thereto.

(n) “Warrant” is a written order made by a municipal judge directed to any law enforcement officer commanding the officer to arrest the person named or described in it.

(o) “Ordinance cigarette or tobacco infraction” is a violation of an ordinance that proscribes the same behavior as proscribed by ~~subsection (m) or (n) of K.S.A. 79-3321(m) or (n)~~, and amendments thereto.

(p) *A person is “incompetent to stand trial” when such person is charged with a crime and, because of mental illness or defect, is unable to:*

(1) Understand the nature and purpose of the proceedings against such person; or

(2) make or assist in making such person’s defense.

(q) *“Treatment provider” means any mental health center or clinic, psychiatric unit of a medical care facility, psychologist, physician or other institution or person authorized or licensed by law to provide either inpatient or outpatient treatment to any patient.*

Sec. 3. On and after July 1, 2026, K.S.A. 22-3302 is hereby amended to read as follows: 22-3302. (a) At any time after the defendant has been charged with a crime and before pronouncement of sentence, the defendant, the defendant’s counsel or the prosecuting attorney may request a determination of the defendant’s competency to stand trial. If, upon the request of either party or upon the judge’s own knowledge and observation, the judge before whom the case is pending finds that there

is reason to believe that the defendant is incompetent to stand trial, the proceedings shall be suspended and a hearing conducted to determine the competency of the defendant.

(b) If the defendant is charged with a felony, the hearing to determine the competency of the defendant shall be conducted by a district judge.

(c) (1) The court shall determine the issue of competency and may impanel a jury of six persons to assist in making the determination. The court may order a psychiatric or psychological examination of the defendant. To facilitate the examination, the court may:

(A) Order that an evaluation be completed by an appropriate state, county or private institution or facility to be conducted in person or by use of available electronic means while the defendant is in jail, at any secure location or on pretrial release;

(B) designate an appropriate state, county or private institution or facility to conduct the examination while the defendant is in jail, at any secure location or on pretrial release; ~~or~~

(C) appoint a licensed physician who is qualified through training or experience or a licensed psychologist to examine the defendant and report to the court; *or*

(D) *rely on the psychiatric or psychological examination ordered by a municipal court.*

(2) If the court orders the defendant committed to an institution or facility for the examination, the commitment shall be for a period not to exceed 60 days from the date of admission or until the examination is completed, whichever is the shorter period of time. No statement made by the defendant in the course of any examination provided for by this section, whether or not the defendant consents to the examination, shall be admitted in evidence against the defendant in any criminal proceeding.

(3) Before the expiration of the 60-day evaluation period, the professional approved by the court to examine the defendant or, if the defendant is committed for inpatient examination, the chief medical officer or head of the appropriate institution or facility shall certify to the court whether the defendant is competent to stand trial.

(4) Upon notification of the court that a defendant committed for psychiatric or psychological examination under this subsection has been found competent to stand trial, the court shall order that the defendant be returned no later than seven days after receipt of the notice for proceedings under this section. If the defendant is not returned within that time, the county where the proceedings will be held shall pay the costs of maintaining the defendant at the institution or facility for the period of time the defendant remains at the institution or facility in excess of the seven-day period.

(d) If the defendant is found to be competent, the proceedings that have been suspended shall be resumed. If the proceedings were suspend-

ed before or during the preliminary examination, the judge who conducted the competency hearing may conduct a preliminary examination or, if a district magistrate judge was conducting the proceedings prior to the competency hearing, the judge who conducted the competency hearing may order the preliminary examination to be heard by a district magistrate judge.

(e) If the defendant is found to be incompetent to stand trial, the court shall proceed in accordance with K.S.A. 22-3303, and amendments thereto.

(f) If proceedings are suspended and a hearing to determine the defendant's competency is ordered after the defendant is in jeopardy, the court may either order a recess or declare a mistrial.

(g) The defendant shall be present personally at all proceedings under this section.

Sec. 4. K.S.A. 22-3303 is hereby amended to read as follows: 22-3303.

(a) (1) A defendant who is charged with a crime and is found to be incompetent to stand trial shall be ordered for evaluation and treatment, conducted on an outpatient or inpatient basis, by an appropriate state, county or private institution or facility. Evaluation or restorative treatment of a defendant shall not be conducted in a jail unless the administrative head or law enforcement official in charge of the jail agrees to such evaluation or restorative treatment being conducted in such jail.

(2) An evaluation and treatment may be ordered to be conducted on an outpatient basis in person or by use of available electronic means while the defendant is in jail, at any secure location, on pretrial release or in any other appropriate setting.

~~(3) For a defendant charged with a misdemeanor offense, outpatient evaluation and treatment may be ordered to be conducted by an appropriate state, county or private institution or facility.~~

~~(4) For a defendant charged with a felony offense, outpatient evaluation and treatment may be ordered to be conducted by an appropriate state, county or private institution or facility.~~

~~(5) For a defendant charged with a felony offense, a commitment to the state security hospital or its agent or a state hospital or its agent may be conducted on an inpatient basis or, if the defendant meets the screening criteria established by the state security hospital, on an outpatient basis evaluation and treatment:~~

~~(A) Shall be ordered to be conducted on an inpatient basis by the state security hospital or its agent or a state hospital or its agent except as provided in paragraph (3)(B); or~~

~~(B) may be ordered to be conducted on an outpatient basis by an appropriate state, county or private institution or facility if the defendant meets the screening criteria established by the state security hospital.~~

~~(6)(4)~~ At the commencement of outpatient treatment, the institution or facility conducting the treatment shall notify the prosecuting attorney ~~in the county where the criminal proceeding is for the~~ pending criminal proceeding for the purpose of providing victim notification.

(b) (1) Except as provided in subsection (d), if the defendant is ordered to receive an evaluation and treatment on an outpatient basis conducted by an appropriate state, county or private institution or facility, the chief medical officer of such institution or head of such facility shall certify to the court, within 90 days after the commencement of outpatient treatment, whether the defendant has a substantial probability of attaining competency to stand trial in the foreseeable future. The court shall set a hearing within 21 days after certification unless exceptional circumstances warrant delay, for the purpose of determining competency.

(2) If such probability does exist, the court shall order the defendant to remain in jail or at a secure location, on pretrial release pursuant to K.S.A. 22-2802, and amendments thereto, or at an appropriate setting until the defendant attains competency to stand trial or for a period of six months from the date of the commencement of outpatient treatment, whichever occurs first. If such probability does not exist, *or if the defendant has not attained competency to stand trial within six months after the date of the commencement of treatment*, the court shall order the prosecuting attorney ~~where the charges are filed for the pending criminal proceeding~~ to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, within 21 days of receipt of the certification from the chief medical officer of the institution or head of the facility unless exceptional circumstances warrant delay. When a defendant is charged with any off-grid felony, any nondrug severity level 1 through 3 felony, or a violation of K.S.A. 21-3504, 21-3511, 21-3518, 21-3603 or 21-3719, prior to their repeal, or K.S.A. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 21-5812(b), and amendments thereto, *or an attempt, conspiracy or criminal solicitation of an offense described in this paragraph*, and commitment proceedings have commenced, for such proceeding, “mentally ill person subject to involuntary commitment for care and treatment” means a mentally ill person, as defined in K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self or others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

(3) ~~If a defendant who was found to have had a substantial probability of attaining competency to stand trial, as provided in paragraph (2), has not attained competency to stand trial within six months from the date of the original commitment, the court shall order the prosecuting attorney where the charges are filed or the secretary for aging and disability~~

~~services to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, within 21 days of receipt of the certification from the chief medical officer of the institution or the head of the facility unless exceptional circumstances warrant delay. When a defendant is charged with any off-grid felony, any nondrug severity level 1 through 3 felony, or a violation of K.S.A. 21-3504, 21-3511, 21-3518, 21-3603 or 21-3719, prior to their repeal, K.S.A. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 21-5812(b), and amendments thereto, and commitment proceedings have commenced, for such proceeding, “mentally ill person subject to involuntary commitment for care and treatment” means a mentally ill person, as defined in K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self or others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.~~

(4) When reasonable grounds exist to believe that a defendant who has been adjudged incompetent to stand trial is competent, the court in which the criminal case is pending shall conduct a hearing in accordance with K.S.A. 22-3302, and amendments thereto, to determine the person’s present mental condition. Such court shall give reasonable notice of such hearings to the prosecuting attorney, the defendant and the defendant’s attorney of record, if any. The prosecuting attorney shall provide victim notification. If the court, following such hearing, finds the defendant to be competent, the proceedings pending against the defendant shall be resumed.

(5)(4) A defendant committed to a public institution or facility under the provisions of this section who is thereafter sentenced for the crime charged at the time of commitment shall be credited with all of the time during which the defendant was committed and confined in such public institution or facility.

(c) (1) Except as provided in subsection (d), if a defendant is ordered or met criteria to receive an evaluation and treatment on an outpatient basis conducted by the state security hospital or its agent or a state hospital or its agent, the chief medical officer shall certify to the court, within 90 days after commencement of treatment, whether the defendant has a substantial probability of attaining competency to stand trial in the foreseeable future.

(2) If such probability does exist, the court shall order the defendant to remain in jail or at a secure location, on pretrial release pursuant to K.S.A. 22-2802, and amendments thereto, or at an appropriate setting until the defendant attains competency to stand trial or for a period of six months from the date of the commencement of outpatient treatment, whichever occurs first. If such probability does not exist, *or if the defen-*

dant has not attained competency to stand trial within six months from the date of the commencement of treatment, the court shall order the prosecuting attorney where the charges are filed or the secretary for aging and disability services for the pending criminal proceeding to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, within 21 days of receipt of the certification from the chief medical officer of the institution or the head of the facility unless exceptional circumstances warrant delay. When a defendant is charged with any off-grid felony, any nondrug severity level 1 through 3 felony or a violation of K.S.A. 21-3504, 21-3511, 21-3518, 21-3603 or 21-3719, prior to their repeal, or K.S.A. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 21-5812(b), and amendments thereto, or an attempt, conspiracy or criminal solicitation of an offense described in this paragraph, and commitment proceedings have commenced, for such proceeding, “mentally ill person subject to involuntary commitment for care and treatment” means a mentally ill person, as defined in K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self or others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

(3)—~~If a defendant who was found to have had a substantial probability of attaining competency to stand trial, as provided in paragraph (2), has not attained competency to stand trial within six months from the date of the original commitment, the court shall order the prosecuting attorney where the charges are filed or the secretary for aging and disability services to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, within 21 days of receipt of the certification from the chief medical officer of the institution or the head of the facility unless exceptional circumstances warrant delay. When a defendant is charged with any off-grid felony, any nondrug severity level 1 through 3 felony or a violation of K.S.A. 21-3504, 21-3511, 21-3518, 21-3603 or 21-3719, prior to their repeal, or K.S.A. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 21-5812(b), and amendments thereto, and commitment proceedings have commenced, for such proceeding, “mentally ill person subject to involuntary commitment for care and treatment” means a mentally ill person, as defined in K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self or others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.~~

(4) When reasonable grounds exist to believe that a defendant who has been adjudged incompetent to stand trial is competent, the court in which the criminal case is pending shall conduct a hearing in ac-

cordance with K.S.A. 22-3302, and amendments thereto, to determine the person's present mental condition. Such court shall give reasonable notice of such hearings to the prosecuting attorney, the defendant and the defendant's attorney of record, if any. The prosecuting attorney shall provide victim notification. If the court, following such hearing, finds the defendant to be competent, the proceedings pending against the defendant shall be resumed.

~~(5)~~(4) A defendant committed to a public institution or facility under the provisions of this section who is thereafter sentenced for the crime charged at the time of commitment shall be credited with all of the time during which the defendant was committed and confined in such public institution or facility.

(d) (1) If the defendant is ordered or met criteria to receive an evaluation and treatment on an outpatient basis and the chief medical officer of the appropriate state, county or private institution or facility determines that the defendant's mental health condition or behaviors warrant terminating outpatient treatment services and commencing evaluation and treatment on an inpatient basis, the chief medical officer of the institution or the head of the facility shall provide a report to the court within 10 days after outpatient treatment services are terminated. Such report shall certify the date that outpatient treatment was terminated and the reason inpatient evaluation and treatment services are recommended. A copy of such report shall be provided to the chief medical officer of the state security hospital. Upon receipt of such report, the court shall issue any orders or warrants required to facilitate the sheriff of the county where the charges are filed to take the defendant into custody and transport such defendant to the state security hospital or its agent or a state hospital or its agent for admission for inpatient services. The chief medical officer shall submit a report pursuant to subsection (e) as to whether the defendant has attained competency within 90 days of the defendant's admission to such hospital for inpatient evaluation and treatment.

(2) The court, prosecuting attorney ~~where criminal charges are pending~~, the defense counsel for a defendant charged with a felony offense who is receiving outpatient evaluation and treatment services and the chief medical officer of any institution or the head of any facility where the defendant is receiving outpatient services shall provide requested documentation to the state security hospital or its agent or the state hospital or its agent for the purpose of managing inpatient admission.

(e) (1) If the defendant is charged with a felony offense, the court may order a defendant to receive inpatient evaluation and treatment at an appropriate state, county or private institution or facility after considering the defendant's mental condition, behaviors and the availability of outpatient evaluation and treatment options. The chief medical officer of the

institution or the head of the facility shall certify to the court, within 90 days after the commencement of inpatient treatment, whether the defendant has a substantial probability of attaining competency to stand trial in the foreseeable future.

(2) If such probability does exist, the court shall order the defendant to remain in jail or at a secure location, on pretrial release pursuant to K.S.A. 22-2802, and amendments thereto, or at an appropriate setting until the defendant attains competency to stand trial or for a period of six months from the date of the commencement of inpatient treatment, whichever occurs first. If such probability does not exist, *or if the defendant has not attained competency to stand trial within six months from the date of the commencement of treatment*, the court shall order the prosecuting attorney ~~where the charges are filed or the secretary for aging and disability services for the pending criminal proceeding~~ to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, within 21 days of receipt of the certification from the chief medical officer of the institution or the head of the facility unless exceptional circumstances warrant delay. When a defendant is charged with any off-grid felony, any nondrug severity level 1 through 3 felony or a violation of K.S.A. 21-3504, 21-3511, 21-3518, 21-3603 or 21-3719, prior to their repeal, or K.S.A. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b) or 21-5812(b), and amendments thereto, *or an attempt, conspiracy or criminal solicitation of an offense described in this paragraph*, and commitment proceedings have commenced, for such proceeding, “mentally ill person subject to involuntary commitment for care and treatment” means a mentally ill person, as defined in K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self or others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

(3) ~~If a defendant who was found to have had a substantial probability of attaining competency to stand trial, as provided in paragraph (2), has not attained competency to stand trial within six months from the date of the original commitment, the court shall order the prosecuting attorney where the charges are filed or the secretary for aging and disability services to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, within 21 days of receipt of the certification from the chief medical officer of the institution or the head of the facility unless exceptional circumstances warrant delay. When a defendant is charged with any off-grid felony, any nondrug severity level 1 through 3 felony or a violation of K.S.A. 21-3504, 21-3511, 21-3518, 21-3603 or 21-3719, prior to their repeal, or K.S.A. 21-5505(b), 21-5506(b), 21-5508(b), 21-5604(b)~~

or 21-5812(b), and amendments thereto, and commitment proceedings have commenced, for such proceeding, “mentally ill person subject to involuntary commitment for care and treatment” means a mentally ill person, as defined in K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self or others, as defined in K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

(4) When reasonable grounds exist to believe that a defendant who has been adjudged incompetent to stand trial is competent, the court in which the criminal case is pending shall conduct a hearing in accordance with K.S.A. 22-3302, and amendments thereto, to determine the person’s present mental condition. Such court shall give reasonable notice of such hearings to the prosecuting attorney, the defendant and the defendant’s attorney of record, if any. The prosecuting attorney shall provide victim notification. If the court, following such hearing, finds the defendant to be competent, the proceedings pending against the defendant shall be resumed.

(5)(4) A defendant committed to a public institution or facility under the provisions of this section who is thereafter sentenced for the crime charged at the time of commitment shall be credited with all of the time during which the defendant was committed and confined in such public institution or facility.

(f) (1) Notwithstanding the provisions of K.S.A. 59-29a22, and amendments thereto, psychotropic medications may be prescribed for any defendant who is ordered or has met the criteria to receive evaluation and treatment on an inpatient or outpatient basis at an appropriate state, county or private institution or facility.

(2) Psychotropic medications shall be prescribed, ordered and administered in conformity with accepted clinical practice. Psychotropic medication shall be administered only upon the written order of a physician or upon a verbal order noted in the defendant’s medical records and subsequently signed by the physician. The attending physician shall regularly review the drug regimen of each defendant under such physician’s care and shall monitor any symptoms of harmful side effects.

(3) Whenever any defendant is receiving psychotropic medications that alter the defendant’s mental state in such a way as to adversely affect the defendant’s judgment or hamper the defendant in preparing for or participating in any hearing provided for by this section, for two days prior to and during any such hearing, the treatment institution or facility shall not administer such medication or treatment unless such medication or treatment is necessary to sustain the defendant’s life or to protect the defendant or others. Prior to the hearing, a report of all psychotropic medications or other treatment that has been administered to the defendant

and a copy of any written consent signed by the defendant shall be submitted to the court. Counsel for the defendant may preliminarily examine the attending physician regarding the administration of any medication to the defendant within two days of the hearing and the effect that medication may have had on the defendant's judgment or ability to prepare for or participate in the hearing. If the court determines that medication or other treatment has been administered that adversely affects the defendant's judgment or ability to prepare for or participate in the hearing, the court may grant the defendant a reasonable continuance to allow for the defendant to be better able to prepare for or participate in the hearing. The court shall order that such medication or other treatment be discontinued until the conclusion of the hearing unless the court finds that such medication or other treatment is necessary to sustain the defendant's life or to protect the defendant or others. If the court makes such a finding, the court shall order the hearing to proceed.

(4) (A) If a defendant who is charged with a felony is receiving treatment pursuant to this section and is not deemed a present danger to self or others objects to taking any medication prescribed for the purpose of restoring the defendant to competency, the defendant's objection shall be recorded in the defendant's medical record and written notice of such objection shall be forwarded to the medical director of the treatment institution or facility or the director's designee and to the court where the criminal charges are pending. ~~The medication may be administered over the defendant's objection only if the court finds~~ *Within 30 days after receipt of such objection, the medical director of the treatment institution or facility shall certify to the court whether medication would aid in restoring the defendant's competency. The court shall set the matter for hearing within 30 days after receipt of such certification unless exceptional circumstances warrant delay. At such hearing, the prosecuting attorney has the burden to establish by clear and convincing evidence that:*

~~(A)~~(i) *The medication is substantially likely to render the defendant competent to stand trial;*

(ii) *the medication is substantially unlikely to have side effects that may undermine the fairness of the trial;*

~~(B)~~(iii) *the medication is medically appropriate;*

~~(C)~~(iv) *less intrusive alternatives have been considered;*

~~(D)~~(v) *the medication is necessary to advance significantly important governmental trial interests; and*

~~(E)~~(vi) *the administrative head or law enforcement official in charge of the jail has agreed to having the medication administered over the defendant's objection in the jail.*

(B) *The defendant shall be represented by counsel at a hearing conducted pursuant to subparagraph (A) but is not required to be present at*

the discretion of the court. The court shall permit the prosecuting attorney and the defendant to appear at such proceedings, call or inquire of any witness with information relevant to the hearing and offer argument to the court. The defendant's attorney in the pending criminal proceeding shall also have standing to appear at such proceedings, call or inquire of any witness with information relevant to the hearing and offer argument to the court. The court may permit testimony through a two-way electronic audio-visual communication device. Any other proceeding related to the defendant's competency shall be suspended or continued pending a determination of the court under this paragraph. If the court makes a written finding that the prosecuting attorney has met the burden described in subparagraph (A), the court shall issue an order requiring the medication to be administered over the defendant's objection. If the court makes a written finding that the prosecuting attorney has failed to meet such burden, the court shall order competency proceedings to resume.

(5) No experimental medication shall be administered without the consent of the defendant or such defendant's legal guardian.

(g) *Whenever involuntary commitment proceedings have been commenced as required by this section:*

(1) *The petition shall:*

(A) *Be accompanied by the court order to commence involuntary commitment proceedings, the initial evaluation to determine competency and the reports pertaining to whether the defendant has a substantial probability of attaining competency to stand trial in the foreseeable future; and*

(B) *not be required to include a state screen or a signed certificate;*

(2) *the written report of the evaluation shall include:*

(A) *A report on the reason for admission or case filing;*

(B) *the current mental status of the defendant;*

(C) *the medications that the defendant is currently taking, if any;*

(D) *the likelihood of the defendant causing harm to self or others, including an analysis of whether the defendant understands the seriousness of the charges alleged; and*

(E) *any diagnosis of the defendant; and*

(3) *having been found incompetent in the pending criminal case, the defendant shall be deemed to lack capacity to make informed decisions concerning treatment until such time as the chief medical officer overseeing the defendant's treatment determines that competency is restored.*

Sec. 5. K.S.A. 22-3305 is hereby amended to read as follows: 22-3305.

(a) ~~Whenever involuntary commitment proceedings have been commenced by the secretary for aging and disability services or the prosecuting attorney as required by K.S.A. 22-3303, and amendments thereto, and the prosecuting attorney for the pending criminal proceeding shall have standing, concurrent with the prosecuting attorney of the county in which~~

the hearing is held, to appear at such proceedings, call or inquire of any witness with information relevant to the hearing and offer argument to the court. The defendant's attorney in the pending criminal proceeding shall also have standing to appear at such proceedings, call or inquire of any witness with information relevant to the hearing and offer argument to the court. If the defendant is not committed to a treatment institution or facility as a patient, the defendant shall remain in the institution or facility where committed pursuant to K.S.A. 22-3303, and amendments thereto, until the court has determined that additional evaluation and treatment is no longer warranted pursuant to subsection (d). ~~The secretary for aging and disability services or the~~ prosecuting attorney shall promptly notify the court and the prosecuting attorney of the county where the criminal proceedings are pending for the purpose of providing victim notification; of the result of the involuntary commitment proceeding.

(b) ~~Whenever involuntary commitment proceedings have been commenced by the secretary for aging and disability services or the prosecuting attorney as required by K.S.A. 22-3303, and amendments thereto, and the defendant is committed to a treatment institution or facility as a patient but thereafter is to be discharged pursuant to the care and treatment act for mentally ill persons, the defendant shall remain in the institution or facility where committed pursuant to K.S.A. 22-3303, and amendments thereto, and the head of the treatment institution or facility shall promptly notify the court and the prosecuting attorney of the county where the criminal proceedings are pending for the purpose of providing victim notification; that the defendant is to be discharged from the involuntary commitment.~~

(c) When giving notification to the court and the prosecuting attorney pursuant to subsection (a) or (b), the treatment institution or facility shall include in such notification an opinion from the head of the treatment institution or facility as to whether or not the defendant is now competent to stand trial. Upon request of the prosecuting attorney, the court may set a hearing on the issue of whether or not the defendant has been restored to competency. If such hearing request is granted, the prosecuting attorney shall provide victim notification regarding the hearing date. Such hearing request shall be filed within 14 days of completion of the notification from the head of the treatment institution or facility pursuant to subsection (a) or (b). The hearing shall take place within 21 days after receipt of the hearing request unless the court finds that exceptional circumstances warrant delay of the hearing. If no such hearing request is made within 14 days after receipt of notice pursuant to subsection (a) or (b), the court shall order the defendant to be discharged from commitment and shall dismiss without prejudice the charges against the defendant, and the period of limitation for the prosecution for the crime charged shall not continue to run until the defendant has been determined to have attained

competency in accordance with K.S.A. 22-3302, and amendments thereto. The prosecuting attorney shall provide victim notification regarding the discharge order.

(d) (1) Whenever involuntary commitment proceedings have been commenced as required by K.S.A. 22-3303, and amendments thereto, and the defendant has not been committed or has been released from such commitment pursuant to subsection (a) or (b) but the court determines that a probability still does not exist that the defendant will regain competency within the foreseeable future, the court shall consider the nature of the pending criminal proceedings to determine if additional evaluation and treatment are necessary and:

(A) If the defendant is charged with a misdemeanor or nonperson felony, the court shall dismiss the criminal proceedings without prejudice, and the prosecuting attorney shall provide victim notification.

(B) Except as provided in paragraph (1)(C), if the defendant is charged with a person felony, the court shall provide notice to the parties of the pending criminal proceedings that, unless the prosecuting attorney objects in writing within 14 days of receipt of such notice, the criminal proceedings shall be dismissed without prejudice. If the prosecuting attorney objects, the court shall set the matter for hearing within 14 days after receipt of such objection to determine whether to enter an order of further commitment for additional evaluation and treatment pursuant to paragraph (2). The court may grant a continuance of the hearing for good cause.

(C) If the defendant is charged with an off-grid felony, any nondrug severity level 1 through 3 felony or a violation of K.S.A. 21-3504, 21-3511 or 21-3719, prior to their repeal, or K.S.A. 21-5506(b), 21-5508(b), or 21-5812(b), and amendments thereto, or an attempt, conspiracy or criminal solicitation of an offense described in this subparagraph, the court shall set the matter for hearing to determine whether to enter an order of further commitment for additional evaluation and treatment pursuant to paragraph (2).

(2) At a hearing held pursuant to this subsection, the prosecuting attorney has the burden to establish, by clear and convincing evidence, that there is a compelling state interest in ordering further evaluation and treatment for the defendant. The defendant shall be represented by counsel at such hearing but is not required to be present at the discretion of the court. The defendant's attorney in the pending criminal proceeding shall also have standing to appear at such proceedings, call or inquire of any witness with information relevant to the hearing and offer argument to the court. In making a determination whether there is a compelling state interest in ordering further evaluation and treatment, the court shall review the nature and seriousness of the pending charges, including whether there is probable cause to support the pending charges, and shall consider:

(A) *Whether the alleged offenses create a serious risk to public safety and evaluate:*

(i) *Whether the charge includes an allegation that the defendant actually inflicted bodily or emotional harm on another person or created a reasonable apprehension of bodily or emotional harm to another person;*

(ii) *the extent of the impact of the alleged offense on public safety;*

(iii) *the number and nature of related charges pending against the defendant;*

(iv) *the length of potential confinement if the defendant is convicted; and*

(v) *the number of potential and actual victims or persons impacted by the defendant's alleged acts;*

(B) *the prior history of the defendant, including, but not limited to, criminal history, treatment history and history of violence; and*

(C) *any evidence of whether further treatment is likely to be successful in restoring competency or reducing the risk of offender recidivism.*

(3) *If the court finds that there is a compelling state interest in ordering further evaluation and treatment of the defendant, the court shall proceed in accordance with K.S.A. 22-3303, and amendments thereto. If the court finds that there is no compelling state interest in ordering further evaluation and treatment, the case shall be dismissed without prejudice, and the prosecuting attorney shall provide victim notification.*

Sec. 6. K.S.A. 59-2983 is hereby amended to read as follows: 59-2983. (a) Nothing in this act shall be construed to apply to any person alleged or thought to be a mentally ill person subject to involuntary commitment for care and treatment under this act who is in custody on a criminal charge, except with the consent of either the prosecuting attorney or trial court.

(b) (1) *During an involuntary commitment proceeding initiated pursuant to article 33 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, the court shall consider the totality of the circumstances, including, but not limited to, prior convictions or adjudications, pending crimes allegedly committed by the criminal defendant and any presumption provided by paragraph (2).*

(2) *If such criminal defendant is charged with an off-grid or nondrug severity level 1 through 3 felony or a violation of K.S.A. 21-3504, 21-3511 or 21-3719, prior to their repeal, or K.S.A. 21-5506(b), 21-5508(b) or 21-5812(b), and amendments thereto, or an attempt, conspiracy or criminal solicitation of an offense described in this paragraph, there shall be a presumption that such criminal defendant is likely to cause harm to self or others whenever the court is required to determine whether a criminal defendant is a mentally ill person subject to involuntary commitment for care and treatment under this act.*

(3) *A criminal defendant shall not be discharged from an involuntary commitment initiated pursuant to article 33 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, without the court conducting a hearing in accordance with this section and K.S.A. 59-2965(d), and amendments thereto, to determine whether such criminal defendant remains a mentally ill person subject to involuntary commitment for care and treatment under this act.*

Sec. 7. K.S.A. 22-3303, 22-3305 and 59-2983 are hereby repealed.

Sec. 8. On and after July 1, 2026, K.S.A. 12-4113 and 22-3302 are hereby repealed.

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

Approved April 9, 2026.

Published in the *Kansas Register* April 30, 2026.

CHAPTER 120

SENATE BILL No. 380*

AN ACT concerning retail electric suppliers; relating to electric vehicle charging services; requiring retail electric suppliers to offer fair, reasonable and nondiscriminatory rates and services to entities that provide electric vehicle charging services.

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

Section 1. (a) As used in this section:

(1) “Electric vehicle” means a motor vehicle that is propelled by one or more electric motors using energy stored in the form of a rechargeable battery.

(2) “Fast charging station” means behind-the-meter electric vehicle charging equipment that is capable of delivering electricity at a minimum of 50 kilowatts or greater direct current to an electric vehicle’s rechargeable battery at a voltage of 200 volts or greater.

(3) “Retail electric supplier” means any person, firm, corporation, municipality, association or cooperative corporation engaged in the furnishing of retail electric service.

(b) A retail electric supplier that provides, owns, operates or maintains a fast charging station for direct public use shall offer fair, reasonable and nondiscriminatory rates and services to all entities providing similar services and shall not act in a manner that provides an unreasonable competitive advantage for the retail electric supplier’s fast charging station.

(c) The provisions of this section shall not apply to any fast charging station that:

(1) Was constructed, provided, owned, operated or maintained by a retail electric supplier prior to July 1, 2026;

(2) is not offered or made available to the general public and is located on the premises of a retail electric supplier and used solely to charge vehicles owned or operated by the retail electric supplier or the retail electric supplier’s employees; or

(3) is required to be owned or operated by a retail electric supplier pursuant to federal or state law or an order of the state corporation commission.

(d) This section shall expire on July 1, 2036.

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

Approved April 9, 2026.

CHAPTER 121

HOUSE BILL No. 2462
(Amended by Chapter 155)

AN ACT concerning water; requiring the secretary of health and environment to adopt rules and regulations by July 1, 2028, allowing for the direct and indirect potable reuse of treated wastewater; requiring such rules and regulations to prioritize prescriptive treatment processes that make the reuse of treated wastewater affordable or otherwise achievable; relating to the water technical assistance fund and the water projects grant fund; extending the current expiration date of such funds; transferring moneys from the state general fund to the state water plan fund; requiring the Kansas water office to transfer appropriations for the water technical assistance fund and the water projects grant fund; establishing additional criteria for the operation of such funds; prohibiting grants for issues related to water rights impaired by another water right; prioritizing applications based on public health, resource management, population trends, funding sources, regional cooperation and weather resiliency; requiring applications to be submitted annually by September 15, with grants subject to revocation and repayment under certain circumstances; amending K.S.A. 65-162a and 65-171m and K.S.A. 2025 Supp. 82a-955, 82a-956 and 82a-957 and repealing the existing sections.

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

Section 1. K.S.A. 65-162a is hereby amended to read as follows: 65-162a. As used in K.S.A. 65-163 and 65-163a, and in K.S.A. 65-171m to through 65-171t, inclusive and amendments thereto, unless the context clearly requires otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(a) “Direct potable reuse” means using advanced treatment processes to produce finished drinking water through the utilization of a water source that contains treated wastewater that has not passed through an environmental buffer.

(b) “Indirect potable reuse” means the planned delivery or discharge of treated wastewater to an environmental buffer, such as ground or surface waters, for the development of, or as a supplement to, a drinking water supply.

(c) “Person” means an individual, corporation, company, association, partnership, state, municipality or federal agency.

~~(b)(d)~~ (1) “Public water supply system” means a system for the provision to the public of piped water for human consumption, if such system has at least ten (10) service connections or regularly serves an average of at least twenty five (25) individuals daily at least sixty (60) days out of the year. ~~Such term~~

(2) “Public water supply system” includes any source, treatment, storage or distribution facilities under control of the operator of the system and used primarily in connection with the system, and any source, treatment, storage or distribution facilities not under such control but which are used in connection with such system.

~~(e)~~(e) “Secretary” means the secretary of health and environment.

~~(d)~~(f) “Supplier of water” means any person who owns or operates a public water supply system.

Sec. 2. K.S.A. 65-171m is hereby amended to read as follows: 65-171m. (a) (1) The secretary of health and environment shall adopt rules and regulations for the implementation of ~~this act~~ K.S.A. 65-162a, 65-163, 65-163a, 65-170b and 65-171m through 65-171t, and amendments thereto.

(2) (A) *On or before July 1, 2028, the secretary of health and environment shall adopt rules and regulations allowing for the direct and indirect potable reuse of treated wastewater.*

(B) *The rules and regulations submitted pursuant to this paragraph shall prioritize prescriptive treatment processes that make the reuse of treated wastewater affordable or otherwise achievable.*

(b) In addition to procedural rules and regulations, the secretary may adopt rules and regulations providing for, but not limited to:

~~(a)~~(1) Primary drinking water standards applicable to all public water supply systems in the state. The primary drinking water standards may ~~(4)~~:

(A) Identify contaminants ~~which~~ that may have an adverse effect on the health of persons;

~~(2)~~(B) specify for each contaminant either:-

(i) A maximum contaminant level that is acceptable in water for human consumption, if it is economically and technologically feasible to ascertain the level of such contaminant in water in public water supply systems; or

(ii) the treatment techniques or methods which lead to a reduction of the level of the contaminant sufficient to protect the public health, if it is not economically or technologically feasible to ascertain the level of the contaminant in the water in the public water supply system; and ~~(b)~~ establish the

(2) requirements for adequate monitoring, maintenance of records and submission of reports, sampling and analysis of water, citing criteria and review and inspections to ~~insure~~ ensure compliance with the contaminant levels or methods of treatment and to ~~insure~~ ensure proper operation and maintenance of the public water supply system; and ~~(e)~~

(3) the definition of different categories of public water supply systems, such as community water supply systems and noncommunity water supply systems, and may provide for varying requirements for monitoring, maintenance of records and reporting, sampling and analysis of water, citing criteria, and review and inspections based on numbers of persons served, source of supply whether surface or groundwater or other conditions as the secretary may determine to be in the interest of public health and welfare and economic benefits.

(c) The standards established under this section shall be at least as stringent as the national primary drinking water regulations adopted under public law 93-523. No primary drinking water standard or rule and regulation may require the addition of fluorides to public water supplies.

Sec. 3. K.S.A. 2025 Supp. 82a-955 is hereby amended to read as follows: 82a-955. (a) ~~On July 1, 2024, the director of accounts and reports shall transfer \$45,000,000 from the state general fund to the state water plan fund. On July 1, 2025, and July 1, 2026, and July 1, 2027, the director of accounts and reports shall transfer \$35,000,000 from the state general fund to the state water plan fund. It is the intent of the legislature to provide for the transfer of \$35,000,000 from the state general fund to the state water plan fund on July 1, 2027 2028.~~

(b) (1) The state water plan fund shall continue to be appropriated and expended for the purposes prescribed in K.S.A. 82a-951, and amendments thereto, except that if an appropriation is made for any fiscal year as intended in subsection (a), on July 1, 2025, and July 1, 2026, or as soon thereafter on such dates as moneys are available:

(A) ~~\$5,500,000~~ ~~\$5,000,000~~ shall be transferred from the state water plan fund to the water technical assistance fund established in K.S.A. 2025 Supp. 82a-956, and amendments thereto; and

(B) ~~\$12,500,000~~ ~~\$12,000,000~~ shall be transferred from the state water plan fund to the water projects grant fund established in K.S.A. 2025 Supp. 82a-957, and amendments thereto.

(2) The provisions of this section shall expire on July 1, ~~2028~~ 2029. On July 1, ~~2028~~ 2029, the director of accounts and reports shall transfer all moneys in the water technical assistance fund and the water projects grant fund to the state water plan fund and all liabilities of the water technical assistance fund and the water projects grant fund shall be imposed upon the state water plan fund. On July 1, ~~2028~~ 2029, the water technical assistance fund and the water projects grant fund shall be abolished.

(c) (1) (A) Notwithstanding any restrictions in K.S.A. 82a-951, and amendments thereto, the Kansas water authority may recommend to the legislature the appropriation of up to 10% of the unencumbered balance of the state water plan fund to be used to supplement salaries of existing state agency full-time equivalent employees and for funding new full-time equivalent positions created to implement the state water plan. Moneys from such appropriation may be used to supplement existing positions, but such moneys shall not be used to replace state general fund moneys, any fee fund moneys or other funding for positions existing on July 1, 2023.

(B) Eligible full-time equivalent positions that moneys may be used for pursuant to this paragraph include engineers, geologists, hydrologists, environmental scientists, attorneys, resource planners, grant specialists and any other similar positions.

(2) If at least two conservation districts present a joint proposal to the Kansas water authority for a position or positions to provide shared services to all districts involved in such proposal, the Kansas water authority may recommend that moneys be used to supplement the salary or salaries of such position or positions pursuant to paragraph (1).

(3) The Kansas water authority shall encourage funding requests from state and local entities that cooperate with qualified nonprofit entities on projects that provide a direct benefit to water quantity and quality, including water infrastructures that are both natural and constructed, and include matching funds from non-state sources.

(4) The Kansas water authority may direct the Kansas water office to provide funding pursuant to K.S.A. 2025 Supp. 82a-956 or 82a-957, and amendments thereto, for the improvement of water infrastructure in an unincorporated area related to or serving a national park site or state historic site if the request for funding is made by a nonprofit organization or state agency that is willing to administer the moneys and oversee the project, and the Kansas water authority deems such applicant capable of successfully managing the project. Upon receipt of such a request, the Kansas water office may award moneys in any fiscal year prior to July 1, ~~2028~~ 2029, with such awarding of moneys to be made at the discretion of the Kansas water office.

(5) The Kansas water authority shall encourage the creation of grant programs for stockwatering conservation projects. Such grant programs shall prioritize the use of fees collected pursuant to K.S.A. 82a-954(a)(3), and amendments thereto.

(d) All reporting requirements established in K.S.A. 82a-951, and amendments thereto, shall continue and such reporting requirements shall apply to the water technical assistance fund established in K.S.A. 2025 Supp. 82a-956, and amendments thereto, and the water projects grant fund established in K.S.A. 2025 Supp. 82a-957, and amendments thereto.

Sec. 4. K.S.A. 2025 Supp. 82a-956 is hereby amended to read as follows: 82a-956. (a) (1) There is hereby established in the state treasury the water technical assistance fund. The fund shall be administered by the Kansas water office. Expenditures from such fund shall be used for the purposes described in subsection (b). All expenditures shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas water office, or such director's designee.

(2) Whenever the unencumbered balance of the water technical assistance fund exceeds \$15,000,000, such excess moneys may be recommended for appropriation by the Kansas water authority for the same purposes as any other moneys in the state water plan fund are appropriated.

(b) (1) The water technical assistance fund shall be used by the Kansas water office to provide grants for the planning, engineering, managing and other technical assistance that may be necessary in the development of plans for water infrastructure projects or for processing the grant and loan applications for such water infrastructure projects. The Kansas water office may offer services directly, provide funding to other organizations to provide such services at no cost to a municipality or special district related to water or the Kansas water office may provide grants directly to applicants to cover expenses related to the hiring of such technical assistance.

(2) Any municipality or special district related to water organized under the laws of the state of Kansas may apply for a grant, and the Kansas water office is authorized to award full or partial grants to such applicants. ~~Municipalities with fewer than 2,000 residents shall be prioritized for the awarding of full grants. Watershed districts, conservation districts, groundwater management districts and all special districts related to water shall not be prioritized for the awarding of full grants for the purposes of this section.~~

~~(c) The Kansas water office shall adopt rules and regulations to establish any necessary criteria for administering the water technical assistance fund and awarding grants for technical assistance. Such criteria shall include, but not be limited to, factors applicable to:~~

~~(1) Municipalities of different populations including the prioritization of small municipalities as required by subsection (b)(2). Such factors may include, but not be limited to, public health, socio-economic factors and the ability for a municipality to repay any loans without grant assistance; and~~

~~(2) special districts such as watershed districts, conservation districts, groundwater management districts, rural water districts and any other similar districts formed for a special or single purpose related to water.~~

(3) (A) An application submitted pursuant to paragraph (2) shall include a complete preliminary engineering report that meets similar standards established by the United States department of agriculture for rural water projects or the environmental protection agency drinking water state revolving fund requirements. Until a completed preliminary engineering report has been submitted and the Kansas water offices determines that the project is feasible, funding shall only be provided for completion of a preliminary engineering report.

(B) If the preliminary engineering report is complete and the Kansas water office has determined that the project is feasible, then additional technical assistance funding may be provided for necessary planning and engineering work.

(C) A preliminary engineering report shall include studies for specific projects, regionalization studies or any other study or report intended to determine the feasibility of future plans and projects.

~~(d)~~(c) No single grant awarded for technical assistance pursuant to this section shall exceed \$1,000,000 unless specified by any appropriation act of the Kansas legislature.

(d) (1) *A minimum of 60% of the annual amount transferred to the technical assistance fund shall be awarded to municipalities with fewer than 3,000 residents. This requirement shall not apply in years when there are not enough applicants to allow compliance with this subsection.*

(2) *The provisions of paragraph (1) shall not be construed as a limitation on the total amount awarded to municipalities with fewer than 3,000 residents.*

(e) *To be eligible to receive a grant, and in addition to any other requirements, a municipality with more than 50,000 residents shall demonstrate a threat to public health.*

(f) *No grants from the technical assistance fund shall be used to address issues related to the impairment of water rights by another water right.*

(g) *If a special district, such as a groundwater management district, rural water district or other similar district formed for a special or single purpose related to water, applies for a grant, such district's application shall not be prioritized based on the number of customers or residents pursuant to subsection (d). In addition to being scored pursuant to subsection (h), such district's application shall meet at least one of the following criteria:*

(1) *The project is for the purpose of expanding residential, commercial, industrial and agricultural activity that cannot be reasonably served by another source or distributor, except that any use defined as irrigation by the chief engineer shall not be eligible;*

(2) *the project facilitates the transfer or upgrade of existing water services to allow or assist with the incorporation of previously unincorporated territory; or*

(3) *the project meets a specific goal or priority identified in the state water plan.*

(h) *Eligible applications shall be prioritized based on the criteria in this subsection. The Kansas water office shall establish a scoring matrix based on these criteria and, following the announcement of awards based on the highest scores, annually publish the scores of every application.*

(1) *Each of the following categories shall be scored on a scale of 0 to 5:*

(A) *Public health. The proposed project's impact on addressing a threat to public health, including, but not limited to, violations of K.S.A. 65-162a et seq., and amendments thereto, or conditions that have caused or may lead to a violation of state or federal drinking water standards.*

(B) *Existing resources. The applicant can demonstrate that such applicant has taken steps to adequately support and maintain current and future infrastructure and provide relevant information concerning the municipal-*

ity's finances to demonstrate the need for project funding. Relevant factors shall include, but are not limited to, demographic or community economic information that would affect the municipality's ability to pay for the proposed project without grant funding pursuant to this section.

(C) *Regional cooperation.* The municipality is cooperating with other municipalities and regional entities or can demonstrate how the proposed project would improve the regional water supply or support regional economic growth.

(D) *Additional funding sources.* Municipalities shall provide information concerning the efforts of any such municipality to find other available funding sources for the proposed project or why obtaining such funding is not feasible. Applicants that can provide some level of funding or in-kind contributions themselves or from any other source shall be prioritized. Relevant factors shall include, but not be limited to, the size of such contribution relative to the applicant's request and such applicant's ability to contribute.

(E) *Economic impact.* The municipality can demonstrate the proposed project's importance for the growth of the community, new residential housing projects, an existing economic activity or for the recruitment of new economic activity. Economic activity includes any commercial, industrial or agricultural activity, except that any use defined as irrigation by the chief engineer shall not be eligible.

(F) *Conservation and extreme weather resiliency.* The municipality can demonstrate how the proposed project supports conservation or would otherwise improve the municipality's ability to provide, maintain and protect services during drought and flood events.

(G) *Emergent issues.* The municipality can demonstrate how the proposed project addresses emergency circumstances that the community is facing or will be facing related to insufficient access to water-related infrastructure or resources.

(2)(A) If an applicant fails to provide enough information to be scored in any category listed in this section, the Kansas water office shall notify the applicant regarding the information needed and provide an additional 30 days, starting from the date that the applicant received such notice, for such applicant to submit such information.

(B) The Kansas water office shall send such notice by:

(i) An electronic mail message to the electronic mail address included in the applicant's application; or

(ii) certified mail, return receipt requested, to the address that the applicant included in such applicant's application.

(C) If the applicant fails to submit the information requested under this paragraph, such applicant shall be given a score of 0 in the corresponding category.

(i) *Applications shall be due annually on September 15, and grants shall be awarded not later than 180 days after such date.*

(j) (1) *Any grant may be revoked if:*

(A) *The grantee does not accept the grant award within 45 days of such grant being issued unless the grantee requests additional time to secure supplemental funding, but in no case shall the additional time exceed 120 days of such grant being issued;*

(B) *it is determined that there has been no substantial performance;*

(C) *there is substantial evidence of fraud, gross abuse or corrupt practices;*

(D) *there is a lack of funding; or*

(E) *it is demonstrated that the project cannot be completed.*

(2) *Upon the revocation of any grant pursuant to this subsection, the applicable grantee shall repay the Kansas water office any award amount issued to the grantee in an amount determined by the director. Any such grantee shall enter into a repayment agreement with the director specifying the terms of such repayment obligation.*

(k) *The Kansas water office shall include reporting and payment requirements within the terms of each awarded grant.*

Sec. 5. K.S.A. 2025 Supp. 82a-957 is hereby amended to read as follows: 82a-957. (a) (1) There is hereby established in the state treasury the water projects grant fund. The fund shall be administered by the Kansas water office. Expenditures from such fund shall be used for the purposes described in subsection (b). All expenditures shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas water office, or such director's designee.

(2) Whenever the unencumbered balance of the water projects grant fund exceeds \$35,000,000, the director of the Kansas water office shall certify such excess amount to the director of accounts and reports. Upon receipt of such certification, the director of accounts and reports shall transfer the certified excess amount from the water projects grant fund to the state general fund.

(b) The Kansas water office may provide full or partial funding in the form of grants to any municipality or special district related to water established pursuant to the laws of the state of Kansas for the following:

(1) Construction, repair, maintenance or replacement of water-related infrastructures and any related construction costs;

(2) matching moneys for grant or loan applications for water-related infrastructure projects; and

(3) grants that may be applied to an outstanding loan balance from the public water supply loan fund established in K.S.A. 65-163e, and amendments thereto, or the Kansas pollution control revolving fund established

in K.S.A. 65-3322, and amendments thereto, subject to the provisions of subsection (c).

(c) ~~The Kansas water office shall adopt rules and regulations to establish any necessary criteria for grants from the water projects grant fund. Such rules and regulations shall include any necessary criteria that may be applied to the selection of projects with~~*Prepayment of outstanding loan balances from the public water supply loan fund established in K.S.A. 65-163e, and amendments thereto, or the Kansas pollution control revolving fund established in K.S.A. 65-3322, and amendments thereto. Such criteria shall be based on the following factors, shall be subject to the following parameters:*

(1) The planned construction on the project with the outstanding loan balance is complete;

(2) the municipality or special district has made at least five years of payments on such project loans; *and*

(3) ~~awarding grants that may provide repayment of up to:~~

(A) 90% of any remaining project loan balance for cities with fewer than 2,000 residents;

(B) 75% of any remaining project loan balance for cities with fewer than 5,000 residents;

(C) 50% of any remaining project loan balance for cities with fewer than 10,000 residents; and

(D) 25% of any remaining project loan balance for all other cities in Kansas; ~~and~~

~~(4) any other relevant criteria including, but not limited to, the socio-economic status of the residents of any municipality, public health and the ability of any municipality to repay a loan without further assistance.~~

(d) No single grant awarded for a project pursuant to this section shall be greater than \$8,000,000 unless specified by any appropriation act of the Kansas legislature.

(e) *It is the intent of the legislature that grants awarded pursuant to subsection (b)(1) prioritize the awarding of partial grants combined with loan funding provided from the municipality, the department of health and environment, the United States department of agriculture or other financial sources before grants for the full cost of projects are awarded in order to increase impact of available funding.*

(f) The Kansas water office and the department of health and environment shall coordinate the sharing of information regarding applicants for loans from the public water supply loan fund established in K.S.A. 65-163e, and amendments thereto, and the Kansas pollution control revolving fund established in K.S.A. 65-3322, and amendments thereto, and shall take into consideration the approval or likely approval of a grant by the Kansas water office when considering the eligibility of any municipality to receive moneys from such funds.

(g) *Special districts such as groundwater management districts, rural water districts and any other similar districts formed for a special or single purpose related to water that apply for funding or services shall be eligible for loan prepayment of up to 50% of an outstanding balance and for any other grant funding if the application meets one of the following criteria:*

(1) *The project is for the purpose of expanding residential, commercial, industrial or agricultural activity that cannot be reasonably served by another source or distributor, except that any use defined as irrigation by the chief engineer shall not be eligible;*

(2) *the project facilitates the transfer or upgrade of existing water services to allow or assist with the incorporation of previously unincorporated territory; or*

(3) *the project meets a specific goal or priority identified in the state water plan.*

(h) *To be eligible to receive a grant, and in addition to any other requirements, a municipality with more than 50,000 residents shall demonstrate a threat to public health.*

(i) *No grants from the water projects grant fund shall be used to address issues related to the impairment of water rights by another water right.*

(j) *In any year where applications exceed the amount of funds or capacity to provide services, eligible applications shall be prioritized based on the criteria in this section. The Kansas water office shall establish a scoring matrix based on the criteria below and, following the announcement of awards based on the highest scores, annually publish the scores of every application.*

(1) *Each of the following categories shall be scored on a scale of 0 to 5:*

(A) *Public health. The proposed project's impact on addressing a threat to public health, including, but not limited to, violations of K.S.A. 65-162a et seq., and amendments thereto, or conditions that have caused or may lead to a violation of state or federal drinking water standards.*

(B) *Existing resources. The applicant can demonstrate that such applicant has taken steps to adequately support and maintain current and future infrastructure and provide relevant information concerning the municipality's finances to demonstrate the need for project funding. Relevant factors shall include, but are not limited to, demographic or community economic information that would affect the municipality's ability to pay for the proposed project without grant funding pursuant to this section.*

(C) *Regional cooperation. The municipality is cooperating with other municipalities and regional entities or can demonstrate how the proposed project would improve the regional water supply or support regional economic growth.*

(D) *Additional funding sources.* Municipalities shall provide information concerning the efforts of any such municipality to find other available funding sources for the proposed project or why obtaining such funding is not feasible. Applicants that can provide some level of funding or in-kind contributions themselves or from any other source shall be prioritized. Relevant factors shall include, but not be limited to, the size of such contribution relative to the applicant's request and such applicant's ability to contribute. Applications, even if denied, for other sources of funding shall be acknowledged.

(E) *Economic impact.* The municipality can demonstrate the proposed project's importance for the growth of the community, new residential housing projects, an existing economic activity or for the recruitment of a new economic activity. Economic activity includes any commercial, industrial or agricultural activity, except that any use defined as irrigation by the chief engineer shall not be eligible.

(F) *Conservation and extreme weather resiliency.* The municipality can demonstrate how the proposed project supports conservation or would otherwise improve the municipality's ability to provide, maintain and protect services during drought and flood events.

(G) *Emergent issues.* The municipality can demonstrate how the proposed project addresses emergency circumstances that the community is facing or will be facing related to insufficient access to water-related infrastructure or resources.

(2)(A) If an applicant fails to provide enough information to be scored in any category listed in this section, the Kansas water office shall notify the applicant regarding the information needed and provide an additional 30 days, starting from the date that the applicant received such notice, for such applicant to submit such information.

(B) The Kansas water office shall send such notice by:

(i) An electronic mail message to the electronic mail address included in the applicant's application; or

(ii) certified mail, return receipt requested, to the address that the applicant included in such applicant's application.

(C) If the applicant fails to submit the requested information, such applicant shall be given a score of 0 in the corresponding category.

(k) Applications shall be due annually on September 15.

(l)(1) Any grant may be revoked if:

(A) The grantee does not accept the grant award within 45 days of such grant being issued;

(B) it is determined that there has been no substantial performance;

(C) there is substantial evidence of fraud, gross abuse or corrupt practices;

(D) there is a lack of funding; or

(E) *it is demonstrated that the project cannot be completed.*

(2) *Upon the revocation of any grant pursuant to this subsection, the applicable grantee shall repay the Kansas water office any award amount issued to the grantee in an amount determined by the director. Any such grantee shall enter into a repayment agreement with the director specifying the terms of such repayment obligation.*

(m) *The Kansas water office shall include reporting and payment requirements within the terms of each awarded grant.*

Sec. 6. K.S.A. 65-162a and 65-171m and K.S.A. 2025 Supp. 82a-955, 82a-956 and 82a-957 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 9, 2026.

CHAPTER 122

Substitute for HOUSE BILL No. 2114

AN ACT concerning water; relating to dams, levees and other water obstructions; clarifying which structures shall be considered water obstructions and not a dam; increasing application fees for a permit to construct, modify or add to a dam; requiring post-construction permit fees to construct, modify or add to a water obstruction or to change or diminish the course, current or cross section of a stream; requiring any licensed professional engineer who conducts inspections required by the act to be approved by the chief engineer or to be a certified intern engineer who is under the supervision of such a licensed professional engineer; adding a civil penalty of not less than \$100 or more than \$1,000 per violation; remitting civil penalty amounts to the state general fund; amending K.S.A. 82a-301, 82a-302, 82a-303b and 82a-305a and repealing the existing sections.

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

Section 1. K.S.A. 82a-301 is hereby amended to read as follows: 82a-301. (a) (1) Except as provided in subsections (c) and (d), without the prior written consent or permit of the chief engineer of the division of water resources of the Kansas department of agriculture, it shall be unlawful for any person, partnership, association, corporation or agency or political subdivision of the state government to:

- (A) Construct, modify or add to any dam;
 - (B) construct, modify or add to any water obstruction in a designated stream; or
 - (C) change or diminish the course, current, or cross section of any designated stream within this state.
- (2) Any application for any permit or consent shall be made in writing in such form as specified by the chief engineer.
- (3) Retentions for the purpose of stabilizing a caving bank ~~which~~ *that* are properly placed shall not be construed as obstructions for the purposes of this section.

(b) As used in K.S.A. 82a-301 et seq., and amendments thereto:

(1) "Dam" means any artificial barrier including appurtenant works with the ability to impound water, waste water or other liquids that has a height of 25 feet or more; or has a height of six feet or greater and a storage volume at the top of the emergency spillway elevation of 50 or more acre feet. The height of a dam or barrier shall be measured from the lowest elevation of the streambed, downstream toe or outside limit of the dam to the elevation of the top of the dam.

(2) "Designated stream" means a natural or man-made channel that conveys drainage or runoff from a watershed having an area of:

- (A) One or more square miles in zone one, which includes all geographic points located in or east of Washington, Clay, Dickinson, Marion, Harvey, Sedgwick or Sumner counties;

(B) two or more square miles in zone two, which includes all geographic points located west of zone one and in or east of Smith, Osborne, Russell, Barton, Stafford, Pratt or Barber counties; or

(C) three or more square miles in zone three, which includes all geographic points located west of zone two.

(3) *“Modification” means any action that the chief engineer determines would change the physical dimensions or hydraulic characteristics of any dam, stream obstruction or channel change that is under the jurisdiction of the chief engineer pursuant to this act.*

(c) (1) The prior written consent or permit of the chief engineer shall not apply to water obstructions that meet the following requirements:

(A) The change in the cross section of a designated stream is obstructed less than 5% and the water obstruction or change is contained within a land area measuring 25 feet or less along the stream length; or

(B) (i) the water obstruction is not a dam as defined in subsection (b);
(ii) the water obstruction is not located within an incorporated area;
(iii) every part of the water obstruction, and any water impounded by such obstruction, is located more than 300 feet from any property boundary; and

(iv) the watershed area above the water obstruction is five square miles or less.

(2) If the water obstruction does not meet the requirements of subsection (c)(1)(B)(iii), but meets all other requirements of subsection (c) (1)(B), such water obstruction may be exempted from the permitting requirements of subsection (a) if the chief engineer determines such water obstruction has minimal impact upon safety and property based upon a review of the information, to be provided by the owner, including:

(A) An aerial photo or topographic map depicting the location of the proposed project, the location of the stream, the layout of the water obstruction, the property lines and names and addresses of adjoining property owners; and

(B) the principal dimensions of the project including, but not limited to, the height above streambed.

(3) Notwithstanding any other provision of this section, the chief engineer may require a permit for any water obstruction described in this subsection if the chief engineer determines such permit is necessary for the protection of life or property.

~~(d) The prior written consent or permit of the chief engineer shall not be required for construction or modification of a hazard class A dam that:~~

~~(1) Has a height of less than 30 feet and a storage volume at the top of the emergency spillway elevation of less than 125 acre-feet, and the dam location and dimensions have been registered with the division of water resources in a written form prescribed by the chief engineer; or~~

~~(2) is a wastewater storage structure for a confined feeding facility that has been approved by the secretary of health and environment pursuant to K.S.A. 65-171d, and amendments thereto. Any structure that meets the provisions of subsection (b)(1) shall be considered a water obstruction and not a dam if the primary purpose of the structure is to serve as:~~

~~(1) Dry detention road fill for state, county or municipal government;~~
~~(2) a low head dam that has a maximum height below the lowest stream bank; or~~

~~(3) a wastewater storage structure for a confined feeding facility that has been approved by the secretary of health and environment pursuant to K.S.A. 65-171d, and amendments thereto.~~

~~(e) Any structure that meets the requirements for a hazard class A dam as provided in this act shall be considered a water obstruction and not a dam if the structure meets the following additional criteria:~~

~~(1) The structure impounds water under a vested right, water right or permit to appropriate water for irrigation, stockwater or sediment control use pursuant to the Kansas water appropriation act, K.S.A. 82a-701 et seq., and amendments thereto, or is required to obtain a permit to appropriate water for irrigation, stockwater or sediment control use in order to lawfully impound water; and~~

~~(2) the structure has a height of less than 30 feet and a storage volume at the top of the emergency spillway elevation of less than 125 acre feet.~~

Sec. 2. K.S.A. 82a-302 is hereby amended to read as follows: 82a-302. (a) Except as otherwise provided for general permits, each application for the consent or permit required by K.S.A. 82a-301, and amendments thereto, shall be accompanied by complete maps, plans, profiles and specifications of such construction, modification or addition proposed to be made, the required application fee as provided in subsection (b) unless otherwise exempted, and such other data and information as the chief engineer may require. The chief engineer shall adopt rules and regulations for the issuance of a general permit ~~which~~. A general permit may be issued for projects ~~which~~ that require limited supervision and review.

(b) (1) The application fee for a permit to construct, modify or add to a dam shall be ~~\$200~~:

(A) ~~\$250 for a hazard class A dam that does not qualify for an exemption provided for in K.S.A. 82a-301(d) or (e), and amendments thereto;~~

(B) ~~\$500 for a hazard class B dam; and~~

(C) ~~\$1,000 for a hazard class C dam.~~

(2) The application fee for a permit to construct, modify, or add to a water obstruction or to change or diminish the course, current or cross section of a stream shall be based on the watershed area.

Watershed Area Above the Project Permit Application Fee	Post-Construction Permit Fee
Less than 5 square miles	\$100
Between 5 and 50 square miles	\$200
More than 50 square miles	\$500
	\$800

(3) The application fee for a general permit shall be \$100.

(c) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 82a-328, and amendments thereto.

(d) *The chief engineer shall prominently display an inundation map for each permitted dam on the department's website and provide copies of such inundation map to the zoning authority, or the county clerk if the county does not have a zoning authority, of each county where any land included on an inundation map is located. If additional funding is available, the chief engineer shall prepare or update the inundation maps of all permitted dams for which current inundation maps have not been provided to the chief engineer, display such inundation maps on the department's website and provide copies of such inundation maps to the respective county governments as provided for in this section.*

(e) (1) *On and after July 1, 2026, the owner of any land located in the inundation zone of a dam that is under the jurisdiction of the chief engineer pursuant to this act who sells, subdivides or otherwise transfers any land within such inundation zone separate from the dam shall file a notice of inundation zone with the register of deeds in the county or counties for each parcel of land sold, subdivided or otherwise transferred. The notice of inundation zone shall contain the following language:*

*On _____ this property is located in the inundation
(date of sale, division or transfer)
zone of a dam or structure located at _____*

(legal description of property)

(2) *A landowner who fails to file a notice of inundation zone in accordance with paragraph (1) shall be responsible for paying the costs of inspection that are in excess of the inspection costs that would have been required by the dam's previous lower hazard classification if K.S.A. 82a-303b(a)(1)(D)(7), and amendments thereto, applies to such dam.*

Sec. 3. K.S.A. 82a-303b is hereby amended to read as follows: 82a-303b. (a) (1) ~~In order to secure conformity with adopted rules and regulations and to assure compliance with the terms, conditions or restrictions of any consent or permit granted pursuant to the provisions of K.S.A. 82a-301 through 82a-303, and amendments thereto, (A) The chief engineer or an authorized representative of the chief engineer who is a licensed professional engineer approved by the chief engineer or an intern engineer who is certified pursuant to K.S.A. 74-7021(b), and amendment~~

thereto, and is under the supervision of such a licensed professional engineer shall have the power and the duty to inspect any dam or other water obstruction.

(B) Upon a finding pursuant to K.S.A. 82a-303c(a), and amendments thereto, by the chief engineer that a dam is unsafe, the chief engineer shall order an annual inspection of the dam until it:

- (i) *Such dam is either in compliance with all applicable provisions of this act, any rules and regulations promulgated pursuant to this act, permit conditions and orders of the chief engineer; or*
- (ii) *the dam is removed.*

(C) ~~The safety inspection shall be conducted by the chief engineer or authorized representative and the cost shall be paid by the dam owner.~~ *For the purpose of assessing inspection fees as provided for in this section, the class and size of a dam shall be defined by rules and regulations adopted by the chief engineer pursuant to K.S.A. 82a-303a, and amendments thereto.*

(D) ~~For inspections conducted by the chief engineer or the chief engineer's authorized representative, inspection fees are each inspection other than an inspection that a dam owner elects to have conducted at the dam owner's own expense as provided for in this act, the dam owner shall pay inspection fees to the department as follows:~~

Size of Dam	Inspection fee
Class 1	~~\$1,500~~ -\$1,000
Class 2	~~\$1,500~~ -\$1,000
Class 3	~~\$2,500~~ -\$2,000
Class 4	~~\$4,000~~ -\$3,000

(2) ~~Each hazard class C dam shall be required to have a safety inspection conducted by a licensed professional engineer qualified in design, construction, maintenance and operation of dams once every three years, unless otherwise ordered by the chief engineer every three years.~~

(3) ~~Each hazard class B dam shall be required to have a safety inspection conducted by a licensed professional engineer qualified in design, construction, maintenance and operation of dams once every five years unless otherwise ordered by the chief engineer every five years.~~

(4) (A) *Each hazard class A dam that does not qualify for an exemption provided for in K.S.A. 82a-301(d) or (e), and amendments thereto, shall be required to have a safety inspection conducted every 10 years.*

(B) *A watershed district organized pursuant to K.S.A. 24-1201 et seq., and amendments thereto, may enter into an agreement with the chief engineer that provides for such district to conduct limited safety inspections in lieu of the safety inspection required by subparagraph (A).*

(5) *Safety inspections required by this act shall be conducted by the chief engineer or an authorized representative of the chief engineer who*

is a licensed professional engineer approved by the chief engineer or an intern engineer who is certified pursuant to K.S.A. 74-7021(b), and amendment thereto, and under the supervision of a licensed professional engineer. A dam owner may elect to have any required safety inspection performed at the dam owner's own expense, provided that such inspection is performed by an engineer authorized to perform inspections in accordance with this act.

(6) A safety inspection shall not be required to be conducted for any dam that the dam owner has submitted an inundation map to the chief engineer that demonstrates that failure of the dam would only inundate real property or fixtures to real property owned by the dam owner.

(7) If the chief engineer reclassifies a dam to a higher hazard classification and the reclassification is not necessitated by any actions of the dam owner, the dam shall be subject to the inspection requirements for the higher hazard classification in accordance with this act, but the dam owner shall not be charged for inspections that are in excess of those that would have been required by the previous lower hazard classification.

(8) Within 60 days of the date of inspection, a report of the inspection shall be ~~provided to~~ issued by the chief engineer or provided to the chief engineer by the licensed professional engineer who conducted or supervised the inspection. The report shall document the physical condition of the dam, describing any deficiencies observed, an analysis of the capacity of the dam and its spillway works, compliance of the dam with approved plans and permit conditions, changes observed in the condition of the dam since the previous inspection, an assessment of the hazard classification of the dam including a statement that the engineer either agrees or disagrees with the current classification, and any other information relevant to the safety of the dam or specifically requested by the chief engineer.

~~(5) Upon failure of a dam owner to comply with the applicable inspection interval, the chief engineer or such chief engineer's authorized representative shall conduct a mandatory inspection of the dam and the costs as established by this act for the inspection shall be paid by the owner, in addition to any other remedies provided for violations of this act.~~

~~(6)(9) The failure to file provide a complete and timely report as required by the provisions of this act, or and the failure to submit the fees assessed for inspections conducted by the chief engineer or the chief engineer's authorized representative to the department as required by this section shall be deemed a violation of this act and subject to the penalties provided by K.S.A. 82a-305a, and amendments thereto.~~

(b) For the purpose of inspecting any dam or other water obstruction, the chief engineer or an authorized representative of the chief engineer, including any engineer authorized to perform inspections in accordance with this act, shall have the right of access to private property. Except for

an instance when the chief engineer determines that emergency action pursuant to K.S.A. 82a-303c(b), and amendments thereto, is or may be necessary, the right of access to private property provided for in this subsection shall be conditioned on seven days' prior notice of the inspection having been provided to the dam owner. Costs for any work which that may be required by the chief engineer or the authorized representative prior to or as a result of the an inspection of a dam or other water obstruction required by this act shall be paid by the owner, governmental agency or operator of such dam or other water obstruction or by the department as provided for in this act.

(c) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 82a-328, and amendments thereto.

Sec. 4. K.S.A. 82a-305a is hereby amended to read as follows: 82a-305a. (a) Any person, partnership, association, corporation or agency or political subdivision of the state government who *intentionally* violates any provision of this act or of any rule and regulation or order issued pursuant thereto shall be deemed guilty of a class C misdemeanor. Each day that any such violation occurs after notice of the original violation is served upon the violator by the chief engineer by restricted mail shall constitute a separate offense.

(b) Upon request of the chief engineer, the attorney general shall bring suit in the name of the state of Kansas in any court of competent jurisdiction to enjoin (1) the unlawful construction, modification, operation or maintenance of any dam or other water obstruction, or (2) the unlawful change or diminution of the course, current or cross section of a river or stream. Such court may require the removal or modification of any such dam or other water obstruction by mandatory injunction.

(c) *In addition to any other penalty provided for by law, any person who commits a violation of K.S.A. 82a-301 et seq., and amendments thereto, or any rule and regulation adopted thereunder, may be subject to a civil penalty of not less than \$100 or more than \$1,000 per violation. In the case of a continuing violation, each notice provided by the chief engineer of such continuing violation and the required corrective action thereof shall be considered a separate violation if such corrective action identified in the notice has not commenced within seven days of receiving such notice. Such civil penalty may be assessed in addition to any other penalty provided by law.*

(d) *No civil penalty shall be imposed pursuant to this section except on the written order of the chief engineer.*

(e) *Any person aggrieved by an order of the chief engineer pursuant to this section may appeal to a district court of competent jurisdiction in the manner provided by the Kansas judicial review act.*

(f) *All moneys collected by the chief engineer pursuant to this section, except civil penalties collected pursuant to subsection (c), shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the water structures fund pursuant to K.S.A. 82a-328, and amendments thereto.*

(g) *All moneys collected by the chief engineer pursuant to subsection (c) shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the state general fund.*

Sec. 5. K.S.A. 82a-301, 82a-302, 82a-303b and 82a-305a 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 9, 2026.

CHAPTER 123

HOUSE BILL No. 2116*

AN ACT concerning municipalities; relating to the authority of certain cities and counties to enter into contracts; requiring that certain contractual provisions be incorporated into all such contracts, including the provisions of department of administration form DA-146a; providing certain exceptions.

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

Section 1. (a) Except as provided by subsection (c), any contract entered into by the governing body of any city, or any officers or employees thereof acting on behalf of the governing body, or by the board of county commissioners of any county, or any officers or employees thereof acting on behalf of the board of county commissioners, shall contain the mandatory contract provisions prescribed by the department of administration in form DA-146a, as amended.

(b) Except as provided by subsection (c), any contract entered into after July 1, 2026, shall be deemed to have incorporated the mandatory contract provisions prescribed by the department of administration in form DA-146a, as amended, even if such provisions are not specifically contained in such contract.

(c) The governing body of any city or the board of county commissioners of any county may omit any of the mandatory contract provisions prescribed by the department of administration in form DA-146a, as amended, upon the affirmative recorded vote of a majority of the members of the governing body or board of county commissioners. The governing body and the board of county commissioners shall not have the authority to waive or omit from the provisions of any contract the provisions of sections 2 and 3, and amendments thereto.

Sec. 2. (a) It is the public policy of the state of Kansas that all contracts entered into by the governing body of a city, or any officers or employees thereof acting on behalf of such governing body, or by the board of county commissioners of a county, or any officers or employees thereof acting on behalf of such board, provide that the city or county shall be responsible solely for the actions such governing body or board of county commissioners, or any officer or employee thereof, or the failure of such entity or persons to act under a contract.

(b) The governing body of a city, and any officers or employees thereof acting on behalf of such governing body, and the board of county commissioners of a county, and any officers or employees thereof acting on behalf of such board, shall not have the authority to enter into a contract under the provisions of which the city or county agrees to, or is required to, indemnify or hold harmless against damages, injury or death resulting

from the actions or failure to act on the part of any party to a contract other than such governing body or board of county commissioners, or any officers or employees thereof.

(c) The provisions of any contract entered into in violation of this section shall be contrary to the public policy of the state of Kansas and shall be void and unenforceable.

Sec. 3. (a) It is the public policy of the state of Kansas that all contracts entered into by the governing body of a city, or any officers or employees thereof acting on behalf of such governing body, or by the board of county commissioners of a county, or any officers or employees thereof acting on behalf of such board, shall be governed by and interpreted in accordance with the laws of the state of Kansas.

(b) The governing body of a city, and any officers or employees thereof acting on behalf of such governing body, and the board of county commissioners of a county, and any officers or employees thereof acting on behalf of such board, shall have no power to enter into a contract that provides that the contract shall be governed by or interpreted in accordance with the laws of a state other than the state of Kansas.

(c) The governing body of a city, and any officers or employees thereof acting on behalf of such governing body, and the board of county commissioners of a county, and any officers or employees thereof acting on behalf of such board, shall have no power, pursuant to a contract, to submit to the jurisdiction of any court other than a court of the state of Kansas.

(d) The provisions of any contract entered into in violation of this section shall be contrary to the public policy of the state of Kansas and shall be void and unenforceable.

Sec. 4. The provisions of sections 1 through 3, and amendments thereto, shall apply to cities of the second or third class and to any county with a population of less than 35,000.

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

Approved April 9, 2026.

CHAPTER 124

HOUSE BILL No. 2509
(Amended by Chapter 155)

AN ACT concerning health and health professions; relating to physical therapists; allowing licensed physical therapists to perform certain capillary blood tests; relating to the healthcare provider insurance availability act; adding advanced practice registered nurse to the definition of healthcare provider; adding an advanced practice registered nurse position to the board of governors of the healthcare stabilization fund; requiring advance practice registered nurses to maintain professional liability insurance as a condition of active licensure; amending K.S.A. 40-3402 and 40-3403 and K.S.A. 2025 Supp. 40-3401 and repealing the existing sections.

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

New Section 1. (a) For the purposes of this section, “point-of-care testing” means laboratory-based capillary assays. “Point-of-care testing” does not include point-of-care ultrasound or other imaging modalities and venipuncture or other procedures requiring vascular access beyond the use of a fingerstick or other capillary methods.

(b) Physical therapists may perform point-of-care laboratory testing limited to assays classified by the centers for medicare and medicaid services as CLIA-waived tests. Permitted tests include lactate and blood glucose if used for the purpose of obtaining information related to muscle metabolism, exercise tolerance or rehabilitation status. Such testing shall not include the diagnostic use of point-of-care testing for medical conditions outside the scope of physical therapy practice.

(c) A physical therapist or the facility where testing is performed shall obtain and maintain a CLIA certificate of waiver in accordance with federal law. Testing shall be performed only in accordance with manufacturer instructions, including training requirements for staff performing such tests.

(d) Results of point-of-care testing shall be used as adjunct information to support physical therapy evaluation and treatment planning or to comply with a physician’s order.

(e) Point-of-care laboratory testing by physical therapists shall not be construed as granting independent authority to diagnose medical conditions.

(f) Physical therapists shall not bill third-party payers for point-of-care laboratory testing as stand-alone reimbursable services. Nothing in this section shall prohibit a physical therapist or facility from charging a patient for the reasonable cost of testing supplies used in connection with such testing.

(g) A physical therapist shall not perform point-of-care testing unless a patient or the patient’s representative provides written consent. Written consent shall include:

- (1) Disclosure of costs to the patient or the patient's representative; and
- (2) an acknowledgment of financial responsibility from the patient or the patient's representative.

Sec. 2. K.S.A. 2025 Supp. 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;
 - (B) person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts;
 - (C) person engaged in a postgraduate training program approved by the state board of healing arts;
 - (D) medical care facility licensed by the state of Kansas;
 - (E) podiatrist licensed by the state board of healing arts;
 - (F) health maintenance organization *that has been* issued a certificate of authority by the commissioner;
 - (G) optometrist licensed by the board of examiners in optometry;
 - (H) pharmacist licensed by the state board of pharmacy;
 - (I) licensed professional nurse who is authorized to practice as a registered nurse anesthetist;
 - (J) licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto;
 - (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 are healthcare providers as defined by this subsection;
 - (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 legally authorized to render the professional services for which the limited liability company is organized;
 - (M) partnership of persons who are healthcare providers under this subsection;

(N) Kansas ~~not for profit~~ *nonprofit* corporation organized for the purpose of rendering professional services by persons who are healthcare providers as defined by this subsection;

(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;

(P) dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto;

(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;

(R) physician assistant licensed by the state board of healing arts;

(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;

(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;

(V) nursing facility licensed by the state of Kansas;

(W) assisted living facility licensed by the state of Kansas; ~~or~~

(X) a residential healthcare facility licensed by the state of Kansas;

(Y) *commencing on and after January 1, 2028, any advanced practice registered nurse licensed or granted a temporary authorization by the board of nursing to practice as an advanced practice nurse. Any such advanced practice registered nurse shall be granted six months to comply with membership requirements.*

(2) “Healthcare provider” does not include:

(A) Any state institution for people with intellectual disability;

(B) any state psychiatric hospital;

(C) any person holding an exempt license issued by the state board of healing arts or the board of nursing;

(D) any person holding a visiting clinical professor license from the state board of healing arts;

(E) any person holding an inactive license issued by the state board of healing arts;

(F) any person holding a federally active license issued by the state board of healing arts;

(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 provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto; or

(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 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, *means the same* as defined in K.S.A. 65-425, and amendments thereto, except that, as used in the healthcare provider insurance availability act, ~~such term~~ “*medical care facility*,” 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 there-

to, except that, as used in the healthcare provider insurance availability act, ~~such term~~ “*mental health center*,” 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~~ “*mental health clinic*,” 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 Parsons state hospital and the Kansas neurological institute.

(q) “State psychiatric hospital” means Larned state hospital, Osawatimie state hospital and 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 *but only when if* 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, *but only when if* 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~~ *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~~ *part*

time by the United States department of veterans affairs if such employment is approved by the executive ~~vice-chancellor~~ *vice chancellor* of the university of Kansas medical center.

(t) “Sexual act” or “sexual activity” means 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. 3. K.S.A. 40-3402 is hereby amended to read as follows: 40-3402. (a) Prior to January 1, 2022, a policy of professional liability insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer’s liability is not less than \$200,000 per claim, subject to not less than a \$600,000 annual aggregate for all claims made during the policy period, shall be maintained in effect by each resident healthcare provider as a condition of active licensure or other statutory authorization to render professional service as a healthcare provider in this state, unless such healthcare provider is a self-insurer. For all new policies and policies that renew on and after January 1, 2022, a policy of professional liability insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer’s liability is not less than \$500,000 per claim, subject to not less than a \$1,500,000 annual aggregate for all claims made during the policy period, shall be maintained by each resident healthcare provider as a condition of active licensure or other statutory authorization to render professional service as a healthcare provider in this state, unless such healthcare provider is a self-insurer. This provision shall not apply to optometrists and pharmacists on and after July 1, 1991, to physical therapists on and after July 1, 1995, or to health maintenance organizations on and after July 1, 1997. Such policy shall provide as a minimum coverage for claims made during the term of the policy that were incurred during the term of such policy or during the prior term of a similar policy. *This provision shall apply to*

advanced practice register nurses on and after January 1, 2028, except as provided in subsection (f). Any insurer offering such policy of professional liability insurance to any healthcare provider may offer to such healthcare provider a policy as prescribed in this section with deductible options. Such deductible shall be within such policy limits.

(1) Each insurer providing basic coverage shall, within 30 days after the effective date of any policy issued in accordance with this subsection, notify the board of governors that such coverage is or will be in effect. Such notification shall be on a form approved by the board of governors and shall include information identifying the professional liability policy issued or to be issued, the name and address of all healthcare providers covered by the policy, the amount of the annual premium, the effective and expiration dates of the coverage and such other information as the board of governors shall require. A copy of the notice required by this subsection shall be furnished to the named insured.

(2) In the event of termination of basic coverage by cancellation, non-renewal, expiration or otherwise by either the insurer or named insured, notice of such termination shall be furnished by the insurer to the board of governors, the state agency which licenses, registers or certifies the named insured and the named insured. Such notice shall be provided no less than 30 days prior to the effective date of any termination initiated by the insurer or within 10 business days after the date coverage is terminated at the request of the named insured and shall include the name and address of the healthcare provider or providers for whom basic coverage is terminated and the date basic coverage will cease to be in effect. No basic coverage shall be terminated by cancellation or failure to renew by the insurer unless such insurer provides a notice of termination as required by this subsection.

(3) Any professional liability insurance policy issued, delivered or in effect in this state on and after July 1, 1976, shall contain or be endorsed to provide basic coverage as required by subsection (a). Notwithstanding any omitted or inconsistent language, any contract of professional liability insurance shall be construed to obligate the insurer to meet all the mandatory requirements and obligations of this act. The liability of an insurer for claims made prior to July 1, 1984, shall not exceed those limits of insurance provided by such policy prior to July 1, 1984.

(b) A nonresident healthcare provider shall not be licensed to actively render professional service as a healthcare provider in this state unless such healthcare provider maintains continuous coverage in effect as prescribed by subsection (a), except such coverage may be provided by a nonadmitted insurer who has filed the form required by subsection (b) (1). This provision shall not apply to optometrists and pharmacists on and after July 1, 1991, or to physical therapists on and after July 1, 1995.

(1) Every insurance company authorized to transact business in this state, that is authorized to issue professional liability insurance in any jurisdiction, shall file with the commissioner, as a condition of its continued transaction of business within this state, a form prescribed by the commissioner declaring that its professional liability insurance policies, wherever issued, shall be deemed to provide at least the insurance required by this subsection when the insured is rendering professional services as a non-resident healthcare provider in this state. Any nonadmitted insurer may file such a form.

(2) Every nonresident healthcare provider that is required to maintain basic coverage pursuant to this subsection shall pay the surcharge levied by the board of governors pursuant to K.S.A. 40-3404(a), and amendments thereto, directly to the board of governors and shall furnish to the board of governors the information required in subsection (a)(1).

(c) Every healthcare provider that is a self-insurer, the university of Kansas medical center for persons engaged in residency training, as described in K.S.A. 40-3401(r)(1), and amendments thereto, the employers of persons engaged in residency training, as described in K.S.A. 40-3401(r)(2), and amendments thereto, the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or a medical care facility or mental health center for self-insurers under K.S.A. 40-3414(e), and amendments thereto, shall pay the surcharge levied by the board of governors pursuant to K.S.A. 40-3404(a), and amendments thereto, directly to the board of governors and shall furnish to the board of governors the information required in subsections (a)(1) and (a)(2).

(d) In lieu of a claims made policy otherwise required under this section, a person engaged in residency training who is providing services as a healthcare provider but, while providing such services, is not covered by the self-insurance provisions of K.S.A. 40-3414(d), and amendments thereto, may obtain basic coverage under an occurrence form policy, if such policy provides professional liability insurance coverage and limits that are substantially the same as the professional liability insurance coverage and limits required by K.S.A. 40-3402(a), and amendments thereto. Where such occurrence form policy is in effect, the provisions of the healthcare provider insurance availability act referring to claims made policies shall be construed to mean occurrence form policies.

(e) In lieu of a claims made policy otherwise required under this section, a nonresident healthcare provider employed pursuant to a locum tenens contract to provide services in this state as a healthcare provider may obtain basic coverage under an occurrence form policy, if such policy provides professional liability insurance coverage and limits that are substantially the same as the professional liability insurance coverage and

limits required by K.S.A. 40-3402, and amendments thereto. Where such occurrence form policy is in effect, the provisions of the healthcare provider insurance availability act referring to claims made policies shall be construed to mean occurrence form policies.

(f) An advanced practice registered nurse shall not be subject to the requirements of subsection (a) if the initial surcharge to participate in the healthcare stabilization fund exceeds 15%.

Sec. 4. K.S.A. 40-3403 is hereby amended to read as follows: 40-3403. (a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a healthcare provider, self-insurer or inactive health care provider subsequent to the time that such healthcare provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the healthcare stabilization fund. The fund shall be held in trust in the state treasury and accounted for separately from other state funds. The board of governors shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

(b) (1) There is hereby created a board of governors that shall be composed of such members and shall have such powers, duties and functions as are prescribed by this act. The board of governors shall:

(A) Administer the fund and exercise and perform other powers, duties and functions required of the board under the healthcare provider insurance availability act;

(B) provide advice, information and testimony to the appropriate licensing or disciplinary authority regarding the qualifications of a healthcare provider;

(C) prepare and publish, on or before October 1 of each year, a report for submission to the healthcare stabilization fund oversight committee that includes a summary of the fund's activity during the preceding fiscal year, including, but not limited to, the amount collected from surcharges, the highest and lowest surcharges assessed, the amount paid from the fund, the number of judgments paid from the fund, the number of settlements paid from the fund and the fund balance at the end of the fiscal year; and

(D) have the authority to grant temporary exemptions from the provisions of K.S.A. 40-3402 and 40-3404, and amendments thereto, to healthcare providers who have exceptional circumstances and verify in writing that the healthcare provider will not render professional services in this state during the period of exemption. Whenever the board grants such an exemption, the board shall notify the state agency that licenses the exempted healthcare provider.

(2) The board shall consist of ~~11~~ 12 persons appointed by the commissioner of insurance, as provided by this subsection and as follows:

(A) Three members who are on a list of nominees submitted to the commissioner by the Kansas medical society, at least two of whom are doctors of medicine who are licensed to practice medicine and surgery in Kansas;

(B) three members who are on a list of nominees submitted to the commissioner by the Kansas hospital association and who are representatives of Kansas hospitals;

(C) two members who are on a list of nominees submitted to the commissioner by the Kansas association of osteopathic medicine, who are licensed to practice medicine and surgery in Kansas and who are doctors of osteopathic medicine;

(D) one member who is on a list of nominees submitted to the commissioner by the Kansas chiropractic association and who is licensed to practice chiropractic in Kansas;

(E) one member who is on a list of nominees submitted to the commissioner by the Kansas association of nurse anesthetists and who is a licensed professional nurse authorized to practice as a registered nurse anesthetist; ~~and~~

(F) one member who is on a list of nominees submitted to the commissioner by statewide associations comprised of members who represent adult care homes and who is a representative of adult care homes; *and*

(G) *one member who is on a list of nominees approved by the Kansas board of nursing and who is an advanced practice registered nurse as defined in K.S.A. 65-1113, and amendments thereto.*

(3) When a vacancy occurs in the membership of the board of governors created by this act, the commissioner shall appoint a successor of like qualifications from a list of three nominees submitted to the commissioner by the professional society ~~or~~, association, *alliance or academy* prescribed by this section for the category of healthcare provider required for the vacant position on the board of governors. All appointments made shall be for a term of office of four years, but no member shall be appointed for more than two successive four-year terms. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board of governors created by this act for any reason other than the expiration of a member's term of office, the commissioner shall appoint a successor of like qualifications to fill the unexpired term. In each case of a vacancy occurring in the membership of the board of governors, the commissioner shall notify the professional society or association that represents the category of healthcare provider required for the vacant position and request a list of three nominations of healthcare providers from which to make the appointment.

(4) The board of governors shall organize in July of each year and shall elect a chairperson and vice-chairperson from among its member-

ship. Meetings shall be called by the chairperson or by a written notice signed by three members of the board.

(5) The board of governors, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(6) (A) The board shall appoint an executive director who shall be in the unclassified service under the Kansas civil service act and may employ attorneys and other employees who shall also be in the unclassified service under the Kansas civil service act. Such executive director, attorneys and other employees shall receive compensation fixed by the board, in accordance with appropriation acts of the legislature, not subject to approval of the governor.

(B) The board may provide all office space, services, equipment, materials and supplies, and all budgeting, personnel, purchasing and related management functions required by the board in the exercise of the powers, duties and functions imposed or authorized by the healthcare provider insurance availability act or may enter into a contract with the commissioner of insurance for the provision, by the commissioner, of all or any part thereof.

(7) The commissioner shall:

(A) Provide technical and administrative assistance to the board of governors with respect to administration of the fund upon request of the board; and

(B) provide such expertise as the board may reasonably request with respect to evaluation of claims or potential claims.

(c) Except as otherwise provided by any other provision of this act, the fund shall be liable to pay:

(1) Any amount due from a judgment or settlement that is in excess of the basic coverage liability of all liable resident healthcare providers or resident self-insurers for any personal injury or death arising out of the rendering of or the failure to render professional services within or without this state;

(2) subject to the provisions of subsection (f), any amount due from a judgment or settlement that is in excess of the basic coverage liability of all liable nonresident healthcare providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident healthcare providers or nonresident self-insurers who have not complied with this act or for claims against nonresident healthcare providers or nonresident self-insurers that arose outside of this state;

(3) subject to the provisions of subsection (f), any amount due from a judgment or settlement against a resident inactive healthcare provider for

any such injury or death arising out of the rendering of or failure to render professional services;

(4) subject to the provisions of subsection (f), any amount due from a judgment or settlement against a nonresident inactive healthcare provider for any injury or death arising out of the rendering or failure to render professional services within this state, but in no event shall the fund be obligated for claims against nonresident inactive healthcare providers:

(A) Who have not complied with this act; or

(B) for claims that arose outside of this state, unless such healthcare provider was a resident healthcare provider or resident self-insurer at the time such act occurred;

(5) subject to K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees, depositions, expert witnesses and other costs incurred in defending the fund against claims, and such expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the board of governors, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, but shall not be subject to the provisions of K.S.A. 75-4101, and amendments thereto;

(7) reasonable and necessary actuarial expenses incurred in administering the act, including expenses for any actuarial studies contracted for by the legislative coordinating council, and such expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(8) periodically to the plan or plans, any amount due pursuant to K.S.A. 40-3413(a)(3), and amendments thereto;

(9) reasonable and necessary expenses incurred by the board of governors in the administration of the fund or in the performance of other powers, duties or functions of the board under the healthcare provider insurance availability act;

(10) surcharge refunds payable when the notice of cancellation requirements of K.S.A. 40-3402, and amendments thereto, are met;

(11) subject to K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or any 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 from claims for

personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider;

(12) any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or any non-profit 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;

(13) subject to the provisions of K.S.A. 65-429, and amendments thereto, reasonable and necessary expenses for the development and promotion of risk management education programs and for the medical care facility licensure and risk management survey functions carried out under K.S.A. 65-429, and amendments thereto;

(14) any amount, but not less than the required basic coverage limits, owed pursuant to a judgment or settlement for any injury or death arising out of the rendering of or failure to render professional services by a person, other than a person described in paragraph (12), who was engaged in a postgraduate program of residency training approved by the state board of healing arts but who, at the time the claim was made, was no longer engaged in such residency program;

(15) subject to K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person described in paragraph (14);

(16) expenses incurred by the commissioner in the performance of duties and functions imposed upon the commissioner by the healthcare provider insurance availability act, and expenses incurred by the commissioner in the performance of duties and functions under contracts entered into between the board and the commissioner as authorized by this section; and

(17) periodically to the state general fund reimbursements of amounts paid to members of the healthcare stabilization fund oversight committee for compensation, travel expenses and subsistence expenses pursuant to K.S.A. 40-3403b(e), and amendments thereto.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, if the amount for which the fund is liable is \$500,000 or more, it shall be paid by installment payments of \$500,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full.

(e) In no event shall the fund be liable to pay in excess of \$3,000,000 pursuant to any one judgment or settlement against any one healthcare provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1984, and before July 1, 1989, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$6,000,000 for each healthcare provider.

(f) In no event shall the fund be liable to pay in excess of the amounts specified in the option selected by an active or inactive healthcare provider pursuant to subsection (l) for judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services by such healthcare provider on or after July 1, 1989.

(g) A healthcare provider shall be deemed to have qualified for coverage under the fund:

- (1) On and after July 1, 1976, if basic coverage is then in effect;
- (2) subsequent to July 1, 1976, at such time as basic coverage becomes effective; or
- (3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(h) A healthcare provider who is qualified for coverage under the fund shall have no vicarious liability or responsibility for any injury or death arising out of the rendering of or the failure to render professional services inside or outside this state by any other healthcare provider who is also qualified for coverage under the fund. The provisions of this subsection shall apply to all claims filed on or after July 1, 1986.

(i) Notwithstanding the provisions of K.S.A. 40-3402, and amendments thereto, if the board of governors determines due to the number of claims filed against a healthcare provider or the outcome of those claims that an individual healthcare provider presents a material risk of significant future liability to the fund, the board of governors is authorized by a vote of a majority of the members thereof, after notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, to terminate the liability of the fund for all claims against the healthcare provider for damages for death or personal injury arising out of the rendering of or the failure to render professional services after the date of termination. The date of termination shall be 30 days after the date of the determination by the board of governors. The board of governors, upon termination of the liability of the fund under this subsection, shall notify the licensing or other disciplinary board having jurisdiction over the healthcare provider involved of the name of the healthcare provider and the reasons for the termination.

(j) (1) Subject to the provisions of paragraph (7), upon the payment of moneys from the healthcare stabilization fund pursuant to

subsection (c)(11), the board of governors shall certify to the secretary of administration the amount of such payment, and the secretary of administration shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) or (4), from the state general fund to the healthcare stabilization fund.

(2) Subject to the provisions of paragraph (7), upon the payment of moneys from the healthcare stabilization fund pursuant to subsection (c) (12), the board of governors shall certify to the secretary of administration the amount of such payment that is equal to the basic coverage liability of self-insurers, and the secretary of administration shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) or (4), from the state general fund to the healthcare stabilization fund.

(3) The university of Kansas medical center private practice foundation reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$500,000 on July 1 of any year, the private practice corporations or foundations referred to in K.S.A. 40-3402(c), and amendments thereto, shall remit the amount necessary to increase such balance to \$500,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any private practice corporation or foundation or any of its full-time physician faculty employed by the university of Kansas, the secretary of administration shall transfer an amount equal to the amount paid from the university of Kansas medical center private practice foundation reserve fund to the healthcare stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

(4) The graduate medical education administration reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$40,000 on July 1 of any year, the nonprofit corporations organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall remit the amount necessary to increase such balance to \$40,000 to the state treasurer for credit to such reserve

fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any nonprofit corporations organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine the secretary of administration shall transfer an amount equal to the amount paid from the graduate medical education administration reserve fund to the healthcare stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

(5) Upon payment of moneys from the healthcare stabilization fund pursuant to subsection (c)(14) or (c)(15), the board of governors shall certify to the secretary of administration the amount of such payment, and the secretary of administration shall transfer an amount equal to the amount certified from the state general fund to the healthcare stabilization fund.

(6) Transfers from the state general fund to the healthcare stabilization fund pursuant to this subsection shall not be subject to the provisions of K.S.A. 75-3722, and amendments thereto.

(7) The funds required to be transferred from the state general fund to the healthcare stabilization fund pursuant to paragraphs (1) and (2) for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013, shall not be transferred prior to July 1, 2013. The secretary of administration shall maintain a record of the amounts certified by the board of governors pursuant to paragraphs (1) and (2) for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. Beginning July 1, 2013, in addition to any other transfers required pursuant to subsection (j), the state general fund transfers that are deferred pursuant to this paragraph shall be transferred from the state general fund to the healthcare stabilization fund in the following manner: On July 1, 2013, and annually thereafter through July 1, 2018, an amount equal to 20% of the total amount of state general fund transfers deferred pursuant to this paragraph for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. The amounts deferred pursuant to this paragraph shall not accrue interest thereon.

(k) Notwithstanding any other provision of the healthcare provider insurance availability act, no psychiatric hospital licensed under K.S.A. 39-2001 et seq., and amendments thereto, shall be assessed a premium surcharge or be entitled to coverage under the fund if such hospital has not paid any premium surcharge pursuant to K.S.A. 40-3404, and amendments thereto, prior to January 1, 1988.

(l) (1) On or after July 1, 1989, and prior to January 1, 2022, every healthcare provider shall make an election to be covered by one of the following options provided in subparagraph (A) that shall limit the liability of the fund with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after July 1, 1989. On and after January 1, 2022, every healthcare provider shall make an election to be covered by one of the following options provided in subparagraph (B) that shall limit the liability of the fund with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after January 1, 2022. Such election shall be made at the time the healthcare provider renews the basic coverage, or, if basic coverage is not in effect, such election shall be made at the time such coverage is acquired pursuant to K.S.A. 40-3402, and amendments thereto. A medical care facility or a healthcare facility deemed qualified as a self-insurer under K.S.A. 40-3414(a), and amendments thereto, may opt out of the requirements set forth in subparagraph (B) if such medical care facility or healthcare facility substantially meets the minimum coverage requirements of this section through coverage provided by the captive insurance company of such medical care facility or healthcare facility. Notice of the election shall be provided by the insurer providing the basic coverage in the manner and form prescribed by the board of governors and shall continue to be effective from year to year unless modified by a subsequent election made prior to the anniversary date of the policy. The healthcare provider may at any subsequent election reduce the dollar amount of the coverage for the next and subsequent fiscal years, but may not increase the same, unless specifically authorized by the board of governors. Any election of fund coverage limits, whenever made, shall be with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after the effective date of such election of fund coverage limits. Such election shall be made for persons engaged in residency training and persons engaged in other postgraduate training programs approved by the state board of healing arts at medical care facilities or mental health centers in this state by the agency or institution paying the surcharge levied under K.S.A. 40-3404, and amendments thereto, for such persons. The election of fund coverage limits for 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 shall be deemed to be effective at the highest option. Such options shall be as follows:

(A) (i) *OPTION 1.* The fund shall not be liable to pay in excess of \$100,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$300,000 for such provider.

(ii) *OPTION 2.* The fund shall not be liable to pay in excess of \$300,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$900,000 for such provider.

(iii) *OPTION 3.* The fund shall not be liable to pay in excess of \$800,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$2,400,000 for such healthcare provider.

(B) (i) *OPTION 1.* The fund shall not be liable to pay in excess of \$500,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$1,500,000 for such healthcare provider.

(ii) *OPTION 2.* The fund shall not be liable to pay in excess of \$1,500,000 pursuant to any one judgment or settlement for any party against such healthcare provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$4,500,000 for such healthcare provider.

(2) The board of governors shall have the authority to adjust the amounts provided in subparagraph (B) as the board deems necessary to effectuate the provisions of the healthcare provider insurance availability act, except that the minimum coverage for a healthcare provider shall not be less than \$1,000,000 per claim and \$3,000,000 in the aggregate.

(m) In the event of a claim against a healthcare provider for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider, the liability of the fund shall be limited to the amount of coverage selected by the healthcare provider at the time of the incident giving rise to the claim.

(n) Notwithstanding anything in article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, to the contrary, the fund shall in no event be liable for any claims against any healthcare provider based upon or relating to the healthcare provider's sexual acts or activity,

but in such cases the fund may pay reasonable and necessary expenses for attorney fees incurred in defending the fund against such claim. The fund may recover all or a portion of such expenses for attorney fees if an adverse judgment is returned against the healthcare provider for damages resulting from the healthcare provider's sexual acts or activity.

Sec. 5. K.S.A. 40-3402 and 40-3403 and K.S.A. 2025 Supp. 40-3401 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 9, 2026.
