

# Journal of the Senate

FORTY-FIFTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, May 21, 2020, 8:00 a.m.

As provided by **SCR 1615**, the Sine Die Session of the 2020 Kansas Senate was called to order by President Susan Wagle.

The roll was called with 40 senators present.

Invocation by Reverend Cecil T. Washington:

Heavenly Father, it is by Your grace that we're closing out the legislative season this year. In spite of the fears, frustration and emotional upheaval, You have kept us and You are keeping us.

We've tried social distancing to stay safe. We've looked at wearing masks. We've looked at washing our hands, not touching our faces and wearing gloves.

But two of the words You've given us are "Fear Not" and "Don't be afraid!" When David the Psalmist's life was miraculously spared, You had him share with us from Psalm 24:1-10 these encouraging words:

<sup>1</sup> I will bless the Lord at all times;  
His praise shall continually be in my mouth.

<sup>2</sup> My soul will make its boast in the Lord;  
The humble shall hear it and be glad.

<sup>3</sup> Oh, magnify the Lord with me,  
And let us exalt His name together.

<sup>4</sup> I sought the Lord, and He heard me,  
And delivered me from all my fears.

<sup>5</sup> They looked to Him and were radiant,  
And their faces were not ashamed.

<sup>6</sup> This poor man cried, and the Lord heard him  
And saved him out of all his troubles.

<sup>7</sup> The angel of the Lord encamps all around those who fear Him,  
And delivers them.

<sup>8</sup> Oh, taste and see that the Lord is good;  
Blessed is the man who trusts in Him!

<sup>9</sup> Oh, fear the Lord, you His saints;  
There is no want to those who fear him.

<sup>10</sup> The young lions lack and suffer hunger;  
But those who seek the Lord shall not lack any good thing.

Lord, as we finish-up here, please continue to keep us safe. In Jesus' Name, Amen  
The Pledge of Allegiance was led by President Wagle.

#### **POINT OF PERSONAL PRIVILEGE**

Senator Denning rose on a point of personal privilege to share the following remarks:

Friends and colleagues, I want to begin by thanking the citizens of Overland Park in Senate District 8 for allowing me to serve them in the Senate for the last 8 years after serving in them in the House. Now, after serving 10 years, the time has come for me to devote my personal resources to family and to my private sector employer.

I have enjoyed working with all the legislators over the years and it has been an honor to serve as your Senate Majority Leader for the last 4 years. I have always done my best to take the high road, lead from the front, and govern as the Majority Leader position requires. Good governance is not always easy and carries a serious responsibility. As a result I may have experienced “social distancing” long before the COVID-19 pandemic made it a household term.

I would also like to thank and recognize my staff: Toni Beck who ran the front office, Chief of Staff Ethan Patterson, and Communications and Policy Director Mary Sabatini. They represented the office of the Senate Majority Leader and this Chamber at a very high level.

I'd like everyone to know that while I may not be in the building, I will still have great cell phone service year-round.

And with that... as us politicians would say....it's been an honor and a privilege, thank you.

I look forward to seeing you all again when we get called for a special session.

#### **CHANGE OF REFERENCE**

The President withdrew **HB 2619, HB 2480** from the Committee on **Financial Institutions and Insurance**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **HB 2447, HB 2713** from the Committee on **Judiciary**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **S Sub HB 2585** from the Calendar under the heading of **General Orders**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **HB 2619, HB 2480** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Financial Institutions and Insurance**.

The President withdrew **HB 2447, HB 2713** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on **Judiciary**.

The President withdrew **S Sub HB 2585** from the Committee on **Ways and Means**, and rereferred to the calendar under the heading of **General Orders**.

#### **MESSAGES FROM THE GOVERNOR**

**SB 66** approved on March 25, 2020.

**H Sub SB 173** approved on April 2, 2020.

Executive Orders and Directives received since March 22, 2020 are on file in the office of the Secretary of the Senate and are available for review at any time.

#### **MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee report on **HB 2168**.  
Announcing adoption of **SCR 1615**.

#### **COMMUNICATIONS FROM STATE OFFICERS**

The following report was submitted to the Senate and is on file with the Secretary of the Senate and available for review at any time.

Report from the Health Care Access Improvement Panel, Kansas Department of Health and Environment. (May 1, 2020)

#### **CHANGE OF REFERENCE**

The President withdrew the appointment of David Moses from the Committee on **Federal and State Affairs** and referred the appointment to the Committee on **Confirmation Oversight**.

The President withdrew the appointment of Lea Tatum-Haskell from the Committee on **Financial Institutions and Insurance** and referred the appointment to the Committee on **Confirmation Oversight**.

The President withdrew the appointment of Talal Kahn from the Committee on **Public Health and Welfare** and referred the appointment to the Committee on **Confirmation Oversight**.

#### **ORIGINAL MOTION**

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of amendment, debate and roll call on the the following bills: **S Sub Sub HB 2018; HB 2034, HB 2118, HB 2137, HB 2244; S Sub HB 2396; HB 2447, HB 2466; HB 2480; S Sub HB 2585; HB 2619, HB 2713**.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **HB 2118**, as amended by House Committee of the Whole, be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2118," as follows:

"Senate Substitute for HOUSE BILL No. 2118

By Committee on Assessment and Taxation

"AN ACT concerning property taxation; relating to tax rates, truth in taxation, establishing notice and public hearing requirements prior to approval to exceed revenue neutral rate, discontinuing the city and county tax lid; relating to time for payment of real property and personal property taxes, providing for waiver of interest and fees for a certain period of time, listing delinquent real estate subject to sale, publication; relating to valuation of real property, prohibiting valuation increase solely as the result of normal repair, replacement or maintenance; amending K.S.A. 79-1460, 79-1801, 79-2302, 79-2303 and 79-2925c and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2490** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2490," as follows:

"Senate Substitute for HOUSE BILL No. 2490

By Committee on Assessment and Taxation

"AN ACT concerning property taxation; relating to the state board of tax appeals, orders and notices, service by electronic means, time to request full and complete opinion, board member service after term expires; relating to appeals, prohibiting valuation increases in certain appeals, burden of proof in district court; relating to county appraisers, eligibility list, notification when person no longer holds office; appraisal standards; buildings and improvements destroyed or substantially destroyed by natural disaster; amending K.S.A. 74-2426, 74-2433, 74-2433f, 79-505, 79-1448, 79-1609, 79-1613 and 79-2005 and K.S.A. 2019 Supp. 19-432 and repealing the existing sections."; and the substitute bill be passed.

**HB 2466** be amended on page 1, in line 8, before "Section" by inserting "New"; in line 11, before "Sec." by inserting "New"; in line 27, before "Sec." by inserting "New";

On page 2, in line 15, before "Sec." by inserting "New";

On page 3, in line 37, before "Sec." by inserting "New";

On page 4, in line 15, before "Sec." by inserting "New";

Also, on page 4, following line 16, by inserting:

"Sec. 7. K.S.A. 79-1110 is hereby amended to read as follows: 79-1110. (a) Every national banking association, bank, trust company, and savings and loan association subject to taxation under this act shall make its return and pay the tax imposed to the director of taxation on or before the 15<sup>th</sup> day of the fourth month following the close of its federal taxable year, in the same manner, except for computing the net income subject to tax, as corporations are required to make their returns and pay their taxes under the Kansas income tax act. Every such national banking association, bank, trust company and savings and loan association shall be subject to other provisions of the Kansas income tax act applicable to other corporations and shall be subject to the penalties imposed on corporations by K.S.A. 79-3222, 79-3228 and 79-3234 insofar as the same can be made applicable.

(b) With respect to tax year 2019, the deadline for filing returns shall be extended to July 15, 2020, for returns with original due dates of April 15, 2020, through July 15, 2020. With respect to tax year 2019, no penalty or interest authorized pursuant to K.S.A. 79-3228, and amendments thereto, shall be imposed if such tax liability is paid on or before July 15, 2020.

Sec. 8. K.S.A. 79-3221 is hereby amended to read as follows: 79-3221. (a) All returns required by this act shall be made as nearly as practical in the same form as the corresponding form of income tax return by the United States. Unless another identifying number has been assigned to an individual by the internal revenue service for purposes of filing such individual's federal income tax return, the social security number issued to an individual, the individual's spouse, and all dependents of such individual for purposes of section 205 (c)(2)(A) of the social security act shall be used as the identifying number and included on the return when filing such return.

(b) All returns shall be filed in the office of the director of taxation on or before the 15<sup>th</sup> day of the fourth month following the close of the taxable year, except as provided in subsection (c) ~~hereof~~. Tentative returns may be filed before the close of the taxable year and the estimated tax computed on such return, paid, but no interest will be paid on

any overpayment of tax liability, computed on such tentative return.

(c)(1) The director of taxation may grant a reasonable extension of time for filing returns in accordance with rules and regulations of the secretary of revenue. Whenever any such extension of time to file is requested by a taxpayer and granted by the director with respect to any tax year commencing after December 31, 1992, no penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if 90% of the liability is paid on or before the original due date.

(2) With respect to tax year 2019, the deadline for filing returns shall be extended to July 15, 2020, for returns with original due dates of April 15, 2020, through July 15, 2020. With respect to tax year 2019, no penalty or interest authorized pursuant to K.S.A. 79-3228, and amendments thereto, shall be imposed if such tax liability is paid on or before July 15, 2020.

(d) In the case of an individual serving in the armed forces of the United States, or serving in support of such armed forces, in an area designated by the president of the United States by executive order as a "combat zone" as defined under 26 U.S.C. § 112 at any time during the period designated by the president by executive order as the period of combatant activities in such zone for the purposes of such section, or hospitalized as a result of injury received or sickness incurred while serving in such an area during such time, the period of service in such area, plus the period of continuous qualified hospitalization attributable to such injury or sickness, and the next 180 days thereafter, shall be disregarded in determining, under article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, in respect to any tax liability, including any interest, penalty, additional amount, or addition to the tax, of such individual:

(1) Whether any of the following acts was performed within the time prescribed therefor: (A) Filing any return of income tax; (B) payment of any income tax or installment thereof; (C) filing a notice of appeal with the director of taxation or the state board of tax appeals for redetermination of a deficiency or for a review of a decision rendered by either the director or the state board of tax appeals; (D) allowance of a credit or refund of any income tax; (E) filing a claim for credit or refund of any income tax; (F) bringing suit upon any such claim for credit or refund; (G) assessment of any income tax; (H) giving or making any notice or demand for the payment of any income tax, or with respect to any liability to the state of Kansas in respect of any income tax; (I) collection, by the director of taxation or the director's agent, by warrant, levy or otherwise, of the amount of any liability in respect to any income tax; (J) bringing suit by the state of Kansas, or any officer on its behalf, in respect to any liability in respect of any income tax; and (K) any other act required or permitted under the Kansas income tax act specified in rules and regulations adopted by the secretary of revenue under this section;

(2) the amount of any credit or refund.

(e) (1) Subsection (d) shall not apply for purposes of determining the amount of interest on any overpayment of tax.

(2) If an individual is entitled to the benefits of subsection (d) with respect to any return and such return is timely filed, determined after the application of ~~subsection (d), subsections (e)(5) and (e)(7)~~ of K.S.A. 79-32,105(d), (e)(5) and (e)(7), and amendments thereto, shall not apply.

(f) The provisions of subsections (d) through (j) shall apply to the spouse of any

individual entitled to the benefits of subsection (d). Except in the case of the combat zone designated for purposes of the Vietnam conflict, this subsection shall not cause subsections (d) through (j) to apply for any spouse for any taxable year beginning more than two years after the date designated under 26 U.S.C. § 112, and amendments thereto, as the date of termination of combatant activities in a combat zone.

(g) The period of service in the area referred to in subsection (d) shall include the period during which an individual entitled to benefits under subsection (d) is in a missing status, within the meaning of 26 U.S.C. § 6013(f)(3).

(h) (1) Notwithstanding the provisions of subsection (d), any action or proceeding authorized by K.S.A. 79-3229, and amendments thereto, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun or prosecuted. In any other case in which the secretary determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsection (d) shall not operate to stay collection of such amount by levy or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this subsection the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under subsection (d). In any case to which this ~~subsections~~ subsection relates, if the secretary is required to give any notice to or make any demand upon any person, such requirement shall be deemed to be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the secretary is in an area for which United States post offices under instructions of the postmaster general are not, by reason of the combatant activities, accepting mail for delivery at the time the notice or demand is signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.

(2) The assessment or collection of any tax under the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or any action or proceeding by or on behalf of the state in connection therewith, may be made, taken, begun or prosecuted in accordance with law, without regard to the provisions of subsection (d), unless prior to such assessment, collection, action or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (d).

(i) (1) Any individual who performed Desert Shield services, and the spouse of such individual, shall be entitled to the benefits of subsections (d) through (j) in the same manner as if such services were services referred to in subsection (d).

(2) For purposes of this subsection, the term "Desert Shield services" means any services in the armed forces of the United States or in support of such armed forces if:

(A) Such services are performed in the area designated by the president as the "Persian Gulf Desert Shield area"; and

(B) such services are performed during the period beginning on August 2, 1990, and ending on the date on which any portion of the area referred to in subsection (i)(2) (A) is designated by the president as a combat zone pursuant to 26 U.S.C. § 112.

(j) For purposes of subsection (d), the term "qualified hospitalization" means:

(1) Any hospitalization outside the United States; and

(2) any hospitalization inside the United States, except that not more than five years of hospitalization may be taken into account under this subsection. This subsection shall not apply for purposes of applying subsections (d) through (j) with respect to the spouse of an individual entitled to the benefits of subsection (d).

Sec. 9. K.S.A. 79-3225 is hereby amended to read as follows: 79-3225. (a) All taxes imposed under the provisions of the "Kansas income tax act" shall be paid on the 15<sup>th</sup> day of the fourth month following the close of the taxable year, except with respect to tax year 2019, such taxes shall be paid on or before July 15, 2020, if the return was due on or before July 15, 2020. When the tax as shown to be due on a return is less than \$5, such tax shall be canceled and no payment need be remitted by the taxpayer.

(b) The director of taxation may extend the time for payment of the tax, or any installment thereof, for a reasonable period of time not to exceed six months from the date fixed for payment thereof. Such extension may exceed six months in the case of a taxpayer who is abroad. Interest shall be charged at the rate prescribed by K.S.A. 79-2968(a) and amendments thereto for the period of such extension.

Sec. 10. K.S.A. 79-1110, 79-3221 and 79-3225 are hereby repealed.;

Also on page 4, in line 18, by striking "statute book" and inserting "Kansas register"; And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "income"; also in line 1, after the semicolon by inserting "relating to income and privilege taxes;"; in line 2, after "act" by striking the semicolon and inserting a comma; also in line 2, after "preparers" by striking the semicolon and inserting a comma; in line 3, by striking the semicolon and inserting "and"; in line 5, after "conduct" by inserting "; extending certain return filing and tax payment deadlines; amending K.S.A. 79-1110, 79-3221 and 79-3225 and repealing the existing sections"; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2154** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2154" as follows:

"Senate Substitute for HOUSE BILL No. 2154

By Committee on Commerce

"AN ACT concerning the employment security law; relating to public policy; eligibility for benefits; contribution rates; federal reimbursement; employer notifications; shared work plan eligibility; COVID-19 response; amending K.S.A. 2019 Supp. 44-702, 44-705, as amended by section 2 of 2020 Senate Bill No. 27, 44-709, 44-710 and 44-757 and repealing the existing sections."; and the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2452** be passed.

Also, **HB 2480** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2480," as follows:

"Senate Substitute for HOUSE BILL No. 2480

By Committee on Financial Institutions and Insurance

"AN ACT concerning insurance; relating to conversion of a reciprocal to a mutual insurance company; flexibility in assessing certain penalties from excess lines; updating the version of risk-based capital instructions in effect; definition of long-term care; appointment and removal of the securities commissioner; suspension, denial and revocation of licensure and certain other licensure requirements of insurance agents and public adjusters; amending K.S.A. 40-1622, 40-2227 and 75-6301 and K.S.A. 2019 Supp. 40-246c, 40-2c01, 40-1621, 40-4902, 40-4903, 40-4905, 40-4909, 40-4912, 40-4915, 40-5505 and 40-5512 and repealing the existing sections."; and the substitute bill be passed.

**HB 2619** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2619," as follows:

"Senate Substitute for HOUSE BILL No. 2619

By Committee on Financial Institutions and Insurance

"AN ACT concerning financial institutions; enacting the Kansas economic recovery loan deposit program; relating to credit unions, field of membership; banks, trust companies and savings and loan institutions, privilege tax, deduction of net interest received from certain agricultural real estate loans and single family residence loans; amending K.S.A. 75-4237 and 79-1109 and K.S.A. 2019 Supp. 17-2205 and repealing the existing sections."; and the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2034** be amended by adoption of the amendments recommended by the Senate Committee on Judiciary, as reported in the Journal of the Senate on March 21, 2019; the bill, as printed with Senate Committee amendments, be further amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2034," as follows:

"Senate Substitute for HOUSE BILL No. 2034

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to restitution; time of payment; amending K.S.A. 2019 Supp. 21-6604 and 21-6607 and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2137** be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2137," as follows:

"Senate Substitute for HOUSE BILL No. 2137

By Committee on Judiciary

"AN ACT concerning open records; relating to the open records act, exceptions to the disclosure of public records; legislative review of expiring sections, continuing such exceptions; eliminating a photograph record requirement in the scrap metal theft reduction act; amending K.S.A. 2018 Supp. 50-6,110, as amended by section 6 of chapter 66 of the 2019 Session Laws of Kansas, and K.S.A. 2019 Supp. 9-1810, 40-223j, 45-229 and 50-6a11 and repealing the existing sections."; and the substitute bill be passed.

**HB 2713**, as amended by House Committee, be amended on page 2, in line 9, after "record" by inserting ", including an official notary seal";

On page 4, in line 22, after "state" by inserting "or by federal law";

On page 5, in line 3, by striking the colon; in line 4, by striking "(1)"; in line 5, by striking "(A)" and inserting "(1)"; in line 8, by striking the semicolon; by striking all in lines 9 through 20; in line 21, by striking all before the period; in line 25, after "(c)" by inserting "The signature and title of a notarial officer described in subsection (a)(1) or (2) conclusively establish the authority of the officer to perform the notarial act.

(d)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 9, in line 20, by striking the second comma and inserting "and"; also in line 20, by striking "and (a)(5)";

On page 11, in line 3, by striking "a" and inserting "only one"; also in line 3, after "journal" by inserting "in a tangible medium or one or more journals in an electronic format";

On page 17, in line 12, by striking "4(b)" and inserting "25(b)";

On page 19, following line 1, by inserting:



"New Sec. 32. All notarial acts performed by a notary public of this state while the requirements that a person must appear before a notary public are suspended pursuant to an executive order or other state law shall be valid as if the individual had appeared before the notary public, notwithstanding any failure of any individual to appear personally before the notary public, if the notarial act meets all requirements prescribed by such executive order or other state law and all requirements prescribed by law that do not relate to appearance before the notary public.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "ACT" by inserting "concerning notarial acts;"; also in line 1, after the semicolon by inserting "validating certain notarial acts performed while the requirements that a person must appear before a notary public are suspended;"; and the bill be passed as amended.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning, an emergency was declared and the following bills: **S Sub Sub HB 2018; S Sub HB 2034, S Sub HB 2118, S Sub HB 2137; HB 2244, HB 2396; HB 2447, HB 2466; S Sub HB 2480, S Sub HB 2585, S Sub HB 2619, S Sub HB 2713**, were advanced to that order of business Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call.

Senator Tyson moved that the committee report on **S Sub HB 2118** be adopted. The motion passed.

Senator Tyson moved to amend **S Sub HB 2118**; as amended by House Committee of the Whole, as amended by the Senate Committee on Assessment and Taxation by substituting with a new bill designated as "Senate Substitute for House Bill No. 2118" by the committee report designated cr\_2020\_hb2118\_s\_3417, adopted by the Senate Committee of the Whole on May 21, 2020, in new section 1(f) of the substitute bill, by striking the written material in subsection (f);

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Following the written material in section 7 of the substitute bill, by inserting:

"Sec. 8. K.S.A. 79-2024 is hereby amended as follows: 79-2024. Notwithstanding any other provision of law to the contrary, the county treasurer of every county may accept partial payment ~~of~~ or establish a payment plan for delinquent or nondelinquent real property tax or personal property tax in accordance with payment guidelines established therefor by the county treasurer. Nothing in this section shall be construed to modify any consequences of untimely payment.";

In section 8 of the substitute bill, after "79-1801," by inserting "79-2024,";

And by renumbering sections accordingly;

In the title of the substitute bill, after "publication" by inserting ", payment plans"; also in the title, after "79-1801," by inserting "79-2024,"; the amendment was adopted.

**S Sub HB 2118** be further amended by motion of Senator Holland; as amended by House Committee of the Whole, as amended by the Senate Committee on Assessment and Taxation by substituting with a new bill designated as "Senate Substitute for House Bill No. 2118" by the committee report designated cr\_2020\_hb2118\_s\_3417, adopted by the Senate Committee of the Whole on May 21, 2020, following the written material in section 7 of the substitute bill, by inserting:

"New Sec. 8. The provisions of sections 8 through 24, and amendments thereto,

shall be known and may be cited as the golden years homestead property tax freeze act. The purpose of this act shall be to provide refunds arising from increased ad valorem tax assessments to: (a) Certain persons who are of qualifying age and who own their homesteads; or (b) certain persons who have a disability as a result of military service and who own their homesteads.

New Sec. 9. As used in this act:

- (a) "Act" means the golden years homestead property tax freeze act.
  - (b) "Base year" means the year in which an individual becomes an eligible claimant and who is also eligible for a claim for refund pursuant to section 23, and amendments thereto. For any individual who would otherwise be an eligible claimant prior to 2019, such base year shall be deemed to be 2019 for the purposes of this act. In the event an individual is no longer an eligible claimant under this act, the individual shall establish a new base year in the year that the individual becomes an eligible claimant.
  - (c) "Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in section 10, and amendments thereto, both domiciled in this state and was: (1) A person who is 65 years of age or older; or (2) a disabled veteran. The surviving spouse of a person 65 years of age or older or a disabled veteran who was receiving benefits pursuant to this section at the time of the claimant's death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.
  - (d) "Disabled veteran" means a person who is a resident of Kansas and has been honorably discharged from active service in any branch of the armed forces of the United States or the Kansas national guard and who has been certified by the United States department of veterans affairs or its successor to have a 50% permanent disability sustained through military action or accident or resulting from a disease contracted while in such active service.
  - (e) "Homestead" means the dwelling, or any part thereof, owned and occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes one or more joint tenants or tenants in common.
- When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to who the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue, whose decision shall be final.
- (f) "Household" means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as married individuals who together occupy a homestead.
  - (g) "Household income" means all income received by all persons of a household in a calendar year while members of such household.
  - (h) "Income" means the sum of adjusted gross income under the Kansas income tax act effective for tax year 2020, and tax years thereafter, without regard to any maintenance, support money, cash public assistance and relief, not including any refund granted under this act, the gross amount of any pension or annuity, including all monetary retirement benefits from whatever source derived, including, but not limited

to, all payments received under the railroad retirement act, except disability payments, payments received under the federal social security act, except that for determination of what constitutes income, such amount shall not exceed 50% of any such social security payments and shall not include any social security payments to a claimant who, prior to attaining full retirement age, had been receiving disability payments under the federal social security act in an amount not to exceed the amount of such disability payments or 50% of any such social security payments, whichever is greater, all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of loss of time insurance. Income does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income. Income does not include veterans disability pensions or disability payments received under the federal social security act.

(i) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's homestead in 2019 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of the claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are levied when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead for only a part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in that year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homesteads during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes that is equal to the percentage of the value of the homestead compared to the total unit's value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

New Sec. 10. The right to file a claim under this act may be exercised on behalf of a claimant by such person's legal guardian, conservator or attorney-in-fact. When a claimant dies after having filed a timely claim, the amount thereof shall be disbursed to another member of the household as determined by the director of taxation. If the claimant was the only member of such person's household, the claim may be paid to such person's executor or administrator, but if neither is appointed and qualified, the amount of the claim may be paid upon a claim duly made to any heir at law. In the absence of any such claim within two years of the filing of the claim, the amount of the claim shall escheat to the state. When a person who would otherwise be entitled to file a claim under the provisions of this act dies prior to filing such claim, another member of such person's household may file such claim in the name of such decedent, subject to the deadline prescribed by section 12, and amendments thereto, and the director shall

pay the amount to which the decedent would have been entitled to such person filing the claim. If the decedent was the only member of such person's household, the decedent's executor or administrator may file such claim in the name of the decedent, and the claim shall be paid to the executor or administrator. In the event that neither an executor or administrator is appointed and qualified, such claim may be made by any heir at law and the claim shall be payable to such heir at law. Any of the foregoing provisions shall be applicable in any case where the decedent dies in the calendar year preceding the year in which a claim may be made under the provisions of this act, if such decedent was a resident of or domiciled in this state during the entire part of such year that such decedent was living. Where the decedent's death occurs during the calendar year preceding the year in which a claim may be made, the amount of the claim that would have been allowable if the decedent had been a resident of or domiciled in this state the entire calendar year of such person's death shall be reduced in a proportionate amount equal to a fraction of the claim otherwise allowable, the numerator of which fraction is the number of months in such calendar year following the month of the decedent's death, and the denominator of which is 12.

New Sec. 11. A claimant may claim property tax relief under this act with respect to property taxes accrued and, after audit by the director of taxation with respect to this act, the allowable amount of such claim shall be paid, except as otherwise provided in sections 13, 22 and 24, and amendments thereto, to the claimant from the income tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or by any person designated by the claimant, but no warrant issued shall be drawn in an amount of less than \$5. No interest shall be allowed on any payment made to a claimant pursuant to this act.

New Sec. 12. Except as provided in section 21, and amendments thereto, no claim in respect of property taxes levied in any year shall be paid or allowed unless such claim is actually filed with and in the possession of the department of revenue on or before April 15 of the year next succeeding the year in which such taxes were levied.

New Sec. 13. The amount of any claim otherwise payable under this act may be applied by the director of taxation against any liability outstanding on the books of the department of revenue against the claimant, or against any other individual who was a member of such person's household in the year that the claim relates.

New Sec. 14. Only one claimant per household per year shall be entitled to relief under this act.

New Sec. 15. (a) Commencing in tax year 2020, and all tax years thereafter, the amount of any claim pursuant to this act shall be computed by deducting the homestead ad valorem tax amount in the tax year the refund is sought from the amount of a claimant's base year homestead ad valorem tax amount.

(b) The amount of claim shall be computed only to the nearest \$1.

(c) A taxpayer shall not be eligible for a claim pursuant to this act if such taxpayer has received for such property for such tax year a homestead property tax refund pursuant to K.S.A. 79-4501 et seq., and amendments thereto.

(d) The maximum amount of a claim that may be claimed by a claimant in any one tax year pursuant to this act shall be \$2,500.

New Sec. 16. In administering this act, the director of taxation shall make available suitable forms with instructions for claimants. Copies of such forms shall also be made available to all county clerks and county treasurers in sufficient numbers to supply

claimants residing in their respective counties. It shall be the duty of the county clerk to assist any claimant seeking assistance in the filing of a claim under the provisions of this act. The county treasurer of each county shall mail to each taxpayer, with the property tax statement of such taxpayer, information on eligibility for relief under this act to be provided by the secretary of revenue.

The secretary of revenue is hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of this act.

New Sec. 17. (a) Every claimant under this act shall supply to the director of taxation, in support of a claim, reasonable proof of age and changes of homestead, household membership, household income, household assets and size and nature of property claimed as the homestead.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the director of taxation, in support of a claim, the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the director, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) The information required to be furnished under subsection (b) shall be in addition to that required under subsection (a).

New Sec. 18. In any case in which it is determined that a claim is or was excessive and was filed with fraudulent intent, the claim shall be disallowed in full, and, if the claim has been paid, the amount paid may be recovered by assessment as income taxes are assessed, and such assessment shall bear interest from the date of payment or credit of the claim, until recovered, at the rate of 1% per month. The claimant in such case and any person who assisted in the preparation or filing of such excessive claim, or supplied information upon which such excessive claim was prepared, with fraudulent intent, shall be guilty of a class B misdemeanor. In any case in which it is determined that a claim is or was excessive and was negligently prepared, 10% of the corrected claim shall be disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed, and such assessment shall bear interest at the rate of 1% per month from the date of payment until recovered. In any case in which it is determined that a claim is or was excessive due to the fact that the claimant neglected to include certain income received during the year, the claim shall be corrected and the excess disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed.

New Sec. 19. No claim for relief under the provisions of this act shall be allowed to any claimant who is a recipient of public funds specifically designated for the payment of taxes during the period for which the claim is filed.

New Sec. 20. A claim shall be disallowed if the director of taxation finds that the claimant received title to such person's homestead primarily for the purpose of receiving benefits under this act.

New Sec. 21. For claims in respect to property taxes levied in any year, the director of taxation may extend the time for filing any claim or accept a claim filed after the

filing deadline when good cause exists, if the claim has been filed within four years of the deadline.

New Sec. 22. (a) The director of taxation shall issue to the county clerk by October 1 of each year an electronic record containing the name of each eligible claimant who received a refund of property taxes under this act for the prior year.

(b) When initially filing a claim under this act, the claimant shall be given an election to receive such refund directly from the director of taxation or have such refund applied to the claimant's ad valorem taxes in the county. The claimant shall make the election on a form supplied by the director of taxation. Such refund shall not be applied to any special assessment.

(c) After the electronic record under subsection (a) has been received from the director of taxation, the county clerk of the county in which the property is located shall make any corrections needed, if any, based upon information known by the county clerk concerning any change in eligibility of any claimant listed in such record. After any needed corrections have been made to the electronic record, the county clerk, on behalf of each claimant listed in such record, shall certify the information contained in such record to the county treasurer in lieu of paying that portion of the first half of taxes on the claimant's homestead in the current year, which equals the amount of the golden years homestead property tax freeze refund received by the claimant for taxes levied in the preceding year up to the amount of the first half of the property taxes due.

(d) The county treasurer shall certify and return the electronic record referred to in subsection (a), including any changes made by the county clerk pursuant to subsection (c), to the director of taxation by December 31 of each year. After receiving a claim of any claimant who is listed in the electronic record submitted by the county treasurer, the director shall examine the same, and, if the claim is valid, the director of accounts and reports shall draw a warrant in favor of the county in which the claimant's homestead is located upon a voucher approved by the director of taxation in the amount of the allowable claim for refund. Sufficient information to identify the claimant shall be directed to the county treasurer with each warrant. Any taxes levied in any year on the homestead of any claimant who has obtained the eligibility herein provided for in excess of the amount paid to the county by the state and by the claimant on or before December 20 of such year shall be paid by the claimant on or before May 10 of the succeeding year.

(e) For the purposes of this section, "electronic record" shall have the meaning ascribed to it in K.S.A. 16-1602, and amendments thereto.

New Sec. 23. A claimant shall only be eligible for a claim for refund under this act if: (a) The household income for the year in which the claim is filed is \$50,000 or less; and (b) the appraised value of the homestead is \$350,000 or less.

New Sec. 24. If there are delinquent property taxes on the claimant's homestead, the refund shall be paid to the county treasurer of the county in which such homestead is located and applied first to the oldest of such delinquent property taxes and applied forward to the most recent delinquent property taxes and then to any other property taxes due on the claimant's homestead.

Sec. 25. K.S.A. 79-32,263 is hereby amended to read as follows: 79-32,263. This act shall be known and may be cited as the selective assistance for effective senior relief (SAFESR). There shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, the following: (a) For tax years 2008, 2009

and 2010, an amount equal to 45% of the amount of property and ad valorem taxes actually and timely paid as described in this section; and (b) for tax year 2011 ~~and all tax years thereafter~~ through tax year 2019, an amount equal to 75% of the amount of property and ad valorem taxes actually and timely paid by a taxpayer who is 65 years of age or older and who has household income equal to or less than 120% of the federal poverty level for two persons if such taxes were paid upon real or personal property used for residential purposes of such taxpayer which is the taxpayer's principal place of residence for the tax year in which the tax credit is claimed. The amount of any such credit for any such taxpayer shall not exceed the amount of property and ad valorem taxes paid by such taxpayer as specified in this section. A taxpayer shall not take the credit pursuant to this section if such taxpayer has received a homestead property tax refund pursuant to K.S.A. 79-4501 et seq., and amendments thereto, for such property for such tax year. Subject to the provisions of this section, if the amount of such tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount of such excess credit which exceeds such tax liability shall be refunded to the taxpayer. The secretary of revenue shall adopt rules and regulations regarding the filing of documents that support the amount of the credit claimed pursuant to this section. For purposes of this section, "household income" means all income as defined in K.S.A. 79-4502(a), and amendments thereto, including any payments received under the federal social security act, received by persons of a household in a calendar year while members of such household. The provisions of this act shall be part of and supplemental to the homestead property tax refund act.":

In section 8 of the substitute bill, after "79-2303" by striking "and" and inserting a comma; after "79-2925c" by inserting "and 79-32,263";

And by renumbering sections accordingly;

In the title of the substitute bill, after "maintenance;" by inserting "establishing the golden years homestead property tax freeze act; providing for expiration of selective assistance for effective senior relief (SAFESR) credit;"; after "79-2303" by striking "and" and inserting a comma; after "79-2925c" by inserting "and 79-32,263"

Senator Olson called the question on the Holland amendment and upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 28; Nays 9; Present and Passing 3; Absent or Not Voting 0.

Yeas: Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Miller, Petersen, Pettey, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson. Ware, Wilborn.

Nays: Alley, Denning, Estes, Kerschen, Longbine, Lynn, Olson, Pyle, Wagle.

Present and Passing: Masterson, McGinn, Rucker.

The amendment was adopted.

#### EXPLANATION OF VOTE

Madame President: As a 32-year-veteran myself with two deployments in times of war, I have the utmost respect for veterans and especially disabled veterans. But I also stand in support of seniors currently receiving support from the current Safe Seniors Program. In these challenging financial times I cannot in good conscience pull the financial rug out from the elderly currently receiving relief under the current Safe

Senior Program. I very much look forward to looking at independent disabled veteran property tax legislation in the 2021 session.—KEVIN BRAUN

Senator Olson moved to amend **S Sub HB 2118**; as amended by House Committee of the Whole, as amended by the Senate Committee on Assessment and Taxation by substituting with a new bill designated as "Senate Substitute for House Bill No. 2118" by the committee report designated cr\_2020\_hb2118\_s\_3417, adopted by the Senate Committee of the Whole on May 21, 2020, following the written material in section 3 of the substitute bill, by inserting:

"Sec. 4. Notwithstanding any provisions of law to the contrary, for 2020 and 2021, the valuation of any parcel of real property shall not exceed the parcel's 2019 valuation as long as such parcel has had no new construction.";

And by renumbering sections accordingly;

In the title of the substitute bill, after "maintenance;" by inserting "valuation of real property;"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 9; Nays 30; Present and Passing 1; Absent or Not Voting 0.

Yeas: Baumgardner, Hilderbrand, Lynn, Masterson, Olson, Petersen, Pyle, Rucker, Thompson.

Nays: Alley, Berger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, McGinn, Miller, Pettey, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware, Wilborn.

Present and Passing: Billinger.

The amendment was rejected.

#### EXPLANATION OF VOTE

Madame President: I respect both the carrier of the amendment and the intent of this amendment but am deeply concerned that it will create second and third order effects on the counties ability to conduct their activities. I am concerned that we are just "kicking the can down the road" on the costs related to this amendment. In a time when I am working to return local control to our counties and county leadership, I cannot place a restriction on them that may further exacerbate an already challenging financial situation.—KEVIN BRAUN

**S Sub HB 2118**, AN ACT concerning property taxation; relating to tax rates, truth in taxation, establishing notice and public hearing requirements prior to approval to exceed revenue neutral rate, discontinuing the city and county tax lid; relating to time for payment of real property and personal property taxes, providing for waiver of interest and fees for a certain period of time, listing delinquent real estate subject to sale, publication, payment plans; relating to valuation of real property, prohibiting valuation increase solely as the result of normal repair, replacement or maintenance; establishing the golden years homestead property tax freeze act; providing for expiration of selective assistance for effective senior relief (SAFESR) credit; amending K.S.A. 79-1460, 79-1801, 79-2024, 79-2302, 79-2303, 79-2925c and 79-32,263 and repealing the existing sections.



On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Suellentrop, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Nays: Hardy, Skubal.

Present and Passing: Francisco, Hawk, Sykes.

The substitute bill passed, as amended.

Senator Tyson moved that the committee report on **HB 2466** be adopted. The motion passed.

**HB 2466**, AN ACT concerning taxation; relating to income and privilege taxes; enacting the Kansas taxpayer protection act, relating to paid tax return preparers, requiring a signature and tax identification number on returns and claims and authorizing actions by the secretary of revenue to enjoin certain conduct; extending certain return filing and tax payment deadlines; amending K.S.A. 79-1110, 79-3221 and 79-3225 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The bill passed, as amended.

Vice President Longbine assumed the chair.

Senator Wilborn moved that the committee report on **S Sub HB 2137** be adopted. The motion passed.

Senator Denning called the question. On a voice vote debate was halted.

**S Sub HB 2137**, AN ACT concerning open records; relating to the open records act, exceptions to the disclosure of public records; legislative review of expiring sections, continuing such exceptions; eliminating a photograph record requirement in the scrap metal theft reduction act; amending K.S.A. 2018 Supp. 50-6,110, as amended by section 6 of chapter 66 of the 2019 Session Laws of Kansas, and K.S.A. 2019 Supp. 9-1810, 40-223j, 45-229 and 50-6a11 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The substitute bill passed.

Senator Olson moved that the committee report on **S Sub HB 2619** be adopted. The motion passed.

Senator Olson called the question. The motion passed by voice vote.

**S Sub HB 2619**, AN ACT concerning financial institutions; enacting the Kansas economic recovery loan deposit program; relating to credit unions, field of membership; banks, trust companies and savings and loan institutions, privilege tax, deduction of net interest received from certain agricultural real estate loans and single family residence loans; amending K.S.A. 75-4237 and 79-1109 and K.S.A. 2019 Supp. 17-2205 and repealing the existing sections.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pyle, Rucker, Skubal, Suellentrop, Taylor, Thompson, Tyson, Wagle, Wilborn.

Nays: Bollier, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Sykes, Ware.

The substitute bill passed.

#### EXPLANATION OF VOTE

Mr. Vice President: I vote “NO” on **Senate Substitute for HB 2619**. I am concerned that although it has been argued that this would “level the playing field” between banks and credit unions, this bill creates an unlevel playing field between the banks and the Federal Farm Credit System. I also believe that this is not the time to take actions that will reduce the amount of money coming into the state treasury without knowing that those actions will help our Kansas individuals and businesses who are struggling. Currently, many banks are in an enviable position of profiting from service fees from federal loan programs so can pay income taxes. And although I support the new economic loan recovery program, banks and businesses already have access to funds at record low interest rates. It would have helped to have the amendment that was described to put oversight of the program into the Department of Commerce added to the bill.—MARCI FRANCISCO

Senator Masterson moved the adoption of the committee report on **S Sub HB 2585**. The motion passed.

**S Sub HB 2585**, AN ACT concerning utilities; relating to the state corporation commission; approval of certain contract and reduced electric rates; approval of cost recovery from rate classes; report to the legislature; income taxation; exemption from income taxation, certain public utilities; income tax expenses, exclusion from retail electric rates; amending K.S.A. 79-32,113 and repealing the existing section.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Nays: Bollier.

The substitute bill passed, as amended.

Senator Masterson moved to adopt the committee report on **S Sub Sub HB 2018**.

The motion passed.

An amendment was offered by Senator Sykes.

Senator Denning called the question.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16; Nays 24; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bollier, Denning, Doll, Faust-Goudeau, Francisco, Haley, Hardy, Hawk, Hensley, Holland, Miller, Pettey, Skubal, Sykes, Taylor, Ware.

Nays: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Estes, Givens, Goddard, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pyle, Rucker, Suellentrop, Thompson, Tyson, Wagle, Wilborn.

The motion failed.

A ruling of the chair was requested as to the germaneness of the bill. The Chair of the Rules Committee ruled the amendment not germane.

Senator Sykes challenged the ruling of the chair.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pyle, Rucker, Suellentrop, Thompson, Tyson, Wagle, Wilborn.

Nays: Bollier, Doll, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Skubal, Sykes, Taylor, Ware.

The ruling of the chair was sustained.

#### EXPLANATION OF VOTE

Mr. Vice President: Thank you. This is my last day in this chamber and I will be discussing that later. But the moral imperative of this state to protect its citizens and allow them the opportunity to access healthcare has never been more urgent – as spoken so clearly by our president to the urgency we have in this body to do what is safe and best for people. We have been bridled and throttled this entire year when the votes exist in this chamber to pass Medicaid expansion. We have the votes. Kansas voters want us to pass this bill. So yes, this is an unprecedented time, and while I fully respect the committee and their decision, desperate times call for desperate measures. People in Kansas are desperate, and they need healthcare. So I vote “No.” —BARBARA BOLLIER

Senators Francisco, Hawk and Sykes request the record to show they concur with the explanation of vote offered by Senator Bollier.

#### EXPLANATION OF VOTE

Mr. Vice President: The question was if the proposed Amendment was germane to the base bill. Anyone in this body who cannot tell that a healthcare amendment is not germane to a utilities bill needs to reread the word germane in the dictionary. This body is only as good as its rules and for me it would just be dishonest to vote that healthcare is germane to utilities. I support the rules committee in their finding and applaud them for their integrity. On the actual contents of the proposed amendment, I wish all of those who are currently advocating for indigent healthcare would have joined me this session

when I brought a bill to double the funding for Kansas Community Based Primary Care Clinics. But those expressing concern now were nowhere to be found on that bill. I also wish they were supportive when just a few weeks ago, on this Senate floor, I brought an amendment to move \$16.5 million in uncommitted funds within the budget to the Kansas Community Based Primary Care Clinics that would have tripled their budget. But once again, they were nowhere to be found. Those funds would have been the perfect answer in this current crisis for direct care for the exact people they say they are interested in providing healthcare to. In regard to the reference to Medicaid Expansion I am committed to Protect the Promise that was made long ago to the Elderly, Handicapped, Pregnant Women and Impoverished Children. My promise is to place this most vulnerable group at the front of any line for government subsidized Medicaid healthcare services.—KEVIN BRAUN

**S Sub Sub HB 2018**, AN ACT concerning telecommunications; relating to the video competition act; video service providers; provision of communications service; definitions; restricting cities and counties from imposing certain regulations and fees; amending K.S.A. 2019 Supp. 12-2022 and 12-2023 and repealing the existing sections.

On roll call, the vote was: Yeas 33; Nays 5; Present and Passing 2; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Estes, Faust-Goudeau, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pyle, Rucker, Suellentrop, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Nays: Bollier, Haley, Pettey, Skubal, Sykes.

Present and Passing: Doll, Francisco.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

Mr. Vice President: I “PASS” on the vote on the **Senate Substitute for Substitute for HB 2018**. I had heard the contents of this bill as a member of the Senate Utilities Committee in the hearing on **SB 380**. The Committee made several amendments, but I understood that there was not yet agreement between members of the Kansas Cable Telecommunications Association (KCTA) and the League of Kansas Municipalities (LKM) and several cities they represent. I understood that discussion would be continuing in the House. The House Committee on Energy, Utilities, and Communications heard from the proponents on March 12th, however the hearing for the opponents scheduled for March 17th was cancelled. Since an agreement was not reached, I am not comfortable voting for this bill without giving both sides the opportunity to testify in the House, and for the House Committee to make recommendations or meet in conference on this bill.—MARCI FRANCISCO

Senator Doll request the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **S Sub Sub HB 2018**.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

## AFTERNOON SESSION

The Senate met pursuant to recess with Vice President Longbine in the chair.

**STANDING COMMITTEE REPORTS**

Committee on **Judiciary** recommends **HB 2244**, as amended by House Committee, be amended by substituting with a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2244," as follows:

"Senate Substitute for HOUSE BILL No. 2244

By Committee on Judiciary

"AN ACT concerning civil actions and civil procedure; enacting the COVID-19 response and reopening for business liability protection act; relating to limitations on liability associated with the COVID-19 public health emergency; providing immunity from civil liability for healthcare providers during the COVID-19 public health emergency."; and the substitute bill be passed.

Also, **HB 2396** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2396," as follows:

"Senate Substitute for HOUSE BILL No. 2396

By Committee on Judiciary

"AN ACT concerning governmental response to the 2020 COVID-19 pandemic in Kansas; providing certain relief related to health, welfare, property and economic security during this public health emergency; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the legislative coordinating council and the governor's department; relating to the state of disaster emergency; powers of the governor and executive officers; providing certain limitations and restrictions; business and commercial activities, local health officials; violations of the emergency management act; requiring county health officers to share certain information with first responder agencies and 911 call centers; imposing requirements on the Kansas department for aging and disability services related to infection prevention and control practices and recommendations, infection control inspections and providing personal protective equipment; authorizing the expanded use of telemedicine in response to the COVID-19 public health emergency; imposing requirements related thereto; suspending certain requirements related to medical care facilities; expiring such provisions; relating to changes in the employment security law in response to the COVID-19 public health emergency; eligibility for benefits; contribution rates; federal reimbursement; employer notifications; shared work plan eligibility; amending K.S.A. 48-923, 48-939 and 65-468 and K.S.A. 2019 Supp. 44-702, 44-705, as amended by section 2 of 2020 Senate Bill No. 27, 44-709, 44-710, 44-757 and 48-925 and repealing the existing sections."; and the substitute bill be passed.

**HB 2447**, as amended by House Committee, be amended on page 1, following line 36, by inserting:

"(e) All existing ordinances and charter ordinances relating to the use of two-way electronic audio-visual communication in municipal court shall remain in effect until amended or repealed by such city.";

On page 2, in line 2, before "Subject" by inserting "(a)"; following line 8, by inserting:

"(b) All existing ordinances and charter ordinances relating to the use of two-way

electronic audio-visual communication in municipal court shall remain in effect until amended or repealed by such city.";

Also on page 2, in line 10, before "Arrestment" by inserting "(a)"; following line 15, by inserting:

"(b) All existing ordinances and charter ordinances relating to the use of two-way electronic audio-visual communication in municipal court shall remain in effect until amended or repealed by such city.";

Also on page 2, in line 17, before "The" by inserting "(a)"; following line 23, by inserting:

"(b) All existing ordinances and charter ordinances relating to the use of two-way electronic audio-visual communication in municipal court shall remain in effect until amended or repealed by such city."; and the bill be passed as amended.

#### **MESSAGE FROM THE HOUSE**

The following bills were stricken from the Calendar on May 1, 2020 in accordance with House Rule 1507: **SB 270; H Sub SB 271; SB 275, SB 277, SB 284; H Sub SB 285; SB 289, SB 290, SB 292, SB 304, SB 305, SB 306, SB 307, SB 326, SB 354, SB 373, SB 382, SB 384, SB 405, SB 420.**

The House nonconcur in Senate amendments to **S Sub HB 2054**, requests a conference and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2510**, requests a conference and has appointed Representatives Waymaster, Hoffman and Wolfe Moore as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2702**, requests a conference and has appointed Representatives Tarwater, Corbet and Frownfelter as conferees on the part of the House.

#### **ORIGINAL MOTION**

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of amendment, debate and roll call on the the following bills: **S Sub HB 2054; HB 2510, HB 2702.**

#### **CHANGE OF CONFERENCE**

Under the authority of the President, the Vice President appointed Senators McGinn, Billinger and Hawk to replace Senators Petersen, Goddard and Pettey as members of the conference committee on **HB 2246.**

#### **ORIGINAL MOTION**

On motion of Senator Kerschen, the Senate acceded to the request of the House for a conference on **HB 2702.**

The Vice President appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

On motion of Senator Baumgardner, the Senate acceded to the request of the House for a conference on **HB 2510.**

The Vice President appointed Senators Baumgardner, Alley and Sykes as conferees on the part of the Senate.

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **S Sub HB 2054**.

The Vice President appointed Senators Wilborn, Rucker and Miller as conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

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The Senate met pursuant to recess with Vice President Longbine in the chair.

### **SPECIAL REMARKS**

Every year, the Senate Education Committee has the honor to recognize the 8 regional Teachers of the Year and the Kansas Teacher of the Year. This year Mrs. Tabatha Rosproy, a preschool teacher whose classroom is housed in a retirement village, was named Kansas Teacher of the Year. Mrs. Rosproy's classroom provides a unique learning environment between the children and the grandparent volunteers. Both the children and the grandparent helpers benefit from this arrangement. This morning, on CBS This Morning, Mrs. Tabatha Rosproy from Winfield was named the 2020 National Teacher of the Year. According to Kansas records, Mrs. Rosproy is the first National Teacher of the Year in over 50 years. Congratulations! – SENATOR LARRY ALLEY

### **MESSAGES FROM THE HOUSE**

The House announced the appointment of Representatives Waymaster, Hoffman and Wolfe Moore as conferees on **HB 2246**.

The House announced the appointment of Representatives Tarwater, Corbet and Frownfelter as conferees on **HB 2510**.

The House announced the appointment of Representatives Johnson, Mason and Gartner as conferees on **HB 2702**.

The House nonconcurrs in Senate amendments to **HB 2466**, requests a conference and has appointed Representatives Patton, Ralph and Carmichael as conferees on the part of the House.

The House concurs in Senate amendments to **S Sub HB 2137**.

The House concurs in Senate amendments to **S Sub HB 2585**.

### **ORIGINAL MOTION**

On motion of Senator Wilborn, the Senate acceded to the request of the House for a conference on **HB 2466**.

The Vice President appointed Senators Wilborn, Rucker and Miller as conferees on the part of the Senate.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

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### **EVENING SESSION**

The Senate met pursuant to recess with President Wagle in the chair.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following Senate Concurrent Resolution was introduced and read by title:

**SCR 1616**, A CONCURRENT RESOLUTION ratifying the State of Disaster Emergency declarations issued by Governor Laura Kelly and providing for the continuation thereof for the entire 105 counties of Kansas on and after March 12, 2020, through January 25, 2021.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

President Wagle referred **SCR 1616** to the Committee on **Judiciary**.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2054** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

RICHARD WILBORN  
ERIC RUCKER  
*Conferees on part of Senate*

FRED C. PATTON  
BRAD RALPH  
JOHN CARMICHAEL  
*Conferees on part of House*

On motion of Senator Wilborn the Senate adopted the conference committee report on **S Sub HB 2054**, and requested a new conference be appointed.

The President appointed Senators Wilborn, Rucker and Miller as a second Conference Committee on the part of the Senate on **S Sub HB 2054**.

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2702** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

CARYN TYSON  
DAN KERSCHEN  
*Conferees on part of Senate*

STEVEN C. JOHNSON  
LES MASON  
*Conferees on part of House*

On motion of Senator Tyson the Senate adopted the conference committee report on **HB 2702**, and requested a new conference be appointed.

The President appointed Senators Tyson, Kerschen and Holland as a second Conference Committee on the part of the Senate on **HB 2702**.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

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The Senate met pursuant to recess with President Wagle in the chair.

### MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2054**, and has appointed Representatives Patton, Ralph and Ward as Second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2702**, and has appointed Representatives Johnson, Mason and Gartner as Second conferees on the part of the House.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2702** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 28; following line 28, by inserting:

"New Section 1. The provisions of sections 1 through 6, and amendments thereto, shall be known and may be cited as the Kansas taxpayer protection act.

New Sec. 2. As used in this act:

(a) (1) "Paid tax return preparer" means any person who prepares or substantially prepares for compensation, or who employs one or more persons who prepare or substantially prepare for compensation, any income tax return or claim for refund, required to be filed pursuant to K.S.A. 79-3201 et seq., and amendments thereto.

(2) "Paid tax return preparer" does not include the following:

(A) An individual licensed as a certified public accountant in this state under K.S.A. 1-302b or 1-322, and amendments thereto;

(B) an individual licensed as a certified public accountant in another licensing jurisdiction and practicing in this state under K.S.A. 1-302b or 1-322, and amendments thereto; or

(C) an individual employed by a firm licensed in this state under K.S.A. 1-308, and amendments thereto, and preparing a return under the supervision of an individual described in subparagraph (A) or (B).

(b) "Secretary" means secretary of the Kansas department of revenue.

New Sec. 3. (a) On and after January 1, 2021, any income tax return or claim for refund prepared or substantially prepared by a paid tax return preparer shall be signed by the paid tax return preparer and shall bear the paid tax return preparer's federal internal revenue service preparer tax identification number. Any paid tax return preparer who fails to sign the income tax return or claim for refund or who fails to provide the preparer's federal internal revenue service preparer tax identification number shall pay a civil penalty of \$50 for each such failure to the Kansas department of revenue, unless it can be shown that the failure was due to reasonable cause and not willful or reckless conduct. The penalty imposed on any paid tax return preparer with respect to returns or claims for refund filed during any calendar year shall not exceed \$25,000 per paid tax return preparer.

(b) The penalty shall be imposed pursuant to this section upon the written order of the secretary or the secretary's designee to the paid tax return preparer who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the paid tax return preparer to appeal the order. Such order shall be subject to appeal and review in the manner provided by the Kansas administrative procedure act.

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

New Sec. 4. (a) The secretary or the secretary's designee is hereby authorized to enjoin any person from engaging in conduct described in subsection (b) or from further action as a paid tax return preparer under the provisions of the Kansas taxpayer protection act who is found to be in violation of this act. The secretary or the secretary's designee shall be entitled in any proceeding brought for such purpose to have an order restraining such person from engaging in conduct in violation of the provisions of this act. No bond shall be required for any such restraining order or for any temporary or permanent injunction issued in such proceedings. The secretary may commence suit in a court of competent jurisdiction to enjoin any paid tax return preparer from further engaging in any conduct described in subsection (b) or from further action as a paid tax return preparer in this state. The secretary may request the assistance of the attorney general or the attorney general's duly authorized designee to enforce provisions of this section.

(b) In an action pursuant to subsection (a), the court may enjoin the paid tax return preparer from further engaging in any conduct described in this subsection, if the court finds that injunctive relief is appropriate to prevent the occurrence of such conduct. The court may issue an injunction when the paid tax return preparer has engaged in any of the following conduct:

(1) Prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to an unreasonable position. As used in this subsection, "unreasonable position" means the same as defined by section 6694(a)(2) of the federal internal revenue code;

(2) prepared any income tax return or claim for refund that includes an understatement of a taxpayer's liability due to the paid tax return preparer's willful or reckless conduct. As used in this subsection, "willful or reckless conduct" means the same as defined by section 6694(b)(2) of the federal internal revenue code;

(3) where required, failed to do any of the following:

(A) Furnish a copy of the income tax return or claim for refund;

(B) sign the income tax return or claim for refund;

(C) furnish an identifying number;

(D) retain a copy of the income tax return or claim for refund; or

(E) be diligent in determining eligibility for tax benefits;

(4) negotiated a check issued to the taxpayer by the department of revenue without the permission of the taxpayer;

(5) engaged in any conduct subject to any criminal penalty provided for in chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(6) misrepresented the paid tax return preparer's eligibility to practice before the department of revenue or otherwise misrepresented the paid tax return preparer's

experience or education;

(7) guaranteed the payment of any income tax refund or the allowance of any income tax credit; or

(8) engaged in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of the tax laws of the state of Kansas.

(c) If the court finds that a paid tax return preparer has continually or repeatedly engaged in any conduct described in subsection (b) and that an injunction prohibiting the conduct would not be sufficient to prevent the person's interference with the proper administration of the tax laws of the state of Kansas, the court may enjoin the person from acting as a paid tax return preparer in the state of Kansas. The fact that the person has been enjoined from preparing tax returns or claims for refund for the United States or any other state in the five years preceding the petition for an injunction shall establish a prima facie case for an injunction to be issued pursuant to this section. For purposes of this subsection, "state" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(d) The secretary or the secretary's designee shall annually report a summary of the secretary's enjoinder actions on the department of revenue's website.

New Sec. 5. (a) Preparation or substantial preparation of any income tax return or claim for refund filed pursuant to K.S.A. 79-3201 et seq., and amendments thereto, by a paid tax return preparer, whether or not a resident or citizen of this state, thereby submits the preparer to the jurisdiction of the courts of this state as to any cause of action arising from the provisions of this act.

(b) Every action pursuant to this act shall be brought in the district court of Shawnee county.

(c) In lieu of initiating or continuing an action or proceeding, the secretary or the secretary's designee may accept a consent judgment with respect to any act or practice declared to be a violation of this act. A consent judgment shall provide for the discontinuance by the paid tax return preparer entering the same of any act or practice declared to be a violation of this act. Any consent judgment entered into pursuant to this section shall not be deemed to admit the violation, unless it does so by its terms. Before any consent judgment entered into pursuant to this section shall be effective, it shall be approved by the district court and an entry made in the manner required for making an entry of judgment. Once such approval is received, any breach of the conditions of such consent judgment shall be treated as a violation of a court order and shall be subject to all the penalties provided by law.

New Sec. 6. The secretary may adopt rules and regulations necessary to carry out the provisions of the Kansas taxpayer protection act.

Sec. 7. K.S.A. 79-1110 is hereby amended to read as follows: 79-1110. (a) Every national banking association, bank, trust company, and savings and loan association subject to taxation under this act shall make its return and pay the tax imposed to the director of taxation on or before the 15th day of the fourth month following the close of its federal taxable year, in the same manner, except for computing the net income subject to tax, as corporations are required to make their returns and pay their taxes under the Kansas income tax act. Every such national banking association, bank, trust company and savings and loan association shall be subject to other provisions of the Kansas income tax act applicable to other corporations and shall be subject to the

penalties imposed on corporations by K.S.A. 79-3222, 79-3228 and 79-3234 insofar as the same can be made applicable.

(b) With respect to tax year 2019, the deadline for filing returns shall be extended to July 15, 2020, for returns with original due dates of April 15, 2020, through July 15, 2020. With respect to tax year 2019, no penalty or interest authorized pursuant to K.S.A. 79-3228, and amendments thereto, shall be imposed if such tax liability is paid on or before July 15, 2020.

Sec. 8. K.S.A. 79-3221 is hereby amended to read as follows: 79-3221. (a) All returns required by this act shall be made as nearly as practical in the same form as the corresponding form of income tax return by the United States. Unless another identifying number has been assigned to an individual by the internal revenue service for purposes of filing such individual's federal income tax return, the social security number issued to an individual, the individual's spouse, and all dependents of such individual for purposes of section 205 (c)(2)(A) of the social security act shall be used as the identifying number and included on the return when filing such return.

(b) All returns shall be filed in the office of the director of taxation on or before the 15<sup>th</sup> day of the fourth month following the close of the taxable year, except as provided in subsection (c) ~~hereof~~. Tentative returns may be filed before the close of the taxable year and the estimated tax computed on such return, paid, but no interest will be paid on any overpayment of tax liability, computed on such tentative return.

(c) ~~(1)~~ The director of taxation may grant a reasonable extension of time for filing returns in accordance with rules and regulations of the secretary of revenue. Whenever any such extension of time to file is requested by a taxpayer and granted by the director with respect to any tax year commencing after December 31, 1992, no penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if 90% of the liability is paid on or before the original due date.

(2) With respect to tax year 2019, the deadline for filing returns shall be extended to July 15, 2020, for returns with original due dates of April 15, 2020, through July 15, 2020. With respect to tax year 2019, no penalty or interest authorized pursuant to K.S.A. 79-3228, and amendments thereto, shall be imposed if such tax liability is paid on or before July 15, 2020.

(d) In the case of an individual serving in the armed forces of the United States, or serving in support of such armed forces, in an area designated by the president of the United States by executive order as a "combat zone" as defined under 26 U.S.C. § 112 at any time during the period designated by the president by executive order as the period of combatant activities in such zone for the purposes of such section, or hospitalized as a result of injury received or sickness incurred while serving in such an area during such time, the period of service in such area, plus the period of continuous qualified hospitalization attributable to such injury or sickness, and the next 180 days thereafter, shall be disregarded in determining, under article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, in respect to any tax liability, including any interest, penalty, additional amount, or addition to the tax, of such individual:

(1) Whether any of the following acts was performed within the time prescribed therefor: (A) Filing any return of income tax; (B) payment of any income tax or installment thereof; (C) filing a notice of appeal with the director of taxation or the state board of tax appeals for redetermination of a deficiency or for a review of a decision

rendered by either the director or the state board of tax appeals; (D) allowance of a credit or refund of any income tax; (E) filing a claim for credit or refund of any income tax; (F) bringing suit upon any such claim for credit or refund; (G) assessment of any income tax; (H) giving or making any notice or demand for the payment of any income tax, or with respect to any liability to the state of Kansas in respect of any income tax; (I) collection, by the director of taxation or the director's agent, by warrant, levy or otherwise, of the amount of any liability in respect to any income tax; (J) bringing suit by the state of Kansas, or any officer on its behalf, in respect to any liability in respect of any income tax; and (K) any other act required or permitted under the Kansas income tax act specified in rules and regulations adopted by the secretary of revenue under this section;

(2) the amount of any credit or refund.

(e) (1) Subsection (d) shall not apply for purposes of determining the amount of interest on any overpayment of tax.

(2) If an individual is entitled to the benefits of subsection (d) with respect to any return and such return is timely filed, determined after the application of ~~subsection (d), subsections (e)(5) and (e)(7) of K.S.A. 79-32,105(d), (e)(5) and (e)(7),~~ and amendments thereto, shall not apply.

(f) The provisions of subsections (d) through (j) shall apply to the spouse of any individual entitled to the benefits of subsection (d). Except in the case of the combat zone designated for purposes of the Vietnam conflict, this subsection shall not cause subsections (d) through (j) to apply for any spouse for any taxable year beginning more than two years after the date designated under 26 U.S.C. § 112, and amendments thereto, as the date of termination of combatant activities in a combat zone.

(g) The period of service in the area referred to in subsection (d) shall include the period during which an individual entitled to benefits under subsection (d) is in a missing status, within the meaning of 26 U.S.C. § 6013(f)(3).

(h) (1) Notwithstanding the provisions of subsection (d), any action or proceeding authorized by K.S.A. 79-3229, and amendments thereto, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun or prosecuted. In any other case in which the secretary determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsection (d) shall not operate to stay collection of such amount by levy or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this subsection the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under subsection (d). In any case to which this ~~subsections~~ subsection relates, if the secretary is required to give any notice to or make any demand upon any person, such requirement shall be deemed to be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the secretary is in an area for which United States post offices under instructions of the postmaster general are not, by reason of the combatant activities, accepting mail for delivery at the time the notice or demand is signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.

(2) The assessment or collection of any tax under the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or any action or proceeding by or on behalf of the state in connection therewith, may be made, taken,

begun or prosecuted in accordance with law, without regard to the provisions of subsection (d), unless prior to such assessment, collection, action or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (d).

(i) (1) Any individual who performed Desert Shield services, and the spouse of such individual, shall be entitled to the benefits of subsections (d) through (j) in the same manner as if such services were services referred to in subsection (d).

(2) For purposes of this subsection, the term "Desert Shield services" means any services in the armed forces of the United States or in support of such armed forces if:

(A) Such services are performed in the area designated by the president as the "Persian Gulf Desert Shield area"; and

(B) such services are performed during the period beginning on August 2, 1990, and ending on the date on which any portion of the area referred to in subsection (i)(2) (A) is designated by the president as a combat zone pursuant to 26 U.S.C. § 112.

(j) For purposes of subsection (d), the term "qualified hospitalization" means:

(1) Any hospitalization outside the United States; and

(2) any hospitalization inside the United States, except that not more than five years of hospitalization may be taken into account under this subsection. This subsection shall not apply for purposes of applying subsections (d) through (j) with respect to the spouse of an individual entitled to the benefits of subsection (d).

Sec. 9. K.S.A. 79-3225 is hereby amended to read as follows: 79-3225. (a) All taxes imposed under the provisions of the "Kansas income tax act" shall be paid on the 15<sup>th</sup> day of the fourth month following the close of the taxable year, except with respect to tax year 2019, such taxes shall be paid on or before July 15, 2020, if the return was due on or before July 15, 2020. When the tax as shown to be due on a return is less than \$5, such tax shall be canceled and no payment need be remitted by the taxpayer.

(b) The director of taxation may extend the time for payment of the tax, or any installment thereof, for a reasonable period of time not to exceed six months from the date fixed for payment thereof. Such extension may exceed six months in the case of a taxpayer who is abroad. Interest shall be charged at the rate prescribed by K.S.A. 79-2968(a) and amendments thereto for the period of such extension.

New Sec. 10. (a) On or before June 15 each year, the county clerk shall calculate the revenue neutral rate for each taxing subdivision and include such revenue neutral rate on the notice of the estimated assessed valuation provided to each taxing subdivision for budget purposes. The director of accounts and reports shall modify the prescribed budget information form to show the revenue neutral rate.

(b) No tax rate in excess of the revenue neutral rate shall be levied by the governing body of any taxing subdivision unless a resolution or ordinance has been approved by the governing body according to the following procedure:

(1) The governing body shall publish notice of its proposed intent to exceed the revenue neutral rate on the website of the governing body, if the governing body maintains a website, at least 10 days in advance of the public hearing. The notice shall include, but not be limited to, its proposed tax rate, its revenue neutral rate and the date, time and location of the public hearing.

(2) On or before July 15, the governing body shall notify the county clerk of its proposed intent to exceed the revenue neutral rate and provide the date, time and location of the public hearing and its proposed tax rate. The county clerk shall notify each taxpayer with property in the taxing subdivision, by mail directed to the taxpayer's

last known address, of the proposed intent to exceed the revenue neutral rate at least 10 days in advance of the public hearing. Alternatively, the county clerk may transmit the notice to the taxpayer by electronic means at least 10 days in advance of the public hearing, if such taxpayer and county clerk have consented in writing to service by electronic means. Costs associated with the notice shall be borne by the taxing subdivision with payment due to the county clerk by December 31. The county clerk shall consolidate the required information for all taxing subdivisions relevant to the taxpayer's property on one notice. The notice shall include, but not be limited to:

- (A) The revenue neutral rate;
- (B) the proposed property tax revenue needed to fund the proposed budget;
- (C) the proposed tax rate based upon the proposed budget and the current year's total assessed valuation;
- (D) the tax rate and property tax of the taxing subdivision on the taxpayer's property from the previous year's tax statement;
- (E) the proposed percent change in the tax rate between the previous year's tax rate and the proposed tax rate for the current year;
- (F) the appraised value and assessed value of the taxpayer's property for the current year;
- (G) the estimates of the tax for the current tax year on the taxpayer's property based on the revenue neutral rate and the proposed tax rate; and
- (H) the date, time and location of the public hearing.

(3) The public hearing to consider exceeding the revenue neutral rate shall be held on or before September 10. The governing body shall provide interested taxpayers desiring to be heard an opportunity to present oral testimony within reasonable time limits and without unreasonable restriction on the number of individuals allowed to make public comment. The public hearing may be conducted in conjunction with the proposed budget hearing pursuant to K.S.A. 79-2929, and amendments thereto, if the governing body otherwise complies with all requirements of this section.

(4) A majority vote of the governing body, by the adoption of a resolution or ordinance to approve exceeding the revenue neutral rate, shall be required prior to adoption of a proposed budget that will result in a tax rate in excess of the revenue neutral rate. Such vote of the governing body shall be conducted at the public hearing after the governing body has heard from interested taxpayers.

(c) Any governing body subject to the provisions of this section that does not comply with subsection (b) shall refund to taxpayers any property taxes over-collected based on the amount of the levy that was in excess of the revenue neutral rate. The provisions of this subsection shall not be construed as prohibiting any other remedies available under the law.

(d) The provisions of this section shall not apply to school districts organized and operating under the laws of this state.

(e) If the governing body of a taxing subdivision must conduct a public hearing to approve exceeding the revenue neutral rate under this section, the governing body of the taxing subdivision shall certify, on or before September 20, to the proper county clerk the amount of ad valorem tax to be levied.

(f) As used in this section:

(1) "Taxing subdivision" means any political subdivision of the state that levies an ad valorem tax on property.

(2) "Revenue neutral rate" means the tax rate for the current tax year that would generate the same property tax revenue as levied the previous tax year using the current tax year's total assessed valuation. To calculate the revenue neutral rate, the county clerk shall divide the property tax revenue for such taxing subdivision levied for the previous tax year by the total of all taxable assessed valuation in such taxing subdivision for the current tax year, and then multiply the quotient by 1,000 to express the rate in mills. The revenue neutral rate shall be expressed to the third decimal place.

(g) The provisions of this section shall take effect and be in force from and after January 1, 2021.

New Sec. 11. (a) Notwithstanding any provision of law to the contrary, no interest shall accrue on any unpaid property tax for tax year 2019 pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, from May 10, 2020, through August 10, 2020, nor shall the unpaid tax for tax year 2019 be considered delinquent during this period.

(b) With respect to any unpaid property tax for tax year 2019 due pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, the county shall waive any fees, expenses and costs relating to delinquent property tax collection procedures that the county charged to the taxpayer prior to August 11, 2020.

(c) The county may refund, credit or retain any interest, fees, expenses or costs collected prior to the effective date of this act if the total amount collected is equal to or less than \$25 for each delinquent property.

Sec. 12. K.S.A. 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. 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 purposes of this section, "normal repair, replacement or maintenance" does not include new construction as defined in this section. 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 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 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. As used in this section, "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. 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. For the purposes of this section and in the case of real property, the term "taxpayer" shall be deemed to be the person in ownership of the property as indicated on the records of the office of register of deeds or county clerk and, in the case where the real property or improvement thereon is the subject of a lease agreement, such term shall also be deemed to include the lessee of such property if the lease agreement has been recorded or filed in the office of the register of deeds. Such notice shall specify separately both the previous and current appraised and assessed values for each property class identified on the parcel. Such notice shall also contain the uniform parcel identification number prescribed by the director of property valuation. Such notice shall also contain 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 (b). 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. 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. 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.

(b) For all taxable years commencing after December 31, 1999, 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 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.

Sec. 13. K.S.A. 79-1801 is hereby amended to read as follows: 79-1801. (a) Except as provided by subsection (b), each year the governing body of any city, the trustees of any township, the board of education of any school district and the governing bodies of all other taxing subdivisions shall certify, on or before August 25, to the proper county clerk the amount of ad valorem tax to be levied. Thereupon, the county clerk shall place the tax upon the tax roll of the county, in the manner prescribed by law, and the tax shall be collected by the county treasurer. The county treasurer shall distribute the proceeds of the taxes levied by each taxing subdivision in the manner provided by K.S.A. 12-1678a, and amendments thereto.

(b) Prior to January 1, 2021, if the governing body of a city or county must conduct an election for an increase in property tax to fund any appropriation or budget under K.S.A. 2019 Supp. 25-433a, and amendments thereto, the governing body of the city or county shall certify, on or before October 1, to the proper county clerk the amount of ad

valorem tax to be levied. On and after January 1, 2021, if the governing body of a taxing subdivision must conduct a public hearing to approve exceeding the revenue neutral rate under section 10, and amendments thereto, the governing body of the taxing subdivision shall certify, on or before September 20, to the proper county clerk the amount of ad valorem tax to be levied.

Sec. 14. K.S.A. 79-2302 is hereby amended to read as follows: 79-2302. (a) Except as provided in subsection (b), between July 1 and July 10 of each year, the county treasurer shall prepare a list of all real estate subject to sale, describing the real estate in the same manner as described of record in the office of the county clerk or the register of deeds of the county in which the real estate is located. The county treasurer also shall prepare an accompanying notice stating that the county treasurer will sell the real estate described in the list to the county for the amount of the delinquent taxes and legal charges due on the real estate and that the sale will be on or after the first Tuesday of September following publication of the notice under K.S.A. 79-2303, and amendments thereto. The list shall show the names of the owners of the real estate, as shown of record in the office of the county clerk or the register of deeds of the county in which the real estate is located, the description and address, if available, of each tract or parcel of land and the total of the amount of unpaid taxes upon each tract or parcel. If any county treasurer at any time discovers that any tract or lot of real estate has not been put on the list of delinquent taxes and not sold for any preceding year, the treasurer shall be required to place the omitted tract or lot on the list of delinquent taxes for the current year, and sell the tract or lot as directed by this act in other cases.

(b) For tax year 2019, between August 11, 2020, and August 21, 2020, the county treasurer shall prepare such list of all real estate subject to sale that lists all real estate for which the 2019 taxes have not been paid in full on or before August 10, 2020.

Sec. 15. K.S.A. 79-2303 is hereby amended to read as follows: 79-2303. (a) The county treasurer shall cause the notice and list prepared under K.S.A. 79-2302, and amendments thereto, to be published in the official county newspaper or in a newspaper of general circulation in the county in accordance with the provisions of K.S.A. 64-101, and amendments thereto. Except as provided in subsection (b), the notice and list shall be submitted to the newspaper on or before August 1 of each year and shall be published once each week for three consecutive weeks immediately prior to the week when the day of sale will occur. The county treasurer also shall cause a copy of the list and notice to be posted in some conspicuous place in the county treasurer's office. The cost of publication of the notice and list shall be paid from the general fund of the county, and a \$15 fee for each tract or lot shall be added to the tax due for the tract or lot as part of the costs of collection. The fee shall be collected in the manner provided for the collection of the unpaid taxes.

(b) With respect to tax year 2019, the notice and list shall be submitted to the newspaper on or before September 1, 2020, and shall be published once each week for three consecutive weeks immediately prior to the week when the day of sale will occur. The county treasurer shall advertise and sell such real estate on or before the fourth Monday of October 2020, and such advertisement and sale shall conform in all respects to the provisions of this act and shall be as binding and valid as if such sale had been made on the first Tuesday of September.

Sec. 16. K.S.A. 79-2925c is hereby amended to read as follows: 79-2925c. (a) (1) On and after January 1, 2017, and prior to January 1, 2021, the governing body of any

city or county shall not approve any appropriation or budget which provides for funding by property tax revenues in an amount exceeding that of the next preceding year as adjusted to reflect the average changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding five calendar years, which shall not be less than zero, unless the city or county approves the appropriation or budget with the adoption of a resolution and such resolution has been submitted to and approved by a majority of the qualified electors of the city or county voting at an election called and held thereon, except as otherwise provided.

(2) The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, and may be:

(A) Held at the next regularly scheduled election to be held in August or November;

(B) may be a mail ballot election, conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto; or

(C) may be a special election called by the city or county. Nothing in this subsection shall prevent any city or county from holding more than one election in any year. The city or county requesting the election shall be responsible for paying all costs associated with conducting the election.

(b) A resolution by the governing body of a city or county otherwise required by the provisions of this section shall not be required to be approved by an election required by subsection (a) under the following circumstances:

(1) Increased property tax revenues that, in the current year, are produced and attributable to the taxation of:

(A) The construction of any new structures or improvements or the remodeling or renovation of any existing structures or improvements on real property, which shall not include any ordinary maintenance or repair of any existing structures or improvements on the property;

(B) increased personal property valuation;

(C) real property located within added jurisdictional territory;

(D) real property which has changed in use;

(E) expiration of any abatement of property from property tax; or

(F) expiration of a tax increment financing district, rural housing incentive district, neighborhood revitalization area or any other similar property tax rebate or redirection program.

(2) Increased property tax revenues that will be spent on:

(A) Bond, temporary notes, no fund warrants, state infrastructure loans and interest payments not exceeding the amount of ad valorem property taxes levied in support of such payments, and payments made to a public building commission and lease payments but only to the extent such payments were obligations that existed prior to July 1, 2016;

(B) payment of special assessments not exceeding the amount of ad valorem property taxes levied in support of such payments;

(C) court judgments or settlements of legal actions against the city or county and legal costs directly related to such judgments or settlements;

(D) expenditures of city or county funds that are specifically mandated by federal or state law with such mandates becoming effective on or after July 1, 2015, and loss of funds from federal sources after January 1, 2017, where the city or county is

contractually obligated to provide a service;

(E) expenses relating to a federal, state or local disaster or federal, state or local emergency, including, but not limited to, a financial emergency, declared by a federal or state official. The board of county commissioners may request the governor to declare such disaster or emergency; or

(F) increased costs above the consumer price index for law enforcement, fire protection or emergency medical services.

(3) Any increased property tax revenues generated for law enforcement, fire protection or emergency medical services shall be expended exclusively for these purposes but shall not be used for the construction or remodeling of buildings.

(4) The property tax revenues levied by the city or county have declined:

(A) In one or more of the next preceding three calendar years and the increase in the amount of funding for the budget or appropriation from revenue produced from property taxes does not exceed the average amount of funding from such revenue of the next preceding three calendar years, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year; or

(B) the increase in the amount of ad valorem tax to be levied is less than the change in the consumer price index plus the loss of assessed property valuation that has occurred as the result of legislative action, judicial action or a ruling by the board of tax appeals.

(5) Whenever a city or county is required by law to levy taxes for the financing of the budget of any political or governmental subdivision of this state that is not authorized by law to levy taxes on its own behalf, and the governing body of such city or county is not authorized or empowered to modify or reduce the amount of taxes levied therefore, the tax levies of the political or governmental subdivision shall not be included in or considered in computing the aggregate limitation upon the property tax levies of the city or county.

(6) Any tax levy increase as a result of another taxing entity being dissolved and all powers, responsibilities, duties and liabilities of the taxing entity have been transferred to a city located in the county in which the taxing entity is located, or to the county in which the taxing entity is located, to carry on the function and responsibilities of the dissolved taxing entity, so long as the levy increase does not exceed the levy of the dissolved taxing entity.

Sec. 17. K.S.A. 79-2024 is hereby amended to read as follows: 79-2024. Notwithstanding any other provision of law to the contrary, the county treasurer of every county may accept partial payment ~~of~~ or establish a payment plan for delinquent or nondelinquent real property tax or personal property tax in accordance with payment guidelines established therefor by the county treasurer. Nothing in this section shall be construed to modify any consequences of untimely payment.

Sec. 18. K.S.A. 79-1110, 79-1460, 79-1801, 79-2024, 79-2302, 79-2303, 79-2925c, 79-3221 and 79-3225 are hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 and 3; in line 4, by striking all before the second "and" and inserting "taxation; relating to income tax, enacting the Kansas taxpayer protection act regulating paid tax return preparers, extending certain return filing and tax payment deadlines; property taxation,

rates, truth in taxation and establishing notice and public hearing requirements prior to approval to exceed revenue neutral rate, discontinuing the city and county tax lid, time for payment of real property and personal property taxes, providing for waiver of interest and fees for late property tax payments for a certain period of time, extending the time for listing and publication of delinquent real estate subject to sale, prohibiting valuation increase of real property solely as the result of normal repair, replacement or maintenance, establishment of a payment plan for the payment of delinquent or nondelinquent taxes; amending K.S.A. 79-1110, 79-1460, 79-1801, 79-2024, 79-2302, 79-2303, 79-2925c, 79-3221 and 79-3225";

And your committee on conference recommends the adoption of this report.

CARYN TYSON  
DAN KERSCHEN  
TOM HOLLAND

*Conferees on part of Senate*

STEVEN C. JOHNSON  
LES MASON

*Conferees on part of House*

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2702**.

On roll call, the vote was: Yeas 35; Nays 2; Present and Passing 3; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Givens, Goddard, Haley, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pyle, Rucker, Suellentrop, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Nays: Hardy, Skubal.

Present and Passing: Francisco, Pettey, Sykes.

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

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The Senate met pursuant to recess with Vice President Longbine in the chair.

## **FINAL ACTION**

Senator Wilborn moved to adopt the committee report on **S Sub HB 2034**. The motion passed.

Senator Wilborn called the question.

**S Sub HB 2034**, AN ACT concerning crimes, punishment and criminal procedure; relating to restitution; time of payment; amending K.S.A. 2019 Supp. 21-6604 and 21-6607 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson,

Petersen, Pettey, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

The substitute bill passed, as amended.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with Senator Wagle in the chair.

### ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of consideration of the following bills: **HB 2256, HB 2510.**

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2246** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 10 through 34;

By striking all on pages 2 through 15;

On page 16, by striking all in lines 1 through 23; following line 23, by inserting:

"New Section 1. (a) A reciprocal may convert to a Kansas mutual insurance company in accordance with the terms of a conversion plan filed with and approved by the commissioner.

(b) The commissioner may establish reasonable requirements and procedures for the submission and approval of a conversion plan required by subsection (a).

(c) No conversion plan shall be approved under this section unless such conversion plan includes:

(1) A provision for converting the existing subscriber interests in the reciprocal into policyholder interests in the resulting Kansas mutual insurance company so that each policyholder's interest in the mutual insurance company shall be fairly proportionate to such subscriber's interest in the reciprocal;

(2) a provision amending the existing subscriber's agreement to articles of incorporation that complies with the provisions of K.S.A. 40-1202, 40-1206 and 40-1215, and amendments thereto;

(3) a copy of the proposed articles of incorporation;

(4) proof of the approval or adoption of the conversion plan by not less than  $\frac{2}{3}$  of the subscriber interests entitled to vote, represented either in person or by proxy, at a duly called regular or special meeting of subscribers of the reciprocal at which a quorum, as determined by the subscriber's agreement or other chartering documents of the reciprocal, is present, or, in the absence of any quorum requirement, 10% of outstanding subscribers;

(5) a transition plan for the change of governance of the reciprocal from an attorney-in-fact to a board of directors and officers that shall be governed by article 12 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto; and

(6) any other information required by the commissioner.

(d) The commissioner shall approve the conversion plan if the commissioner finds that the proposed conversion will not:

- (1) Be detrimental to the interests of subscribers of the reciprocal;
- (2) be detrimental to the interests of the state of Kansas; and
- (3) render the insurer incapable of fulfilling the insurer's contractual obligations.

(e) Upon approval of a conversion plan under this section, the commissioner shall issue a new or amended certificate of authority, which shall be deemed to be the final act of conversion at which time the reciprocal shall concurrently become a mutual insurance company. The mutual insurance company shall be deemed to be a continuation of the reciprocal and deemed to have been organized at the time the converted reciprocal was organized.

(f) Each mutual insurance company created pursuant to this section shall comply with all provisions of article 12, article 40 and such other articles of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, that are otherwise applicable to mutual insurance companies.

(g) As used in this section:

(1) "Conversion plan" means a document detailing the process and requirements that a reciprocal shall undertake and satisfy to convert from a reciprocal company to a mutual insurance company.

(2) "Mutual insurance company" means a mutual insurance company that is organized under the provisions of K.S.A. 40-1201, and amendments thereto, except that the provisions of K.S.A. 40-1201(a), and amendments thereto, shall not apply.

(3) "Reciprocal" has the same meaning as set forth in K.S.A. 40-1623, and amendments thereto.

Sec. 2. K.S.A. 2019 Supp. 40-246c is hereby amended to read as follows: 40-246c.

(a) On March 1 of each year, each licensed agent shall collect and pay to the commissioner a tax of 6% on the total gross premiums charged, less any return premiums, for surplus lines insurance transacted by the licensee pursuant to the license for insureds whose home state is this state.

(b) The tax on any portion of the premium unearned at termination of insurance, if any, having been credited by the state to the licensee shall be returned to the policyholder directly by the surplus lines licensee or through the producing broker. The surplus lines licensee is prohibited from rebating any part of the tax for any reason.

(c) The individual responsible for filing the statement shall be the agent who signs the policy or the agent of record with the company. The commissioner of insurance ~~shall collect~~ may assess a penalty up to double the amount of tax ~~herein provided~~ prescribed in subsection (a) from any licensee or other responsible individual responsible for filing the statement as herein described in this subsection who shall fail, refuse or neglect ~~fails, refuses or neglects~~ to transmit the required affidavit or statement or ~~shall fail~~ fails to pay the tax imposed by this section; to the commissioner within the period specified.

Sec. 3. K.S.A. 2019 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

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

(b) "Corrective order" means an order issued by the commissioner specifying corrective actions ~~which that~~ the commissioner has determined are required to address

an RBC level event.

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

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

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

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

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

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

(i) "RBC" means risk-based capital.

(j) "RBC instructions" means the risk-based capital instructions promulgated by the NAIC, ~~which~~ that are in effect on December 31, ~~2018~~ 2019, or any later version promulgated by the NAIC as may be adopted by the commissioner under K.S.A. 2019 Supp. 40-2c29, and amendments thereto.

(k) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

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

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

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

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

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

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

(n) "Total adjusted capital" means the sum of:

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

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

(o) "Commissioner" means the commissioner of insurance.

Sec. 4. K.S.A. 2019 Supp. 40-1621 is hereby amended to read as follows: 40-1621. Within 15 days of the date of the commissioner's approval or denial of ~~the~~ a conversion plan submitted in accordance with K.S.A. 40-1620, and amendments thereto, or section 1, and amendments thereto, the insurance company or reciprocal shall have the right to



request a hearing by filing a written request with the commissioner. The commissioner shall conduct the hearing in accordance with the provisions of the Kansas administrative procedure act within 30 days after such request is filed. Any action of the commissioner pursuant to this section is subject to review in accordance with the provisions of the Kansas judicial review act.

Sec. 5. K.S.A. 40-1622 is hereby amended to read as follows: 40-1622. The provisions of K.S.A. 40-1620 ~~and 40-1621, and 40-1623, 40-1624, 40-1625, 40-1626, 40-1627, 40-1628, 40-1629 and through 40-1630, and amendments thereto, and section 1, and amendments thereto,~~ shall be a part of and supplemental to article 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 6. K.S.A. 40-2227 is hereby amended to read as follows: 40-2227. As used in this act, unless the context requires otherwise:

(a) "Long-term care insurance" means any insurance policy primarily advertised, marketed, offered or designed to provide coverage ~~for not less than 12 consecutive months~~ for each covered person on an expense incurred, indemnity, prepaid, or other basis, for one or more necessary or diagnostic, preventive, therapeutic, rehabilitative, maintenance, custodial, residential or personal care services, provided in a setting other than an acute care unit of a hospital. ~~Such term~~ "Long-term care insurance" includes group and individual policies or riders whether issued by insurers, fraternal benefit societies, nonprofit medical and hospital service corporations, prepaid health plans, health maintenance organizations, or any similar organization. "Long-term care insurance" shall not include any insurance policy ~~which that~~ is offered primarily to provide basic medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income protection coverage, accident-only coverage, specified disease or specified accident coverage, or limited benefit health coverage, but the inclusion or attachment of long-term care insurance coverage to one of the foregoing products shall not exempt it from the requirements of this act.

(b) "Applicant" means:

(1) In the case of an individual long-term care insurance policy, the person who seeks to contract for such benefits; and

(2) in the case of a group long-term care insurance policy, the proposed certificateholder.

(c) "Certificate" means any certificate issued under a group long-term care insurance policy, ~~which policy that~~ has been delivered or issued for delivery in this state.

(d) "Commissioner" means the ~~insurance commissioner of this state~~ commissioner of insurance.

(e) "Group long-term care insurance" means a long-term care insurance policy delivered or issued for delivery in this state and issued to a group as defined in K.S.A. 40-2209, and amendments thereto. No group long-term care insurance coverage may be offered to a resident of this state under a group policy issued in another state to a group defined in K.S.A. 40-2209, and amendments thereto, unless this state, or another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in this state, has made a determination that such requirements have been met.

(f) "Policy" means, except as otherwise provided in subsection (e) ~~of this section,~~

any individual or group policy, contract, subscriber agreement, rider or endorsement delivered or issued for delivery in this state by an insurer, fraternal benefit society, nonprofit medical and hospital service corporation, prepaid health plan, health maintenance organization or any similar organization.

Sec. 7. K.S.A. 75-6301 is hereby amended to read as follows: 75-6301. (a) There is hereby established under the jurisdiction of the commissioner of insurance a division to be known as the office of the securities commissioner of Kansas. The office shall be administered by the securities commissioner of Kansas who shall be in the unclassified service under the Kansas civil service act. The securities commissioner shall be appointed by the commissioner of insurance, and be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. The securities commissioner shall have special training and qualifications for such position ~~and~~, shall receive such compensation as may be fixed by the commissioner of insurance. ~~The commissioner of insurance may remove the securities commissioner for official misconduct and shall serve at the pleasure of the commissioner of insurance.~~ Except as provided by ~~subsection (b) and~~ K.S.A. 46-2601, and amendments thereto, no person appointed as securities commissioner shall exercise any power, duty or function as securities commissioner until confirmed by the senate.

~~(b) (1) The insurance commissioner shall appoint a person as securities commissioner no later than September 1, 2017, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, to serve an initial term ending on January 14, 2019. Upon the expiration of the initial term under this section, and upon the expiration of each term thereafter, the commissioner of insurance shall appoint a person as securities commissioner, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, to serve a four-year term running concurrently with the term of such commissioner of insurance as provided by K.S.A. 40-106, and amendments thereto. Upon occurrence of a vacancy in the office of securities commissioner, the commissioner of insurance shall appoint a successor. If the vacancy occurs before the expiration of a term of office, the appointment shall be for the unexpired term and shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto.~~

~~(2) The securities commissioner shall devote full time to the performance of the duties of the office of the securities commissioner.~~

(c) The securities commissioner may appoint directors and other employees within the office of the securities commissioner as determined necessary by the securities commissioner to effectively carry out the mission of the office. All directors appointed after the effective date of this act shall be in the unclassified service under the Kansas civil service act, shall have special training and qualifications for such positions, shall serve at the pleasure of the securities commissioner and shall receive compensation fixed by the securities commissioner and approved by the commissioner of insurance.

(d) Nothing in subsection (c) shall affect the classified status of any person employed in the office of the securities commissioner on the day immediately preceding the effective date of this act. The provisions of this subsection shall not be construed to limit the powers of the securities commissioner pursuant to K.S.A. 75-2948, and amendments thereto.

(e) The office of the securities commissioner of Kansas shall cooperate with the insurance department to consolidate administrative functions and cross-appoint such

employees as deemed necessary to provide efficiency. The commissioner of insurance and the securities commissioner are hereby authorized to enter into agreements and adopt rules and regulations as necessary to administer the provisions of this subsection.

New Sec. 8. (a) There is hereby established in the state treasury the cancer research and public information trust fund, to be administered by the university of Kansas medical center. All moneys credited to the fund shall be used to enhance research at the university of Kansas cancer center in the areas of laboratory, clinical and population-based research; and to recruit and retain cancer researchers and clinicians to conduct cancer research, education and outreach programs for Kansans. All expenditures from the cancer research and public information trust fund shall be approved by the director of the university of Kansas cancer center or the director's designee.

(b) On July 1, 2021, and on July 1 of each year thereafter, the director of accounts and reports shall transfer \$10,000,000 from the state general fund to the cancer research and public information trust fund.

(c) On January 1, 2022, and on January 1 of each year thereafter, the director of the university of Kansas cancer center shall submit a report to the legislature detailing the manner that such appropriated moneys are used to enhance cancer research, cancer education and outreach programs.

Sec. 9. K.S.A. 65-6208, as amended by section 1 of 2019 House Bill No. 2168, is hereby amended to read as follows: 65-6208. (a) Subject to the provisions of K.S.A. 65-6209, and amendments thereto, an annual assessment on services is imposed on each hospital provider in an amount ~~equal to~~ not less than 1.83% of each hospital's net inpatient operating revenue and not greater than 3% of each hospital's net inpatient and outpatient operating revenue, as determined by the healthcare access improvement panel in consultation with the department of health and environment, for the hospital's fiscal year three years prior to the assessment year. In the event that a hospital does not have a complete 12-month fiscal year in such third prior fiscal year, the assessment under this section shall be \$200,000 until such date that such hospital has completed the hospital's first 12-month fiscal year. Upon completing such ~~first twelve-month 12-month~~ fiscal year, such hospital's assessment under this section shall be the amount ~~equal to not less than 1.83% of each hospital's net inpatient operating revenue and not greater than~~ 3% of such hospital's net inpatient and outpatient operating revenue, as determined by the healthcare access improvement panel in consultation with the department of health and environment, for such first completed 12-month fiscal year.

(b) Nothing in this act shall be construed to authorize any home rule unit or other unit of local government to license for revenue or impose a tax or assessment upon hospital providers or a tax or assessment measured by the income or earnings of a hospital provider.

(c) (1) The department of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement the amendments made to subsection (a) by section 1 of 2019 House Bill No. 2168 and this act. If the department has submitted such a request pursuant to section 80(1) of chapter 68 of the 2019 Session Laws of Kansas or section 1 of 2019 House Bill No. 2168, then the department may continue such request, or modify such request to conform to the amendments made to subsection (a) by section 1 of 2019 House Bill No. 2168 and this act, to fulfill the requirements of this paragraph.

(2) The secretary of health and environment shall certify to the secretary of state

the receipt of such approval and cause notice of such approval to be published in the Kansas register.

(3) The amendments made to subsection (a) by section 1 of 2019 House Bill No. 2168 and this act shall take effect on and after January 1 or July 1 immediately following such publication of such approval.

Sec. 10.

#### WICHITA STATE UNIVERSITY

(a) In addition to the other purposes for which expenditures may be made by Wichita state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2021 as authorized by 2019 Senate Bill No. 66 or other appropriation act of the 2020 regular session of the legislature, expenditures may be made by Wichita state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2021 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the construction and equipment of a new school of business building on the innovation campus of Wichita state university: *Provided*, That such capital improvement project is hereby approved for Wichita state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Wichita state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further*, That Wichita state university shall make provisions for the maintenance of the school of business building on the innovation campus.

Sec. 11. K.S.A. 40-1622, 40-2227, 65-6208, as amended by section 1 of 2019 House Bill No. 2168, and 75-6301 and K.S.A. 2019 Supp. 40-246c, 40-2c01 and 40-1621 are hereby repealed.";

Also on page 16, in line 25, by striking "statute book" and inserting "Kansas register";

And by renumbering remaining sections accordingly;

On page 1, in the title, by striking all in lines 1 through 7 and inserting "AN ACT concerning state agencies; relating to the oversight, administration and regulation of

certain duties, responsibilities and activities of such state agencies; authorizing the insurance department to approve the conversion plan of a reciprocal to a mutual insurance company; allowing the insurance department flexibility in assessing certain penalties from excess lines; updating the version of risk-based capital instructions adopted by the insurance department; updating the definition of long-term care insurance utilized by the insurance department in the long-term care insurance act; revising the commissioner of insurance's authority concerning the appointment and removal of the securities commissioner; creating the cancer research and public information trust fund for the university of Kansas medical center; authorizing transfers to such fund; changing the rate of the hospital provider assessment subject to approval by the healthcare access improvement panel and imposed by the Kansas department of health and environment; concerning appropriations for the fiscal year ending June 30, 2021, for Wichita state university; granting Wichita state university bonding authority for certain capital improvement projects; amending K.S.A. 40-1622, 40-2227, 65-6208, as amended by section 1 of 2019 House Bill No. 2168, and 75-6301 and K.S.A. 2019 Supp. 40-246c, 40-2c01 and 40-1621 and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

CAROLYN MCGINN

RICK BILLINGER

TOM HAWK

*Conferees on part of Senate*

TROY WAYMASTER

KYLE D. HOFFMAN

KATHY WOLFE MOORE

*Conferees on part of House*

Senator McGinn moved the Senate adopt the Conference Committee Report on **HB 2246**.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettay, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Wagle, Ware, Wilborn.

Nays: Braun, Hilderbrand, Pyle, Tyson.

Absent or Not Voting: Bollier.

The Conference Committee Report was adopted.

## CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2510** submits the following report: The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 5 through 36;

On page 2, by striking all in lines 1 through 31; following line 31, by inserting:

"New Section 1. (a) The provisions of section 1 et seq., and amendments thereto,

shall be known and may be cited as the Kansas promise scholarship act.

(b) As used in the Kansas promise scholarship act:

(1) "Eligible postsecondary educational institution" means:

(A) Any community college established pursuant to chapter 71 of the Kansas Statutes Annotated, and amendments thereto;

(B) any technical college established under the laws of this state;

(C) the Washburn institute of technology; or

(D) any two-year associate degree program or career and technical education program offered by a private postsecondary educational institution accredited by the higher learning commission with its primary location in Kansas.

(2) "Military servicemember" means the same as defined in K.S.A. 2019 Supp. 48-3406, and amendments thereto.

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

(b) On or before March 1, 2021, the state board of regents shall adopt rules and regulations to implement and administer the Kansas promise scholarship program. Such rules and regulations shall establish:

(1) Scholarship application deadlines;

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

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

(4) procedures for a student who receives a Kansas promise scholarship to record and report proof of community service and community service hours;

(5) the terms, conditions and requirements that shall be incorporated into each Kansas promise scholarship agreement;

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

(7) criteria for determining whether any student who received a Kansas promise scholarship fulfilled the employment and repayment requirements included in a Kansas promise scholarship agreement as provided in section 5, and amendments thereto; and

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

(c) The state board of regents shall:

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

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

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

(4) annually collaborate with the department of commerce and Kansas business and industry to identify up to 10 job fields and pathways that currently have the highest need for skilled employees;

(5) designate scholarship-eligible career and technical programs and transfer education programs that correspond to the job fields and pathways identified in paragraph (4);

(6) ensure that any student who received a Kansas promise scholarship fulfills the employment or repayment requirements provided in section 5, and amendments thereto; and

(7) beginning January 2021, annually evaluate the Kansas promise scholarship program and prepare and submit a report to the senate standing committee on education and the house of representatives standing committee on education.

New Sec. 3. (a) Subject to appropriations, the amount of a Kansas promise scholarship for a student for each semester shall be the aggregate amount of tuition, required fees and the cost of books and required materials for the educational program at the eligible postsecondary educational institution for the academic year in which the student is enrolled and receiving the scholarship minus the aggregate amount of all other aid awarded to such student for such semester. Aid includes any grant, scholarship or financial assistance awards that do not require repayment. During any fiscal year, the appropriation pursuant to this section shall not exceed \$10,000,000.

(b) If a student is enrolled in an eligible postsecondary education program offered by a four-year eligible postsecondary educational institution, the aggregate amount of tuition, mandatory fees and the cost of books and materials for such eligible postsecondary education program shall be the average cost of tuition, mandatory fees and the cost of books and materials for such eligible postsecondary education program when offered by an eligible public postsecondary educational institution that is not a four-year institution.

New Sec. 4. (a) To be eligible for a Kansas promise scholarship, a student shall:

(1) Be a Kansas resident;

(2) be enrolled in grade 12 in an eligible high school, be a graduate of a Kansas public or private secondary school, have been in the custody of the secretary for children and families as a minor pursuant to the revised Kansas code for care of children at any time while enrolled in any of the grades six through 12 or have obtained a high school equivalency certificate within the preceding 12 months. This paragraph shall not apply to a student who is a dependent child of a military servicemember permanently stationed in another state who graduates from a postsecondary school or obtains a high school equivalency certificate within the preceding 12 months;

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

(4) enter into a Kansas promise scholarship agreement pursuant to section 5, and amendments thereto;

(5) complete the free application for federal student aid for the academic year in which the student applies to receive a Kansas promise scholarship; and

(6) enroll in an eligible postsecondary educational institution in a scholarship-eligible career and technical education program or associate degree program with coursework in an identified job field that corresponds to a baccalaureate degree program.

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

(1) Annually complete 100 hours of community service or be verified by the eligible postsecondary educational institution to be employed part-time throughout the time period in which the student is receiving a Kansas promise scholarship;

(2) maintain a minimum cumulative grade point average of 2.0; and

(3) satisfy any other requirements of a Kansas promise scholarship agreement as provided in section 5, and amendments thereto.

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

New Sec. 5. (a) As a condition to receiving a Kansas promise scholarship, an eligible student shall enter into a Kansas promise scholarship agreement with the eligible postsecondary educational institution making the scholarship award to such student. Such agreement shall require such student who receives a Kansas promise scholarship to:

(1) Enroll as a full-time student at the eligible postsecondary educational institution for which the student is receiving a Kansas promise scholarship and engage in and complete the required career and technical education program or associate degree program with coursework in an identified job field that corresponds to a baccalaureate degree program;

(2) within six months after graduation from the career and technical education program or associate degree program with coursework in an identified job field that corresponds to a baccalaureate degree program:

(A) Commence work in the state of Kansas for at least two consecutive years following completion of such program; or

(B) enroll as a full-time student in any public or private postsecondary educational institution with its primary location in Kansas and upon graduation or failure to re-enroll as a full-time student at such institution, commence work in Kansas for at least two consecutive years following the completion of such program;

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

(4) upon failure to satisfy the requirements of a Kansas promise scholarship agreement, repay the amount of the Kansas promise scholarship the student received under the program as provided in subsection (b).

(b) (1) Except as provided in subsection (c), if any student who receives a Kansas promise scholarship fails to satisfy the requirements of a Kansas promise scholarship agreement entered into pursuant to this section, such student shall pay an amount equal to the total amount of money received by such student pursuant to such agreement that is financed by the state of Kansas plus accrued interest at a rate equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement. Installment payments of such amounts may be made in accordance with rules and regulations of the state board of regents. Such installment payments shall begin six months after the date of the action or



circumstances that cause such student to fail to satisfy the requirements of a Kansas promise scholarship agreement, as determined by the state board of regents upon the circumstances of each individual case. All moneys received pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(2) The state board of regents is authorized to turn any repayment account arising under this act to a designated loan servicer or collection agency, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this subsection.

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

(d) A student who received a Kansas promise scholarship and entered into a Kansas promise scholarship agreement satisfies the requirements under such agreement when such student:

- (1) Completes the requirements in accordance with such agreement;
- (2) fails to satisfy the requirements for completion of the educational requirements after making the best effort possible to do so;
- (3) is unable to obtain employment and continue in such employment after making the best effort possible to do so;
- (4) is unable to satisfy the requirements due to permanent physical disability; or
- (5) dies.

New Sec. 6. On and after July 1, 2025, no Kansas promise scholarship shall be awarded to any student who has not previously been awarded a Kansas promise scholarship prior to July 1, 2025.

New Sec. 7. (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 foster care students;
- (2) the number and percentage of foster care students that were promoted to the next grade level;
- (3) the number and percentage of foster care students that were suspended during the school year;
- (4) the number and percentage of foster care students that were expelled during the school year;
- (5) state standardized assessment scores for foster care students, including the number and percentage of students meeting academic standards as determined by the state board of education;
- (6) the number and percentage of foster care students 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 foster care students that participated in the mental health intervention team pilot program or a similar mental health program;
- (8) the total number of foster care students enrolled in a school district or nonpublic

school and the disaggregated number and percentage of foster care students enrolled in school districts and accredited nonpublic schools; and

(9) de-identified disaggregated race and ethnicity data for each data set required in paragraphs (1) through (8).

(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 committee on education and the house committee on education.

(c) As used in this section:

(1) "Foster care student" 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.

(2) "School" means any school of a school district or any nonpublic school accredited by the state board of education.

New Sec. 8. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate located in Saline county, Kansas: Lot Eleven (11), less West 100' feet, Block Twelve (12), Schilling Subdivision No. 5, to the City of Salina, Saline County, Kansas. Formerly a tract of land in Block Two (2) Schilling Subdivision Lying in the Northeast Quarter (NE/4) of Section Three (3), Township Fifteen (15) South, Range Three (3) West of the Sixth (6th) P.M. as shown in Deed recorded November 18, 1966, in Book 268, pages 476 through 503 and legal found on page 485.

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale and conveyance thereof shall be deposited in the restricted fees account of Kansas state university.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general. In the event that the state board of regents determines that the legal description of the real estate described in this section is incorrect, the state board of regents may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or 75-6609, and amendments thereto.

New Sec. 9. (a) Each eligible postsecondary educational institution that accepts students for enrollment pursuant to the Kansas challenge to secondary school students act shall submit a report annually to the state board of regents. Such report shall include, but not be limited to, the following:

(1) The number of students from each school district enrolled in the eligible postsecondary educational institution, including the number of students in the custody of the secretary for children and families;

(2) the number of students who successfully complete the courses in which such students are enrolled at the eligible postsecondary educational institution;

(3) the tuition rate charged for students compared to the tuition rate charged to individuals who are regularly enrolled and attending the eligible postsecondary

educational institution; and

(4) the amount and percentage of tuition each school district is paying pursuant to K.S.A. 72-3223, and amendments thereto.

(b) The state board of regents shall compile and prepare a summary report of the reports submitted pursuant to subsection (a) and shall submit such report to the house standing committee on education and the senate standing committee on education on or before February 15 of each year commencing in 2021.

Sec. 10. K.S.A. 2019 Supp. 17-2707 is hereby amended to read as follows: 17-2707. As used in this act, unless the context clearly indicates that a different meaning is intended:

(a) "Professional corporation" means a corporation organized under this act.

(b) "Professional service" means the type of personal service rendered by a person duly licensed, registered or certified by this state as a member of any of the following professions, each paragraph constituting one type:

- (1) A certified public accountant;
- (2) an architect;
- (3) an attorney-at-law;
- (4) a chiropractor;
- (5) a dentist;
- (6) an engineer;
- (7) an optometrist;
- (8) an osteopathic physician or surgeon;
- (9) a physician, surgeon or doctor of medicine;
- (10) a veterinarian;
- (11) a podiatrist;
- (12) a pharmacist;
- (13) a land surveyor;
- (14) a licensed psychologist;
- (15) a specialist in clinical social work;
- (16) a licensed physical therapist;
- (17) a landscape architect;
- (18) a registered professional nurse;
- (19) a real estate broker or salesperson;
- (20) a clinical professional counselor;
- (21) a geologist;
- (22) a clinical psychotherapist;
- (23) a clinical marriage and family therapist;
- (24) a licensed physician assistant;
- (25) a licensed occupational therapist;
- (26) a licensed audiologist;
- (27) a licensed speech-pathologist; and
- (28) a licensed naturopathic doctor.

(c) "Regulating board" means the court, board or state agency ~~which that~~ is charged with the licensing, registering or certifying and regulation of the practice of the profession ~~which that~~ the professional corporation is organized to render.

(d) "Qualified person" means:

- (1) Any natural person licensed, registered or certified to practice the same type of

profession ~~which that~~ any professional corporation is authorized to practice;

(2) the trustee of a trust ~~which that~~ is a qualified trust under ~~subsection (a) of~~ section 401(a) of the federal internal revenue code, as in effect on January 1, 2004, or of a contribution plan ~~which that~~ is a qualified employee stock ownership plan under ~~subsection (a) of~~ section 409A(a) of the federal internal revenue code, as in effect on January 1, 2004; ~~or~~

(3) the trustee of a revocable living trust established by a natural person who is licensed, registered or certified to practice the type of profession ~~which that~~ any professional corporation is authorized to practice, if the terms of such trust provide that such natural person is the principal beneficiary and sole trustee of such trust and such trust does not continue to hold title to professional corporation stock following such natural person's death for more than a reasonable period of time necessary to dispose of such stock; ~~or~~

(4) a healing arts school clinic authorized to perform professional services in accordance with K.S.A. 65-2877a, and amendments thereto.

Sec. 11. K.S.A. 2019 Supp. 17-7668 is hereby amended to read as follows: 17-7668. (a) Unless otherwise specifically prohibited by law, a limited liability company may carry on any lawful business, purpose or activity, whether or not for profit with the exception of the business of granting policies of insurance, or assuming insurance risks or banking as defined in K.S.A. 9-702, and amendments thereto.

(b) A limited liability company shall possess and may exercise all the powers and privileges granted by this act or by any other law or by its operating agreement, together with any powers incidental thereto, including such powers and privileges as are necessary or convenient to the conduct, promotion or attainment of the business, purposes or activities of the limited liability company.

(c) A limited liability company organized and existing under the Kansas revised limited liability company act or otherwise qualified to do business in Kansas may have and exercise all powers ~~which that~~ may be exercised by a Kansas professional association or professional corporation under the professional corporation law of Kansas, including employment of professionals to practice a profession, which shall be limited to the practice of one profession, except as provided in K.S.A. 17-2710, and amendments thereto.

(d) Only a qualified person may be a member of a limited liability company organized to exercise powers of a professional association or professional corporation. No membership may be transferred to another person until there is presented to such limited liability company a certificate by the licensing body, as defined in K.S.A. 74-146, and amendments thereto, stating that the person to whom the transfer is made or the membership issued is duly licensed to render the same type of professional services as that for which the limited liability company was organized.

(e) As used in the section, "qualified person" means:

(1) Any natural person licensed to practice the same type of profession ~~which that~~ any professional association or professional corporation is authorized to practice;

(2) the trustee of a trust ~~which that~~ is a qualified trust under ~~subsection (a) of~~ section 401(a) of the federal internal revenue code of 1986, as in effect; on July 1, 1999, or of a contribution plan ~~which that~~ is a qualified employee stock ownership plan under ~~subsection (a) of~~ section 409A(a) of the federal internal revenue code of 1986, as in effect; on July 1, 1999;

(3) the trustee of a revocable living trust established by a natural person who is licensed to practice the type of profession ~~which that~~ any professional association or professional corporation is authorized to practice, if the terms of such trust provide that such natural person is the principal beneficiary and sole trustee of such trust and such trust does not continue to hold title to membership in the limited liability company following such natural person's death for more than a reasonable period of time necessary to dispose of such membership;

(4) a Kansas professional corporation or foreign professional corporation in which at least one member or shareholder is authorized by a licensing body, as defined in K.S.A. 74-146, and amendments thereto, to render in this state a professional service permitted by the articles of organization; ~~or~~

(5) a general partnership or limited liability company, if all partners or members thereof are authorized to render the professional services permitted by the articles of organization of the limited liability company formed pursuant to this section and in which at least one partner or member is authorized by a licensing authority of this state to render in this state the professional services permitted by the articles of organization of the limited liability company; or

(6) a healing arts school clinic authorized to perform professional services in accordance with K.S.A. 65-2877a, and amendments thereto.

(f) Nothing in this act shall restrict or limit in any manner the authority and duty of any licensing body, as defined in K.S.A. 74-146, and amendments thereto, for the licensing of individual persons rendering a professional service or the practice of the profession ~~which that~~ is within the jurisdiction of the licensing body, notwithstanding that the person is an officer, manager, member or employee of a limited liability company organized to exercise powers of a professional association or professional corporation. Each licensing body may adopt rules and regulations governing the practice of each profession as are necessary to enforce and comply with this act and the law applicable to each profession.

(g) A licensing body, as defined in K.S.A. 74-146, and amendments thereto, the attorney general or district or county attorney may bring an action in the name of the state of Kansas in quo warranto or injunction against a limited liability company engaging in the practice of a profession without complying with the provisions of this act.

(h) Notwithstanding any provision of this act to the contrary, without limiting the general powers enumerated in subsection (b), a limited liability company shall, subject to such standards and restrictions, if any, as are set forth in its operating agreement, have the power and authority to make contracts of guaranty and suretyship and enter into interest rate, basis, currency, hedge or other swap agreements or cap, floor, put, call, option, exchange or collar agreements, derivative agreements, or other agreements similar to any of the foregoing.

(i) Unless otherwise provided in an operating agreement, a limited liability company has the power and authority to grant, hold or exercise a power of attorney, including an irrevocable power of attorney.

Sec. 12. K.S.A. 65-2877a, as amended by section 5 of chapter 52 of the 2019 Session Laws of Kansas, is hereby amended to read as follows: 65-2877a. No provision of law prohibiting practice of the healing arts by a ~~general corporation business organization~~ shall apply to a healing arts school clinic under the supervision of a person

licensed to practice the same branch of the healing arts if such healing arts school is:

- (a) ~~Approved by the board if the healing arts school is;~~
- (b) ~~a non-profit entity under section 501(c)(3) of the internal revenue code of 1986;~~ is; and
- (c) ~~approved by the state board of regents, and as part of its academic requirements provides clinical training to its students under the supervision of persons who are licensed to practice a branch of the healing arts in this state or exempt from such approval under K.S.A. 74-32,164, and amendments thereto.~~

Sec. 13. K.S.A. 72-3220 is hereby amended to read as follows: 72-3220. ~~(a)~~-K.S.A. 72-3220 through 72-3224, and amendments thereto, and section 9, and amendments thereto, shall be known and may be cited as the Kansas challenge to secondary school ~~pupils~~ students act.

~~(b) The provisions of this section shall take effect and be in force from and after July 1, 1993.~~

Sec. 14. K.S.A. 72-3221 is hereby amended to read as follows: 72-3221. ~~(a)~~-The legislature hereby declares that secondary school ~~pupils~~ students should be challenged continuously in order to maintain their interests in the pursuit of education and skills critical to success in the modern world. Therefore, it is the purpose and intention of the Kansas challenge to secondary school ~~pupils~~ students act to provide a means ~~whereby that~~ school districts, in cooperation with institutions of postsecondary education, may provide new and exciting challenges to secondary school ~~pupils~~ students by encouraging ~~them~~ such students to take full advantage of the wealth of postsecondary ~~education~~ educational opportunities available in this state.

~~(b) The provisions of this section shall take effect and be in force from and after July 1, 1993.~~

Sec. 15. K.S.A. 72-3222 is hereby amended to read as follows: 72-3222. As used in the Kansas challenge to secondary school ~~pupils~~ students act:

(a) ~~"Concurrent enrollment pupil"~~ "Student" means a person who: (1) Is enrolled in grades 10, 11 or 12 maintained by a school district, or a gifted child who is enrolled in any of the grades 9 through 12 maintained by a school district; (2) has an individualized plan of study or an individualized education program; (3) has demonstrated the ability to benefit from participation in the regular curricula of eligible postsecondary ~~education~~ educational institutions; (4) has been authorized by the principal of the school attended to apply for enrollment at an eligible postsecondary ~~education~~ educational institution; and (5) is acceptable or has been accepted for enrollment at an eligible postsecondary ~~education~~ educational institution.

(b) ~~"Eligible postsecondary education educational institution"~~ means any state educational institution, community college, municipal university, technical college or accredited independent institution.

(c) ~~"State educational institution" has the meaning ascribed thereto~~ means the same as defined in K.S.A. 76-711, and amendments thereto.

(d) "Community college" means any community college organized and operating under the laws of this state.

(e) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of the Kansas Statutes Annotated, and amendments thereto.

(f) ~~"Accredited independent institution" means~~ an a not-for-profit institution of

postsecondary education the main campus of which is located in Kansas and ~~which that:~~ (1) Is operated independently and not controlled or administered by any state agency or any subdivision of the state; (2) maintains open enrollment; and (3) is accredited by ~~the north central association of colleges and secondary schools accrediting agency based on its requirements as of April 1, 1985~~ a nationally recognized accrediting agency for higher education in the United States.

(g) "Technical college" ~~has the meaning ascribed thereto~~ means the same as defined in K.S.A. 74-32,407, and amendments thereto.

(h) "Gifted child" ~~has the meaning ascribed thereto~~ means the same as defined in K.S.A. 72-3404, and amendments thereto, or in rules and regulations adopted pursuant thereto.

Sec. 16. K.S.A. 72-3223 is hereby amended to read as follows: 72-3223. (a) The board of education of any school district and any eligible postsecondary ~~education~~ educational institution may enter into a cooperative agreement regarding the dual or concurrent enrollment of concurrent enrollment pupils, students in courses of instruction for college credit at the eligible postsecondary ~~education~~ educational institution. The agreement shall include, but need not be limited to, the following:

(1) The academic credit to be granted for course work successfully completed by the ~~pupil~~ student at the institution, which credit shall qualify ~~as college credit and may qualify~~ as both high school and college credit;

(2) the requirement that such course work qualify as credit applicable toward the award of a degree or certificate at the institution;

(3) ~~except as otherwise provided in subsection (b), the requirement that the pupil shall pay to the institution~~ the student shall pay the negotiated amount of tuition and related costs charged by the institution for ~~the student's enrollment of the pupil; and~~

(4) ~~the requirement that the eligible postsecondary educational institution shall notify the student or the student's parent or guardian if the course the student enrolled in at the eligible postsecondary educational institution is not a systemwide transfer course approved by the state board of regents and, as a result, the student may not receive credit for such course if the student transfers to or attends another postsecondary educational institution.~~

(b) ~~The provisions of this section shall take effect and be in force from and after July 1, 1993.~~ The board of education of a school district, in its discretion, may pay all or a portion of the negotiated amount of tuition and related costs, including fees, books, materials and equipment, charged by an eligible postsecondary educational institution for a student's enrollment in such institution. As part of any agreement entered into pursuant to this section, the board of education of a school district shall not be required to pay any amount of tuition and required fees that are waived for an eligible foster child pursuant to the foster child educational assistance act, K.S.A. 75-53,111 et seq., and amendments thereto, except that the board, in its discretion, may pay any related costs that are not waived pursuant to such act, including fees, books, materials and equipment, charged by an eligible postsecondary educational institution for the student's enrollment in such institution. Any such payment shall be paid directly to the eligible postsecondary educational institution and shall be credited to such student's account.

Sec. 17. K.S.A. 72-3224 is hereby amended to read as follows: 72-3224. (a) ~~No school district shall be responsible for the payment of tuition charged to concurrent enrollment pupils by eligible education institutions or for the provision of transportation~~

for such pupils Except as otherwise provided in K.S.A. 72-3223(b), and amendments thereto, each student dually or concurrently enrolled in an eligible postsecondary educational institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto, shall be responsible for the payment of the negotiated tuition and related costs, including fees, books, materials and equipment, charged by such institution for the student's enrollment.

(b) The board of education of a school district, in its discretion, may provide for the transportation of a student to or from any eligible postsecondary education educational institution.

(b) Each concurrent enrollment pupil shall be responsible for payment of tuition for enrollment at an eligible postsecondary education institution and for payment of the costs of books and equipment and any other costs of enrollment.

(c) Each concurrent enrollment pupil student dually or concurrently enrolled in an eligible postsecondary educational institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto, who satisfactorily completes course work at an eligible postsecondary education such institution shall be granted appropriate credit toward fulfillment of the requirements for graduation from high school unless such credit is denied by the school district in which the pupil is enrolled on the basis that high school credit is inappropriate for such course work.

(d) The provisions of this section shall take effect and be in force from and after July 1, 1993 In order to remain eligible for participation in the program, a student shall remain in good standing at the eligible postsecondary educational institution or shall show satisfactory progress as determined by the school district.

(e) The provisions of the Kansas challenge to secondary school students act shall not apply to any enrollment in career technical education courses or programs pursuant to K.S.A. 72-3810 et seq., and amendments thereto, or the career technical education incentive program established pursuant to K.S.A. 72-3819, and amendments thereto.

Sec. 18. K.S.A. 2019 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) On or before the first day of the regular legislative session in 2021, and each year thereafter, the state board of education shall prepare and submit a report to the senate standing committee on education and the house standing committee on education that includes aggregate exam and assessment data for all students who were provided the exams and assessments pursuant to this section.

(c) As used in this section, "student" means any person who is regularly enrolled in any public or accredited nonpublic school located in Kansas.

Sec. 19. K.S.A. 75-53,112 is hereby amended to read as follows: 75-53,112. As used in the Kansas foster child educational assistance act:

(a) "Kansas educational institution" means and includes any community college, the municipal university, state educational institution, the institute of technology at



Washburn university or technical college.

(b) "Eligible foster child" means anyone who:

(1) (A) (i) Is in the custody of the secretary and in a foster care placement on the date such child attained 18 years of age; ~~(B)~~ (ii) has been released from the custody of the secretary prior to attaining 18 years of age, after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and the custody of the secretary; ~~(C)~~ (iii) is adopted from a foster care placement on or after such child's 16<sup>th</sup> birthday; or ~~(D)~~ (iv) left a foster care placement subject to a guardianship under chapter 38 or 59 of the Kansas Statutes Annotated, and amendments thereto, on or after such child's 16<sup>th</sup> birthday; or

(B) is a student as defined under the Kansas challenge to secondary school students act, K.S.A. 72-3220 et seq., and amendments thereto, and was in the custody of the secretary and in foster care placement at any time such child was enrolled in grades nine through 12 at a school of a school district; and

(2) enrolls in a Kansas educational institution ~~on or after July 1, 2006.~~

(c) "Kansas foster child educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas foster child educational assistance act, which shall provide for: (1) Undergraduate enrollment of eligible foster children pursuant to subsection (b)(1)(A) through the semester the eligible foster child attains 23 years of age; or (2) undergraduate enrollment of eligible foster children pursuant to subsection (b)(1)(B) through the Kansas challenge to secondary schools act, K.S.A. 72-3220 et seq., and amendments thereto.

(d) "Educational program" means a program ~~which that~~ is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.

(e) "Secretary" means the secretary for children and families.

Sec. 20. K.S.A. 65-2877a, as amended by section 5 of chapter 52 of the 2019 Session Laws of Kansas, 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-53,112 and K.S.A. 2019 Supp. 17-2707, 17-7668 and 72-5179 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; in line 2, by striking all before the period and inserting "concerning education; creating the Kansas promise scholarship act; requiring a Kansas foster care children annual academic report card; authorizing the state board of regents on behalf of Kansas state university to sell certain real property in Saline county; authorizing school districts to pay tuition and fees for concurrent and dual enrollment of students; requiring tuition waiver for dual or concurrently enrolled foster students; authorizing the practice of the healing arts by healing arts school clinics; providing ACT college entrance exams and workkeys assessments to nonpublic school students; amending K.S.A. 65-2877a, as amended by section 5 of chapter 52 of the 2019 Session Laws of Kansas, 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-53,112 and K.S.A. 2019 Supp. 17-2707, 17-7668 and 72-5179 and repealing the existing sections";

And your committee on conference recommends the adoption of this report.

MOLLY BAUMGARDNER

LARRY ALLEY

DINAH SYKES

*Conferees on part of Senate*

SEAN TARWATER, SR.

KEN CORBET

STAN S. FROWNFELTER

*Conferees on part of House*

Senator Baumgardner moved the Senate adopt the Conference Committee Report on **HB 2510**.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Estes, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kersch, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Rucker, Skubal, Suellentrop, Sykes, Taylor, Thompson, Tyson, Wagle, Ware, Wilborn.

Nays: Hilderbrand, Pyle.

Absent or Not Voting: Bollier.

The Conference Committee Report was adopted.

On motion of Senator Denning, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with President Wagle in the chair.

**MESSAGES FROM THE HOUSE**

The House concurs in Senate amendments to **S Sub HB 2034**.

The House concurs in Senate amendments to **S Sub HB 2619**.

The House adopts the Conference Committee report on **HB 2702**.

The House adopts the Conference Committee report on **HB 2246**.

The House adopts the Conference Committee report on **HB 2510**.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2054** submits the following report: The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2054, as follows:

On page 1, by striking all in lines 9 through 36;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 7; following line 7, by inserting:

"Section 1.

**LEGISLATIVE COORDINATING COUNCIL**

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Coronavirus relief fund.....No limit

*Provided*, That, all moneys in the coronavirus relief fund shall be used for the purposes of relief for the effects of coronavirus in the state of Kansas as set forth in such federal grant or receipt: *Provided further*, That, the director of the budget shall

submit each request of a state agency for expenditures from the coronavirus relief fund during the fiscal year ending June 30, 2020, to the legislative budget committee: *And provided further*; That, the legislative budget committee shall meet and review each such request of the director of the budget and shall report such committee's recommendation on each such request to the legislative coordinating council: *And provided further*; That, after receiving recommendations from the legislative budget committee, expenditures may be made from the coronavirus relief fund upon an affirmative vote of the legislative coordinating council in accordance with K.S.A. 46-1202, and amendments thereto, except that such disbursements and expenditures may be approved while the legislature is in session: *And provided further*; That, the legislative coordinating council is hereby authorized to approve the disbursement and expenditure of moneys from the coronavirus relief fund for such purposes: *And provided further*; That, upon receipt of such approval by the legislative coordinating council, the director of accounts and reports is hereby authorized to transfer such moneys from the coronavirus relief fund to a newly created special revenue fund of the requesting state agency: *And provided further*; That, there is appropriated for such requesting state agency from the newly created special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds.

(b) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the coronavirus relief fund - federal fund (252-00-3753) of the governor's department to the coronavirus relief fund of the legislative coordinating council. On the effective date of this act, all liabilities of the coronavirus relief fund - federal fund are hereby transferred to and imposed on the coronavirus relief fund and the coronavirus relief fund - federal fund is hereby abolished.

Sec. 2.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Coronavirus relief fund.....No limit

*Provided*, That, all moneys in the coronavirus relief fund shall be used for the purposes of relief for the effects of coronavirus in the state of Kansas as set forth in such federal grant or receipt: *Provided further*; That, the director of the budget shall submit each request of a state agency for expenditures from the coronavirus relief fund during the fiscal year ending June 30, 2021, to the legislative budget committee: *And provided further*; That, the legislative budget committee shall meet and review each such request of the director of the budget and shall report such committee's recommendation on each such request to the legislative coordinating council: *And provided further*; That, after receiving recommendations from the legislative budget committee, expenditures may be made from the coronavirus relief fund upon an affirmative vote of the legislative coordinating council in accordance with K.S.A. 46-1202, and amendments thereto, except that such disbursements and expenditures may be approved while the legislature is in session: *And provided further*; That, the legislative coordinating council is hereby authorized to approve the disbursement and expenditure of moneys from the coronavirus relief fund for such purposes: *And*

*provided further*, That, upon receipt of such approval by the legislative coordinating council, the director of accounts and reports is hereby authorized to transfer such moneys from the coronavirus relief fund to a newly created special revenue fund of the requesting state agency: *And provided further*, That, there is appropriated for such requesting state agency from the newly created special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds.

Sec. 3. (a) On the effective date of this act, notwithstanding the provisions of section 189 of chapter 68 of the 2019 Session Laws of Kansas for fiscal year 2020 and section 179 of 2020 Senate Bill No. 66 for fiscal year 2021, for fiscal year 2020 and fiscal year 2021 concerning each federal grant or other federal receipt that is received by a state agency named in chapter 68 of the 2019 Session Laws of Kansas or 2020 Senate Bill No. 66, that concerns moneys from the federal government for aid to the state of Kansas for coronavirus relief as appropriated in section 601(c)(2)(A) of the federal CARES act, public law 116-136, and that is not otherwise appropriated to that state agency for fiscal year 2020 or 2021 by chapter 68 of the 2019 Session Laws of Kansas, 2020 Senate Bill No. 66 or this appropriation act of the 2020 regular session of the legislature, such federal grant or other federal receipt is hereby appropriated for fiscal year 2020 and fiscal year 2021 to the coronavirus relief fund of the legislative coordinating council for the purpose set forth in such federal grant or receipt.

(b) On the effective date of this act, the provisions of section 189 of chapter 68 of the 2019 Session Laws of Kansas for fiscal year 2020 and section 179 of 2020 Senate Bill No. 66 for fiscal year 2021, for fiscal year 2020 and fiscal year 2021 concerning federal grants or other federal receipt that are received by a state agency named in chapter 68 of the 2019 Session Laws of Kansas or 2020 Senate Bill No. 66 and that concerns moneys from the federal government for aid to the state of Kansas for coronavirus relief as appropriated in section 601(c)(2)(A) of the federal CARES act, public law 116-136, shall be null and void and shall have no force and effect.

Sec. 4. (a) On the effective date of this act, notwithstanding the provisions of section 189 of chapter 68 of the 2019 Session Laws of Kansas for fiscal year 2020 and section 179 of 2020 Senate Bill No. 66 for fiscal year 2021, in addition to the other purposes for which expenditures may be made by any state agency that is named in chapter 68 of the 2019 Session Laws of Kansas or 2020 Senate Bill No. 66, expenditures may be made by such state agency from moneys appropriated for fiscal year 2020 and fiscal year 2021 by chapter 68 of the 2019 Session Laws of Kansas, 2020 Senate Bill No. 66, or this appropriation act of the 2020 regular session of the legislature, to apply for and receive federal grants during fiscal year 2020 and fiscal year 2021, which federal grants are hereby authorized to be applied for and received by such state agencies that concerns moneys from the federal government for aid to the state of Kansas for coronavirus relief as appropriated in the federal CARES act, public law 116-136, the coronavirus preparedness and response supplemental appropriations act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, and any other federal law that appropriates moneys to the state for aid for coronavirus relief, subject to the following provisions: *Provided*, That, no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or

reappropriated, until the legislative coordinating council has authorized the state agency to make expenditures therefrom: *Provided further*, That, the director of the budget shall submit each such federal grant expenditure request of a state agency concerning coronavirus relief during fiscal year 2020 and fiscal year 2021, to the legislative budget committee: *And provided further*, That, the legislative budget committee shall meet and review each such federal grant expenditure request of the director of the budget and shall report such committee's recommendation on each such federal grant expenditure request to the legislative coordinating council: *And provided further*, That, after receiving recommendations from the legislative budget committee, such requests may be approved upon an affirmative vote of the legislative coordinating council in accordance with K.S.A. 46-1202, and amendments thereto, except that such requests may be approved while the legislature is in session: *And provided further*, That the legislative coordinating council is hereby authorized to approve the requests for such purposes: *And provided further*, That, upon receipt of such approval by the legislative coordinating council, the requesting state agency is authorized to expend all approved moneys now or hereafter lawfully credited to and available in such fund or funds during fiscal year 2020 and fiscal year 2021.

(b) On the effective date of this act, the provisions of section 189 of chapter 68 of the 2019 Session Laws of Kansas for fiscal year 2020 and section 179 of 2020 Senate Bill No. 66, for fiscal year 2020 and fiscal year 2021 concerning federal grants or other federal receipt that are received by a state agency named in chapter 68 of the 2019 Session Laws of Kansas or 2020 Senate Bill No. 66 and that concerns moneys from the federal government for aid to the state of Kansas for coronavirus relief as appropriated in the federal CARES act, public law 116-136, the coronavirus preparedness and response supplemental appropriations act, 2020, public law 116-123, the federal families first coronavirus response act, public law 116-127, the federal paycheck protection program and health care enhancement act, public law 116-139, and any other federal law that appropriates moneys to the state for aid for coronavirus relief, shall be null and void and shall have no force and effect.

New Sec. 5. (a) The state of disaster emergency that was declared by the governor pursuant to K.S.A. 48-924, and amendments thereto, by proclamation on March 12, 2020, which was ratified and continued in force and effect through May 1, 2020, by 2020 House Concurrent Resolution No. 5025, adopted by the house of representatives with the senate concurring therein on March 19, 2020, and declared by proclamation on April 30, 2020, which was extended and continued in existence by the state finance council on May 13, 2020, for an additional 12 days through May 26, 2020, for all 105 counties of Kansas, as a result of the COVID-19 health emergency, is hereby ratified and continued in existence from March 12, 2020, through May 31, 2020.

(b) The governor shall not proclaim any new state of disaster emergency related to the COVID-19 health emergency during 2020, unless the governor makes specific application to the state finance council and an affirmative vote of at least six of the legislative members of the council approve such action by the governor.

(c) Notwithstanding section 6, and amendments thereto, if the governor proclaims a new state of disaster emergency as described in subsection (b), the governor shall make specific application to the state finance council and an affirmative vote of at least six of the legislative members of the council shall be required to order the closure or cessation of any business or commercial activity.

New Sec. 6. (a) During any state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, the governor may order the closure or cessation of any business or commercial activity, whether for-profit or not-for-profit, in response to any or all conditions necessitating the declared state of disaster emergency for 15 days. Only upon specific application by the governor to the state finance council and an affirmative vote of at least six of the legislative members of the council, the closure or cessation of business or commercial activity may be extended for specified periods not to exceed 30 days each.

(b) Any order issued that violates or exceeds the restrictions provided in subsection (a) shall not have the force and effect of law during the period of a state of disaster emergency declared under K.S.A. 48-924(b), and amendments thereto, and any such order shall be null and void.

(c) The provisions of this section shall expire on January 26, 2021.

New Sec. 7. Sections 7 through 13, and amendments thereto, shall be known and may be cited as the COVID-19 response and reopening for business liability protection act.

New Sec. 8. As used in the COVID-19 response and reopening for business liability protection act, unless the context otherwise requires:

(a) "COVID-19" means the novel coronavirus identified as SARSCoV-2, the disease caused by the novel coronavirus SARS-CoV-2 and conditions associated with such disease.

(b) "COVID-19 claim" means any claim for damages, losses, indemnification, contribution or other relief arising out of or based on exposure or potential exposure to COVID-19. "COVID-19 claim" includes a claim made by or on behalf of any person who has been exposed or potentially exposed to COVID-19, or any representative, spouse, parent, child or other relative of such person, for injury, including mental or emotional injury, death or loss to person, risk of disease or other injury, costs of medical monitoring or surveillance, or other losses allegedly caused by the person's exposure or potential exposure to COVID-19.

(c) "COVID-19 public health emergency" means the state of disaster emergency declared for the state of Kansas on March 12, 2020, any subsequent orders or amendments to such orders and any subsequent disaster emergency declared for the state of Kansas regarding the COVID-19 pandemic.

(d) "Disinfecting or cleaning supplies" includes, but is not limited to, hand sanitizers, disinfectants, sprays and wipes.

(e) "Healthcare provider" means a person or entity that is licensed, registered, certified or otherwise authorized by the state of Kansas to provide healthcare services in this state, including a hospice certified to participate in the medicare program under 42 C.F.R. § 418 et seq. and any entity licensed under chapter 39 of the Kansas Statutes Annotated, and amendments thereto.

(f) "Person" means an individual, association, for-profit or not-for-profit business entity, postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto, nonprofit organization, religious organization or charitable organization.

(g) "Personal protective equipment" means coveralls, face shields, gloves, gowns, masks, respirators or other equipment designed to protect the wearer from the spread of infection or illness.

(h) "Product liability claim" means any strict liability, ordinary negligence or implied warranty claim or action brought for harm caused by the manufacture, production, making, construction, fabrication, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, storage or labeling of the relevant product.

(i) "Public health guidance" means written guidance related to COVID-19 issued by the United States centers for disease control and prevention, the occupational safety and health administration of the United States department of labor, the Kansas department of health and environment, the Kansas department for aging and disability services, the Kansas department of labor, another state agency or a municipality.

(j) "Qualified product" means: (1) Personal protective equipment used to protect the wearer from COVID-19 or the spread of COVID-19; (2) medical devices, equipment and supplies used to treat COVID-19, including products that are used or modified for an unapproved use to treat COVID-19 or prevent the spread of COVID-19; (3) medical devices, equipment or supplies utilized outside of the product's normal use to treat COVID-19 or to prevent the spread of COVID-19; (4) medications used to treat COVID-19, including medications prescribed or dispensed for offlabel use to attempt to combat COVID-19; (5) tests used to diagnose or determine immunity to COVID-19; (6) disinfecting or cleaning supplies; (7) clinical laboratory services certified under the federal clinical laboratory improvement amendments in section 353 of the public health service act, 42 U.S.C. § 263a; and (8) components of qualified products.

New Sec. 9. (a) Notwithstanding any other provision of law, except as provided in subsection (c), a healthcare provider is immune from civil liability for damages, administrative fines or penalties for acts, omissions, healthcare decisions or the rendering of or the failure to render healthcare services, including services that are altered, delayed or withheld, as a direct response to any state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, related to the COVID-19 public health emergency.

(b) The provisions of this section shall apply to any claims for damages or liability that arise out of or relate to acts, omissions or healthcare decisions occurring during any state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, related to the COVID-19 public health emergency.

(c) (1) The provisions of this section shall not apply to civil liability when it is established that the act, omission or healthcare decision constituted gross negligence or willful, wanton or reckless conduct.

(2) The provisions of this section shall not apply to healthcare services not related to COVID-19 that have not been altered, delayed or withheld as a direct response to the COVID-19 public health emergency.

New Sec. 10. Notwithstanding any other provision of law, a person, or an agent of such person, conducting business in this state shall not be held liable for a COVID-19 claim if the act or omission alleged to violate a duty of care was mandated or specifically and affirmatively permitted by a federal or state statute, regulation or executive order passed or issued in response to the COVID-19 pandemic and applicable to the activity at issue at the time of the alleged exposure.

New Sec. 11. Notwithstanding any other provision of law, a person who designs, manufactures, labels, sells, distributes, provides or donates a qualified product in response to the COVID-19 public health emergency shall not be liable in a civil action

alleging a product liability claim arising out of such qualified product if:

(a) The product was manufactured, labeled, sold, distributed, provided or donated at the specific request of or in response to a written order or other directive finding a public need for a qualified product issued by the governor, the adjutant general or the division of emergency management; and

(b) the damages are not occasioned by willful, wanton or reckless disregard of a known, substantial and unnecessary risk that the product would cause serious injury to others.

New Sec. 12. Nothing in the COVID-19 response and reopening for business liability protection act:

(a) Creates, recognizes or ratifies a claim or cause of action of any kind;

(b) eliminates a required element of any claim;

(c) affects workers' compensation law, including the exclusive application of such law; or

(d) amends, repeals, alters or affects any other immunity or limitation of liability.

New Sec. 13. The provisions of sections 10 through 12, and amendments thereto, shall apply retroactively to any cause of action accruing on or after March 12, 2020.

New Sec. 14. All notarial acts performed by a notary public of this state while the requirements that a person must appear before a notary public are suspended pursuant to an executive order or other state law, shall be valid as if the individual had appeared before the notary public, notwithstanding any failure of any individual to appear personally before the notary public, if the notarial act meets all requirements prescribed by such executive order or other state law and all requirements prescribed by law that do not relate to appearance before the notary public.

New Sec. 15. (a) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, related to the COVID-19 public health emergency, each county health officer shall work with first responder agencies operating in the county to establish a method to share information indicating where a person testing positive for or under quarantine or isolation due to COVID-19 resides or can be expected to be present. Such information shall:

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

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

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

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

New Sec. 16. The Kansas department for aging and disability services shall, for all entities required to be licensed pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto:



(a) Promptly, and in no case later than 30 days following the effective date of this act, make or cause to be made infection control inspections;

(b) provide the necessary personal protective equipment, sanitizing supplies and testing kits appropriate to the needs of each facility on an ongoing basis, based upon:

(1) The current number of residents;

(2) the current number of full-time and part-time staff members;

(3) the number of residents and staff who have tested positive for COVID-19 in the last 14 days;

(4) the ability to separate COVID-19 residents from non-COVID-19 residents; and

(5) any other factors deemed relevant by the secretary; and

(c) ensure that infection prevention and control best practices and recommendations based upon guidance from the United States centers for disease control and prevention and the Kansas department of health and environment are adopted and made available publicly.

New Sec. 17. (a) A physician may issue a prescription for or order the administration of medication, including a controlled substance, for a patient without conducting an in-person examination of such patient.

(b) A physician under quarantine, including self-imposed quarantine, may practice telemedicine.

(c) (1) A physician holding a license issued by the applicable licensing agency of another state may practice telemedicine to treat patients located in the state of Kansas, if such out-of-state physician:

(A) Advises the state board of healing arts of such practice in writing and in a manner determined by the state board of healing arts; and

(B) holds an unrestricted license to practice medicine and surgery in the other state and is not the subject of any investigation or disciplinary action by the applicable licensing agency.

(2) The state board of healing arts may extend the provisions of this subsection to other healthcare professionals licensed and regulated by the board as deemed necessary by the board to address the impacts of COVID-19 and consistent with ensuring patient safety.

(d) A physician practicing telemedicine in accordance with this section shall conduct an appropriate assessment and evaluation of the patient's current condition and document the appropriate medical indication for any prescription issued.

(e) Nothing in this section shall supersede or otherwise affect the provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2019 Supp. 40-2,215, and amendments thereto.

(f) As used in this section:

(1) "Physician" means a person licensed to practice medicine and surgery.

(2) "Telemedicine" means the delivery of healthcare services by a healthcare provider while the patient is at a different physical location.

(g) This section shall expire on January 26, 2021.

New Sec. 18. (a) (1) A hospital may admit patients in excess of such hospital's number of licensed beds or inconsistent with the licensed classification of such hospital's beds to the extent that such hospital determines is necessary to treat COVID-19 patients and to separate COVID-19 patients and non-COVID-19 patients.

(2) A hospital admitting patients in such manner shall notify the department of

health and environment as soon as practicable but shall not be required to receive prior authorization to admit patients in such manner.

(b) (1) A hospital may utilize non-hospital space, including off-campus space, to perform COVID-19 testing, triage, quarantine or patient care to the extent that such hospital determines is necessary to treat COVID-19 patients and to separate COVID-19 patients and non-COVID-19 patients.

(2) The department of health and environment may impose reasonable safety requirements on such use of non-hospital space to maximize the availability of patient care.

(3) Non-hospital space used in such manner shall be deemed to meet the requirements of K.S.A. 65-431(d), and amendments thereto.

(4) A hospital utilizing non-hospital space in such manner shall notify the department of health and environment as soon as practicable but shall not be required to receive prior authorization to utilize non-hospital space in such manner.

(c) A medical care facility may permit healthcare providers authorized to provide healthcare services in the state of Kansas to provide healthcare services at such medical care facility without becoming a member of the medical care facility's medical staff.

(d) As used in this section, "hospital" and "medical care facility" mean the same as defined in K.S.A. 65-425, and amendments thereto.

(e) This section shall expire 120 calendar days after the expiration or termination of the state of disaster emergency proclamation issued by the governor in response to the COVID-19 public health emergency, or any extension thereof.

New Sec. 19. (a) Notwithstanding any statute to the contrary, the state board of healing arts may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the board to an applicant with qualifications the board deems sufficient to protect public safety and welfare within the scope of professional practice authorized by the temporary emergency license for the purpose of preparing for, responding to or mitigating any effect of COVID-19.

(b) This section shall expire on January 26, 2021.

New Sec. 20. (a) Notwithstanding the provisions of K.S.A. 65-28a08 and 65-28a09, and amendments thereto, or any other statute to the contrary, a licensed physician assistant may provide healthcare services appropriate to such physician assistant's education, training and experience within a designated healthcare facility at which the physician assistant is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without a written agreement with a supervising physician. Such physician assistant shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such physician assistant's lack of written agreement with a supervising physician.

(b) Notwithstanding the provisions of K.S.A. 65-1130, and amendments thereto, or any other statute to the contrary, a licensed advanced practice registered nurse may provide healthcare services appropriate to such advanced practice registered nurse's education, training and experience within a designated healthcare facility at which the advanced practice registered nurse is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without direction and supervision from a responsible physician. Such advanced practice registered nurse shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such advanced practice registered nurse's lack of direction and

supervision from a responsible physician.

(c) Notwithstanding the provisions of K.S.A. 65-1158, and amendments thereto, or any other statute to the contrary, a registered nurse anesthetist may provide healthcare services appropriate to such registered nurse anesthetist's education, training and experience within a designated healthcare facility at which the registered nurse anesthetist is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without direction and supervision from a physician. Such registered nurse anesthetist shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such registered nurse anesthetist's lack of direction and supervision from a physician.

(d) Notwithstanding the provisions of K.S.A. 65-1113, and amendments thereto, or any other statute to the contrary:

(1) A registered professional nurse or licensed practical nurse may order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19 for purposes of testing; and

(2) a licensed practical nurse may provide healthcare services appropriate to such licensed practical nurse's education, training and experience within a designated healthcare facility at which the licensed practical nurse is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without direction from a registered professional nurse. Such licensed practical nurse shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such licensed practical nurse's lack of supervision from a registered professional nurse.

(e) Notwithstanding the provisions of K.S.A. 65-1626a, and amendments thereto, or any other statute to the contrary, a licensed pharmacist may provide care for routine health maintenance, chronic disease states or similar conditions appropriate to such pharmacist's education, training and experience within a designated healthcare facility at which the pharmacist is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without a collaborative practice agreement with a physician. Such pharmacist shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such pharmacist's lack of collaborative practice agreement with a physician.

(f) Notwithstanding the provisions of K.S.A. 65-1115, 65-1116 and 65-1117, and amendments thereto, or any other statute to the contrary, a registered professional nurse or licensed practical nurse who holds a license that is exempt or inactive or whose license has lapsed within the past five years from the effective date of this act may provide healthcare services appropriate to the nurse's education, training and experience. Such registered professional nurse or licensed practical nurse shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such nurse's exempt, inactive or lapsed license.

(g) Notwithstanding any other provision of law to the contrary, a designated healthcare facility may, as necessary to support the facility's response to the COVID-19 pandemic:

(1) Allow a student who is enrolled in a program to become a licensed, registered or certified healthcare professional to volunteer for work within such facility in roles that are appropriate to such student's education, training and experience;

(2) allow a licensed, registered or certified healthcare professional or emergency

medical personnel who is serving in the military in any duty status to volunteer or work within such facility in roles that are appropriate to such military service member's education, training and experience; and

(3) allow a medical student, physical therapist or emergency medical services provider to volunteer or work within such facility as a respiratory therapist extender under the supervision of a physician, respiratory therapist or advanced practice registered nurse. Such respiratory therapist extender may assist respiratory therapists and other healthcare professionals in the operation of ventilators and related devices and may provide other healthcare services appropriate to such respiratory therapist extender's education, training and experience, as determined by the facility in consultation with such facility's medical leadership.

(h) Notwithstanding any statute to the contrary, a healthcare professional licensed and in good standing in another state may practice such profession in the state of Kansas. For purposes of this subsection, a license that has been suspended or revoked or a licensee that is subject to pending license-related disciplinary action shall not be considered to be in good standing. Any license that is subject to limitation in another state shall be subject to the same limitation in the state of Kansas. Such healthcare professional shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such healthcare professional's lack of licensure in the state of Kansas.

(i) Notwithstanding any statute to the contrary, a designated healthcare facility may use a qualified volunteer or qualified personnel affiliated with any other designated healthcare facility as if such volunteer or personnel was affiliated with the facility using such volunteer or personnel, subject to any terms and conditions established by the secretary of health and environment.

(j) Notwithstanding any statute to the contrary, a healthcare professional may be licensed, certified or registered or may have such license, certification or registration reinstated within five years of lapse or renewed by the applicable licensing agency of the state of Kansas without satisfying the following conditions of licensure, certification or registration:

(1) An examination, if such examination's administration has been canceled while the state of disaster emergency proclamation issued by the governor in response to the COVID-19 pandemic is in effect;

(2) fingerprinting;

(3) continuing education; and

(4) payment of a fee.

(k) Notwithstanding any statute to the contrary, a professional certification in basic life support, advanced cardiac life support or first aid shall remain valid if such professional certification is due to expire or be canceled while the state of disaster emergency proclamation issued by the governor in response to the COVID-19 pandemic is in effect.

(l) Notwithstanding any statute to the contrary, fingerprinting of any individual shall not be required as a condition of licensure and certification for any hospital, as defined in K.S.A. 65-425, and amendments thereto, adult care home, county medical care facility or psychiatric hospital.

(m) As used in this section:

(1) "Appropriate to such professional's education, training and experience," or

words of like effect, shall be determined by the designated healthcare facility in consultation with such facility's medical leadership; and

- (2) "designated healthcare facility" means:
- (A) Entities listed in K.S.A. 40-3401(f), and amendments thereto;
  - (B) state-owned surgical centers;
  - (C) state-operated hospitals and veterans facilities;
  - (D) entities used as surge capacity by any entity described in subparagraphs (A) through (C);
  - (E) adult care homes; and
  - (F) any other location specifically designated by the governor or the secretary of health and environment to exclusively treat patients for COVID-19.

(n) The provisions of this section shall expire on January 26, 2021.

Sec. 21. Section 1 of 2020 House Substitute for Senate Bill No. 102 is hereby amended to read as follows: Sec. 1. (a) Notwithstanding any other provisions of law, during any state of disaster emergency pursuant to K.S.A. 48-924, and amendments thereto, the chief justice of the Kansas supreme court may issue an order to extend or suspend any deadlines or time limitations established by statute when the chief justice determines such action is necessary to secure the health and safety of court users, staff and judicial officers.

(b) ~~Notwithstanding any other provisions of law, during any state of disaster emergency pursuant to K.S.A. 48-924, and amendments thereto,~~ the chief justice of the Kansas supreme court may issue an order to authorize the use of two-way electronic audio-visual communication in any court proceeding when the chief justice determines such action is necessary to secure the health and safety of court users, staff and judicial officers.

(c) Any order issued pursuant to ~~this section subsection (a)~~ may remain in effect for up to 150 days after a state of disaster emergency is terminated pursuant to K.S.A. 48-924, and amendments thereto. Any order in violation of this section shall be void.

(d) The provisions of this section shall expire on March 31, 2021.

Sec. 22. K.S.A. 2019 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 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 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 – 74<sup>th</sup> 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 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, 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. 2019 Supp. 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 (B).

(B) Counties may adopt resolutions which 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 (B).

(B) Counties may adopt resolutions which 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, and amendments thereto.

(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 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 conflicts with the restrictions in subsection (a) is null and void.

Sec. 23. K.S.A. 2019 Supp. 41-2653 is hereby amended to read as follows: 41-2653. (a) In addition to the rights of a licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove from the licensed premises one or more opened containers of alcoholic liquor, subject to the following conditions:

(1) It must be legal for the licensee to sell the alcoholic liquor in its original container;

(2) the alcoholic liquor must be in its original container;

(3) each container of alcoholic liquor must have been purchased by a patron and the alcoholic liquor in each container must have been partially consumed on the licensed premises;

(4) the licensee or the licensee's employee must provide the patron with a dated receipt for the unfinished container or containers of alcoholic liquor; and

(5) before the container of alcoholic liquor is removed from the licensed premises, the licensee or the licensee's employee must securely reseal each container, place the container in a tamper-proof, transparent bag which is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened.

(b) (1) In addition to the rights of a licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the provisions of subsection (a), a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove from the licensed premises one or more containers of alcoholic liquor that is not in the original container, subject to the following conditions:

(A) It must be legal for the licensee to sell the alcoholic liquor;

(B) each container of alcoholic liquor must have been purchased by a patron on the licensed premises;

(C) the licensee or the licensee's employee must provide the patron with a dated receipt for the alcoholic liquor; and

(D) before the container of alcoholic liquor is removed from the licensed premises, the licensee or the licensee's employee must place the container in a transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened.

(2) The provisions of this subsection shall expire on January 26, 2021.

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

Sec. 24. K.S.A. 2019 Supp. 44-702 is hereby amended to read as follows: 44-702.



As a guide to the interpretation and application of this act, the public policy of this state is declared to be as follows: Economic insecurity, due to unemployment, is a serious menace to health, morals, and welfare of the people of this state. Involuntary unemployment is therefore a subject of general interest and concern ~~which that~~ requires appropriate action by the legislature to prevent its spread and to lighten its burden ~~which that~~ now so often falls with crushing force upon the unemployed worker and such worker's family. The achievement of social security requires protection against this greatest hazard of our economic life. This can be provided by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor-relief assistance. The legislature, therefore, declares that in its considered judgment the public good and the general welfare of the citizens of this state require the enactment of this measure, under the police powers of the state, for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed. The state of Kansas is committed to maintaining and strengthening access to the unemployment compensation system, including through initial and continuing claims. All persons and employers are entitled to a neutral interpretation of the employment security law.

Sec. 25. K.S.A. 2019 Supp. 44-705, as amended by section 2 of 2020 Senate Bill No. 27, is hereby amended to read as follows: 44-705. Except as provided by K.S.A. 44-757, and amendments thereto, an unemployed individual shall be eligible to receive benefits with respect to any week only if the secretary, or a person or persons designated by the secretary, finds that:

(a) The claimant has registered for work at and thereafter continued to report at an employment office in accordance with rules and regulations adopted by the secretary, except that, subject to the provisions of K.S.A. 44-704(a), and amendments thereto, the secretary may adopt rules and regulations that waive or alter either or both of the requirements of this subsection.

(b) The claimant has made a claim for benefits with respect to such week in accordance with rules and regulations adopted by the secretary.

(c) The claimant is able to perform the duties of such claimant's customary occupation or the duties of other occupations that the claimant is reasonably fitted by training or experience, and is available for work, as demonstrated by the claimant's pursuit of the full course of action most reasonably calculated to result in the claimant's reemployment except that, notwithstanding any other provisions of this section, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits: (1) Because of the claimant's enrollment in and satisfactory pursuit of approved training, including training approved under section 236(a)(1) of the trade act of 1974; ~~or~~ (2) solely because such individual is seeking only part-time employment if the individual is available for a number of hours per week that are comparable to the individual's part-time work experience in the base period; or (3) because a claimant is not actively seeking work: (i) During a state of disaster emergency proclaimed by the governor pursuant to K.S.A. 48-924 and 48-925, and amendments thereto; (ii) in response to the spread of the public health emergency of COVID-19; and (iii) the state's temporary waiver of the work search requirement under the employment security law for such claimant is in compliance with the families first coronavirus response act, public law 116-127.

For the purposes of this subsection, an inmate of a custodial or correctional institution shall be deemed to be unavailable for work and not eligible to receive unemployment compensation while incarcerated.

(d) (1) Except as provided further, the claimant has been unemployed for a waiting period of one week or the claimant is unemployed and has satisfied the requirement for a waiting period of one week under the shared work unemployment compensation program as provided in K.S.A. 44-757(k)(4), and amendments thereto, and that period of one week, in either case, occurs within the benefit year that includes the week for which the claimant is claiming benefits. No week shall be counted as a week of unemployment for the purposes of this subsection:

- (A) If benefits have been paid for such week;
- (B) if the individual fails to meet with the other eligibility requirements of this section; or
- (C) if an individual is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such state or of the United States finally determines that the claimant is not entitled to unemployment benefits under such other law, this subparagraph shall not apply.

(2) ~~(A)~~ The waiting week requirement of paragraph (1) shall not apply to:

(i) New claims by claimants who become unemployed as a result of an employer terminating business operations within this state, declaring bankruptcy or initiating a work force reduction pursuant to public law 100-379, the federal worker adjustment and retraining notification act, 29 U.S.C. §§ 2101 through 2109, as amended; or

(ii) new claims filed on or after April 5, 2020, through December 26, 2020, in accordance with the families first coronavirus response act, public law 116-127 and the federal CARES act, public law 116-136.

(B) The secretary shall adopt rules and regulations to administer the provisions of this paragraph.

(3) If the waiting week requirement of paragraph (1) applies, a claimant shall become eligible to receive compensation for the waiting period of one week, pursuant to paragraph (1), upon completion of three weeks of unemployment consecutive to such waiting period. This paragraph shall not apply to initial claims effective on and after April 1, 2021.

(e) For benefit years established on and after the effective date of this act, the claimant has been paid total wages for insured work in the claimant's base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's base period, except that the wage credits of an individual earned during the period commencing with the end of a prior base period and ending on the date that such individual filed a valid initial claim shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto, such individual has returned to work and subsequently earned wages for insured work in an amount equal to at least eight times the claimant's current weekly benefit amount.

(f) The claimant participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and needs reemployment services pursuant to a profiling system established by the secretary, unless the secretary determines that: (1) The individual has completed such services; or (2) there is justifiable cause for the claimant's failure to participate in

such services.

(g) The claimant is returning to work after a qualifying injury and has been paid total wages for insured work in the claimant's alternative base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's alternative base period if:

(1) The claimant has filed for benefits within four weeks of being released to return to work by a licensed and practicing health care provider;

(2) the claimant files for benefits within 24 months of the date the qualifying injury occurred; and

(3) the claimant attempted to return to work with the employer where the qualifying injury occurred, but the individual's regular work or comparable and suitable work was not available.

Sec. 26. K.S.A. 2019 Supp. 44-709 is hereby amended to read as follows: 44-709.

(a) *Filing.* Claims for benefits shall be made in accordance with rules and regulations adopted by the secretary. The secretary shall furnish a copy of such rules and regulations to any individual requesting them. Each employer shall: (1) Post and maintain printed statements furnished by the secretary without cost to the employer in places readily accessible to individuals in the service of the employer; and (2) provide any other notification to individuals in the service of the employer as required by the secretary pursuant to the families first coronavirus response act, public law 116-127.

(b) *Determination.* (1) Except as otherwise provided in this paragraph, a representative designated by the secretary, and hereinafter referred to as an examiner, shall promptly examine the claim and, on the basis of the facts found by the examiner, shall determine whether or not the claim is valid. If the examiner determines that the claim is valid, the examiner shall determine the first day of the benefit year, the weekly benefit amount and the total amount of benefits payable with respect to the benefit year. If the claim is determined to be valid, the examiner shall send a notice to the last employing unit who shall respond within 10 days by providing the examiner all requested information including all information required for a decision under K.S.A. 44-706, and amendments thereto. The information may be submitted by the employing unit in person at an employment office of the secretary or by mail, by telefacsimile machine or by electronic mail. If the required information is not submitted or postmarked within a response time limit of 10 days after the examiner's notice was sent, the employing unit shall be deemed to have waived its standing as a party to the proceedings arising from the claim and shall be barred from protesting any subsequent decisions about the claim by the secretary, a referee, the employment security board of review or any court, except that the employing unit's response time limit may be waived or extended by the examiner or upon appeal, if timely response was impossible due to excusable neglect. In any case in which the payment or denial of benefits will be determined by the provisions of K.S.A. 44-706(d), and amendments thereto, the examiner shall promptly transmit the claim to a special examiner designated by the secretary to make a determination on the claim after the investigation as the special examiner deems necessary. The parties shall be promptly notified of the special examiner's decision and any party aggrieved by the decision may appeal to the referee as provided in subsection (c). The claimant and the claimant's most recent employing unit shall be promptly notified of the examiner's or special examiner's decision.

(2) The examiner may for good cause reconsider the examiner's decision and shall

promptly notify the claimant and the most recent employing unit of the claimant, that the decision of the examiner is to be reconsidered, except that no reconsideration shall be made after the termination of the benefit year.

(3) Notwithstanding the provisions of any other statute, a decision of an examiner or special examiner shall be final unless the claimant or the most recent employing unit of the claimant files an appeal from the decision as provided in subsection (c), except that the time limit for appeal may be waived or extended by the referee or board of review if a timely response was impossible due to excusable neglect. The appeal must be filed within 16 calendar days after the mailing of notice to the last known addresses of the claimant and employing unit or, if notice is not by mail, within 16 calendar days after the delivery of the notice to the parties.

(c) *Appeals.* Unless the appeal is withdrawn, a referee, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the examiner or special examiner. The parties shall be duly notified of the referee's decision, together with the reasons for the decision. The decision shall be final, notwithstanding the provisions of any other statute, unless a further appeal to the employment security board of review is filed within 16 calendar days after the mailing of the decision to the parties' last known addresses or, if notice is not by mail, within 16 calendar days after the delivery of the decision, except that the time limit for appeal may be waived or extended by the referee or board of review if a timely response was impossible due to excusable neglect.

(d) *Referees.* The secretary shall appoint, in accordance with K.S.A. 44-714(c), and amendments thereto, one or more referees to hear and decide disputed claims.

(e) *Time, computation and extension.* In computing the period of time for an employing unit response or for appeals under this section from the examiner's or the special examiner's determination or from the referee's decision, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day ~~which~~ that is not a Saturday, Sunday or legal holiday.

(f) *Board of review.* (1) There is hereby created an employment security board of review, hereinafter referred to as the board, consisting of three members. Each member of the board shall be appointed for a term of four years as provided in this subsection. Not more than two members of the board shall belong to the same political party.

(2) When a vacancy on the employment security board of review occurs, the workers compensation and employment security boards nominating committee established under K.S.A. 44-551, and amendments thereto, shall convene and submit a nominee to the governor for appointment to each vacancy on the employment security board of review, subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto. The governor shall either: (A) Accept and submit to the senate for confirmation the person nominated by the nominating committee; or (B) reject the nomination and request the nominating committee to nominate another person for that position. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the employment security board of review, whose appointment is subject to confirmation by the senate, shall exercise any power, duty or function as a member until confirmed by the senate.

(3) No member of the employment security board of review shall serve more than

two consecutive terms.

(4) Each member of the employment security board shall serve until a successor has been appointed and confirmed. Any vacancy in the membership of the board occurring prior to expiration of a term shall be filled by appointment for the unexpired term in the same manner as provided for original appointment of the member.

(5) Each member of the employment security board of review shall be entitled to receive as compensation for the member's services at the rate of \$15,000 per year, together with the member's travel and other necessary expenses actually incurred in the performance of the member's official duties in accordance with rules and regulations adopted by the secretary. Members' compensation and expenses shall be paid from the employment security administration fund.

(6) The employment security board of review shall organize annually by the election of a chairperson from among its members. The chairperson shall serve in that capacity for a term of one year and until a successor is elected. The board shall meet on the first Monday of each month or on the call of the chairperson or any two members of the board at the place designated. The secretary of labor shall appoint an executive secretary of the board and the executive secretary shall attend the meetings of the board.

(7) The employment security board of review, on its own motion, may affirm, modify or set aside any decision of a referee on the basis of the evidence previously submitted in the case; may direct the taking of additional evidence; or may permit any of the parties to initiate further appeal before it. The board shall permit such further appeal by any of the parties interested in a decision of a referee ~~which that~~ overrules or modifies the decision of an examiner. The board may remove to itself the proceedings on any claim pending before a referee. Any proceedings so removed to the board shall be heard in accordance with the requirements of subsection (c). The board shall promptly notify the interested parties of its findings and decision.

(8) Two members of the employment security board of review shall constitute a quorum and no action of the board shall be valid unless it has the concurrence of at least two members. A vacancy on the board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(g) *Procedure.* The manner ~~in which that~~ disputed claims are presented, the reports on claims required from the claimant and from employers and the conduct of hearings and appeals shall be in accordance with rules of procedure prescribed by the employment security board of review for determining the rights of the parties, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings and decisions in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed. In the performance of its official duties, the board shall have access to all of the records ~~which that~~ pertain to the disputed claim and are in the custody of the secretary of labor and shall receive the assistance of the secretary upon request.

(h) *Witness fees.* Witnesses subpoenaed pursuant to this section shall be allowed fees and necessary travel expenses at rates fixed by the board. Such fees and expenses shall be deemed a part of the expense of administering this act.

(i) *Review of board action.* Any action of the employment security board of review may not be reconsidered after the mailing of the decision. An action of the board shall become final unless a petition for review in accordance with the Kansas judicial review

act is filed within 16 calendar days after the date of the mailing of the decision. If an appeal has not been filed within 16 calendar days of the date of the mailing of the decision, the decision becomes final. No bond shall be required for commencing an action for such review. In addition to those persons having standing pursuant to K.S.A. 77-611, and amendments thereto, the examiner shall have standing to obtain judicial review of an action of such board. The review proceeding, and the questions of law certified, shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under the workers compensation act.

(j) Any finding of fact or law, judgment, determination, conclusion or final order made by the employment security board of review or any examiner, special examiner, referee or other person with authority to make findings of fact or law pursuant to the employment security law is not admissible or binding in any separate or subsequent action or proceeding, between a person and a present or previous employer brought before an arbitrator, court or judge of the state or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts.

(k) In any proceeding or hearing conducted under this section, a party to the proceeding or hearing may appear before a referee or the employment security board of review either personally or by means of a designated representative to present evidence and to state the position of the party. Hearings may be conducted in person, by telephone or other means of electronic communication. The hearing shall be conducted by telephone or other means of electronic communication if none of the parties requests an in-person hearing. If only one party requests an in-person hearing, the referee shall have the discretion of requiring all parties to appear in person or allow the party not requesting an in-person hearing to appear by telephone or other means of electronic communication. The notice of hearing shall include notice to the parties of their right to request an in-person hearing and instructions on how to make the request.

Sec. 27. K.S.A. 2019 Supp. 44-710 is hereby amended to read as follows: 44-710.

(a) *Payment.* Contributions shall accrue and become payable by each contributing employer for each calendar year ~~in which that~~ the contributing employer is subject to the employment security law with respect to wages paid for employment. Such contributions shall become due and be paid by each contributing employer to the secretary for the employment security fund in accordance with such rules and regulations as the secretary may adopt and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. In the payment of any contributions, a fractional part of \$.01 shall be disregarded unless it amounts to \$.005 or more, in which case it shall be increased to \$.01. Should contributions for any calendar quarter be less than \$5, no payment shall be required.

(b) *Rates and base of contributions.* (1) Except as provided in paragraph (2) of this subsection, each contributing employer shall pay contributions on wages paid by the contributing employer during each calendar year with respect to employment as provided in K.S.A. 44-710a, and amendments thereto. Except that, notwithstanding the federal law requiring the secretary of labor to annually recalculate the contribution rate, for calendar years 2010, 2011, 2012, 2013 and 2014, the secretary shall charge each contributing employer in rate groups 1 through 32 the contribution rate in the 2010 original tax rate computation table, with contributing employers in rate groups 33 through 51 being capped at a 5.4% contribution rate. For calendar year 2021,

unemployment tax rates for eligible employers shall be limited to the standard rate schedule in K.S.A. 44-710a, and amendments thereto. Therefore, no additional solvency adjustment shall be applied.

(2) (A) If the congress of the United States either amends or repeals the Wagner-Peyser act, the federal unemployment tax act, the federal social security act, or subtitle C of chapter 23 of the federal internal revenue code of 1986, or any act or acts supplemental to or in lieu thereof, or any part or parts of any such law, or if any such law, or any part or parts thereof, are held invalid with the effect that appropriations of funds by congress and grants thereof to the state of Kansas for the payment of costs of administration of the employment security law are no longer available for such purposes; or (B) if employers in Kansas subject to the payment of tax under the federal unemployment tax act are granted full credit against such tax for contributions or taxes paid to the secretary of labor, then, and in either such case, beginning with the year ~~in which that~~ the unavailability of federal appropriations and grants for such purpose occurs or ~~in which that~~ such change in liability for payment of such federal tax occurs and for each year thereafter, the rate of contributions of each contributing employer shall be equal to the total of 0.5% and the rate of contributions as determined for such contributing employer under K.S.A. 44-710a, and amendments thereto. The amount of contributions ~~which that~~ each contributing employer becomes liable to pay under this paragraph (2) over the amount of contributions ~~which that~~ such contributing employer would be otherwise liable to pay shall be credited to the employment security administration fund to be disbursed and paid out under the same conditions and for the same purposes as other moneys are authorized to be paid from the employment security administration fund, except that, if the secretary determines that as of the first day of January of any year there is an excess in the employment security administration fund over the amount required to be disbursed during such year, an amount equal to such excess as determined by the secretary shall be transferred to the employment security fund.

(c) *Charging of benefit payments.* (1) The secretary shall maintain a separate account for each contributing employer, and shall credit the contributing employer's account with all the contributions paid on the contributing employer's own behalf. Nothing in the employment security law shall be construed to grant any employer or individuals in such employer's service prior claims or rights to the amounts paid by such employer into the employment security fund either on such employer's own behalf or on behalf of such individuals. Benefits paid shall be charged against the accounts of each base period employer in the proportion that the base period wages paid to an eligible individual by each such employer bears to the total wages in the base period. Benefits shall be charged to contributing employers' accounts and rated governmental employers' accounts upon the basis of benefits paid during each twelve-month period ending on the computation date.

(2) (A) Benefits paid in benefit years established by valid new claims shall not be charged to the account of a contributing employer or rated governmental employer who is a base period employer if the examiner finds that claimant was separated from the claimant's most recent employment with such employer under any of the following conditions: (i) Discharged for misconduct or gross misconduct connected with the individual's work; ~~or~~ (ii) leaving work voluntarily without good cause attributable to the claimant's work or the employer; or (iii) discharged from an employer directly impacted

by COVID-19 in accordance with the families first coronavirus response act, public law 116-127.

(B) Where base period wage credits of a contributing employer or rated governmental employer represent part-time employment and the claimant continues in that part-time employment with that employer during the period for which benefits are paid, then that employer's account shall not be charged with any part of the benefits paid if the employer provides the secretary with information as required by rules and regulations. For the purposes of this subsection (c)(2)(B), "part-time employment" means any employment when an individual works less than full-time because the individual's services are not required for the customary, scheduled full-time hours prevailing at the work place or the individual does not customarily work the regularly scheduled full-time hours due to personal choice or circumstances.

(C) No contributing employer or rated governmental employer's account shall be charged with any extended benefits paid in accordance with the employment security law, except for weeks of unemployment beginning after December 31, 1978, all contributing governmental employers and governmental rated employers shall be charged an amount equal to all extended benefits paid.

(D) No contributing employer, rated governmental employer or reimbursing employer's account shall be charged for any additional benefits paid during the period July 1, 2003 through June 30, 2004.

(E) No contributing employer or rated governmental employer's account will be charged for benefits paid a claimant while pursuing an approved training course as defined in ~~subsection (s)~~ of K.S.A. 44-703(s), and amendments thereto.

(F) No contributing employer or rated governmental employer's account shall be charged with respect to the benefits paid to any individual whose base period wages include wages for services not covered by the employment security law prior to January 1, 1978, to the extent that the employment security fund is reimbursed for such benefits pursuant to section 121 of public law 94-566 (90 Stat. 2673).

(G) With respect to weeks of unemployment beginning after December 31, 1977, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this subsection (c)(2)(G), the term "previously uncovered services" means services ~~which that~~ were not covered employment, at any time during the one-year period ending December 31, 1975, except to the extent that assistance under title II of the federal emergency jobs and unemployment assistance act of 1974 was paid on the basis of such services, and ~~which that~~.

(i) Are agricultural labor as defined in ~~subsection (w)~~ of K.S.A. 44-703(w), and amendments thereto, or domestic service as defined in ~~subsection (aa)~~ of K.S.A. 44-703(aa), and amendments thereto;

(ii) are services performed by an employee of this state or a political subdivision thereof, as provided in ~~subsection (i)(3)(E)~~ of K.S.A. 44-703(i)(3)(E), and amendments thereto; or

(iii) are services performed by an employee of a nonprofit educational institution ~~which that~~ is not an institution of higher education.

(H) No contributing employer or rated governmental employer's account shall be charged with respect to their pro rata share of benefit charges if such charges are of \$100 or less.

(3) An employer's account shall not be relieved of charges relating to a payment



that was made erroneously if the secretary determines that:

(A) The erroneous payment was made because the employer, or the agent of the employer, was at fault for failing to respond timely or adequately to a written request from the secretary for information relating to the claim for unemployment compensation; and

(B) the employer or agent has established a pattern of failing to respond timely or adequately to requests for information.

(C) For purposes of this paragraph:

(i) "Erroneous payment" means a payment that but for the failure by the employer or the employer's agent with respect to the claim for unemployment compensation, would not have been made; and

(ii) "pattern of failure" means repeated documented failure on the part of the employer or the agent of the employer to respond, taking into consideration the number of instances of failure in relation to the total volume of requests. An employer or employer's agent failing to respond as described in (c)(3)(A) shall not be determined to have engaged in a "pattern of failure" if the number of such failures during the year prior to such request is fewer than two, or less than 2%, of such requests, whichever is greater.

(D) Determinations of the secretary prohibiting the relief of charges pursuant to this section shall be subject to appeal or protest as other determinations of the agency with respect to the charging of employer accounts.

(E) This paragraph shall apply to erroneous payments established on and after the effective date of this act.

(4) The examiner shall notify any base period employer whose account will be charged with benefits paid following the filing of a valid new claim and a determination by the examiner based on all information relating to the claim contained in the records of the division of employment security. Such notice shall become final and benefits charged to the base period employer's account in accordance with the claim unless within 10 calendar days from the date the notice was sent, the base period employer requests in writing that the examiner reconsider the determination and furnishes any required information in accordance with the secretary's rules and regulations. In a similar manner, a notice of an additional claim followed by the first payment of benefits with respect to the benefit year, filed by an individual during a benefit year after a period in such year during which such individual was employed, shall be given to any base period employer of the individual who has requested such a notice within 10 calendar days from the date the notice of the valid new claim was sent to such base period employer. For purposes of this subsection (c)(3), if the required information is not submitted or postmarked within a response time limit of 10 days after the base period employer notice was sent, the base period employer shall be deemed to have waived its standing as a party to the proceedings arising from the claim and shall be barred from protesting any subsequent decisions about the claim by the secretary, a referee, the board of review or any court, except that the base period employer's response time limit may be waived or extended by the examiner or upon appeal, if timely response was impossible due to excusable neglect. The examiner shall notify the employer of the reconsidered determination, which shall be subject to appeal; or further reconsideration, in accordance with the provisions of K.S.A. 44-709, and amendments thereto.

(5) *Time, computation and extension.* In computing the period of time for a base period employer response or appeals under this section from the examiner's or the special examiner's determination or from the referee's decision, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day ~~which that~~ is not a Saturday, Sunday or legal holiday.

(d) *Pooled fund.* All contributions and payments in lieu of contributions and benefit cost payments to the employment security fund shall be pooled and available to pay benefits to any individual entitled thereto under the employment security law, regardless of the source of such contributions or payments in lieu of contributions or benefit cost payments.

(e) *Election to become reimbursing employer; payment in lieu of contributions.* (1) Any governmental entity, Indian tribes or tribal units, (subdivisions, subsidiaries or business enterprises wholly owned by such Indian tribes), for which services are performed as described in ~~subsection (i)(3)(E)~~ of K.S.A. 44-703(i)(3)(E), and amendments thereto, or any nonprofit organization or group of nonprofit organizations described in section 501(c)(3) of the federal internal revenue code of 1986 ~~which that~~ is exempt from income tax under section 501(a) of such code, that becomes subject to the employment security law may elect to become a reimbursing employer under this subsection (e)(1) and agree to pay the secretary for the employment security fund an amount equal to the amount of regular benefits and  $\frac{1}{2}$  of the extended benefits paid that are attributable to service in the employ of such reimbursing employer, except that each reimbursing governmental employer, Indian tribes or tribal units shall pay an amount equal to the amount of regular benefits and extended benefits paid for weeks of unemployment beginning after December 31, 1978, for governmental employers and December 21, 2000, for Indian tribes or tribal units to individuals for weeks of unemployment ~~which that~~ begin during the effective period of such election.

(A) Any employer identified in this subsection (e)(1) may elect to become a reimbursing employer for a period encompassing not less than four complete calendar years if such employer files with the secretary a written notice of such election within the 30-day period immediately following January 1 of any calendar year or within the 30-day period immediately following the date ~~on which when~~ a determination of subjectivity to the employment security law is issued, whichever occurs later.

(B) Any employer ~~which that~~ makes an election to become a reimbursing employer in accordance with subparagraph (A) ~~of this subsection (e)(1)~~ will continue to be liable for payments in lieu of contributions until such employer files with the secretary a written notice terminating its election not later than 30 days prior to the beginning of the calendar year for which such termination shall first be effective.

(C) Any employer identified in this subsection (e)(1) ~~which that~~ has remained a contributing employer and has been paying contributions under the employment security law for a period subsequent to January 1, 1972, may change to a reimbursing employer by filing with the secretary not later than 30 days prior to the beginning of any calendar year a written notice of election to become a reimbursing employer. Such election shall not be terminable by the employer for four complete calendar years.

(D) The secretary may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be

retroactive but not any earlier than with respect to benefits paid after January 1 of the year such election is received.

(E) The secretary, in accordance with such rules and regulations as the secretary may adopt, shall notify each employer identified in subsection (e)(1) of any determination ~~which that~~ the secretary may make of its status as an employer and of the effective date of any election ~~which that~~ it makes to become a reimbursing employer and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of K.S.A. 44-710b, and amendments thereto.

(2) *Reimbursement reports and payments.* Payments in lieu of contributions shall be made in accordance with the provisions of ~~paragraph subparagraph (A) of this subsection (e)(2)~~ by all reimbursing employers except the state of Kansas. Each reimbursing employer shall report total wages paid during each calendar quarter by filing quarterly wage reports with the secretary ~~which that~~ shall be filed by the last day of the month following the close of each calendar quarter. Wage reports are deemed filed as of the date they are placed in the United States mail.

(A) At the end of each calendar quarter, or at the end of any other period as determined by the secretary, the secretary shall bill each reimbursing employer, except the state of Kansas: (i) An amount to be paid ~~which that~~ is equal to the full amount of regular benefits plus  $\frac{1}{2}$  of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such reimbursing employer; and (ii) for weeks of unemployment beginning after December 31, 1978, each reimbursing governmental employer and December 21, 2000, for Indian tribes or tribal units shall be certified an amount to be paid ~~which that~~ is equal to the full amount of regular benefits and extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such reimbursing governmental employer.

(B) Payment of any bill rendered under ~~paragraph subparagraph (A) of this subsection (e)(2)~~ shall be made not later than 30 days after such bill was mailed to the last known address of the reimbursing employer, or otherwise was delivered to such reimbursing employer, unless there has been an application for review and redetermination in accordance with ~~paragraph subparagraph (D) of this subsection (e)(2)~~.

(C) Payments made by any reimbursing employer under the provisions of this subsection (e)(2) shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of such employer.

(D) The amount due specified in any bill from the secretary shall be conclusive on the reimbursing employer, unless, not later than 15 days after the bill was mailed to the last known address of such employer, or was otherwise delivered to such employer, the reimbursing employer files an application for redetermination in accordance with K.S.A. 44-710b, and amendments thereto.

(E) Past due payments of amounts certified by the secretary under this section shall be subject to the same interest, penalties and actions required by K.S.A. 44-717, and amendments thereto. (1) If any nonprofit organization or group of nonprofit organizations described in section 501(c)(3) of the federal internal revenue code of 1986 or governmental reimbursing employer is delinquent in making payments of amounts certified by the secretary under this section, the secretary may terminate such

employer's election to make payments in lieu of contributions as of the beginning of the next calendar year and such termination shall be effective for such next calendar year and the calendar year thereafter so that the termination is effective for two complete calendar years. (2) Failure of the Indian tribe or tribal unit to make required payments, including assessment of interest and penalty within 90 days of receipt of the bill will cause the Indian tribe to lose the option to make payments in lieu of contributions as described pursuant to paragraph (e)(1) for the following tax year unless payment in full is received before contribution rates for the next tax year are calculated. (3) Any Indian tribe that loses the option to make payments in lieu of contributions due to late payment or nonpayment, as described in paragraph (2), shall have such option reinstated, if after a period of one year, all contributions have been made on time and no contributions, payments in lieu of contributions for benefits paid, penalties or interest remain outstanding.

(F) Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalties, after all collection activities deemed necessary by the secretary have been exhausted, will cause services performed by such tribe to not be treated as employment for purposes of ~~subsection (i)(3)(E) of K.S.A. 44-703(i)(3)(E)~~, and amendments thereto. If an Indian tribe fails to make payments required under this section, including assessments of interest and penalties, within 90 days of a final notice of delinquency, the secretary shall immediately notify the United States internal revenue service and the United States department of labor. The secretary may determine that any Indian tribe that loses coverage pursuant to this paragraph may have services performed on behalf of such tribe again deemed "employment" if all contributions, payments in lieu of contributions, penalties and interest have been paid.

(G) In the discretion of the secretary, any employer who elects to become liable for payments in lieu of contributions and any nonprofit organization or group of nonprofit organizations described in section 501 (c)(3) of the federal internal revenue code of 1986 or governmental reimbursing employer or Indian tribe or tribal unit who is delinquent in filing reports or in making payments of amounts certified by the secretary under this section shall be required within 60 days after the effective date of such election, in the case of an eligible employer so electing, or after the date of notification to the delinquent employer under this subsection (e)(2)(G), in the case of a delinquent employer, to execute and file with the secretary a surety bond, except that the employer may elect, in lieu of a surety bond, to deposit with the secretary money or securities as approved by the secretary or to purchase and deliver to an escrow agent a certificate of deposit to guarantee payment. The amount of the bond, deposit or escrow agreement required by this subsection (e)(2)(G) shall not exceed 5.4% of the organization's taxable wages paid for employment by the eligible employer during the four calendar quarters immediately preceding the effective date of the election or the date of notification, in the case of a delinquent employer. If the employer did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the secretary. Upon the failure of an employer to comply with this subsection (e)(2)(G) within the time limits imposed or to maintain the required bond or deposit, the secretary may terminate the election of such eligible employer or delinquent employer, as the case may be, to make payments in lieu of contributions, and such termination shall be effective for the current and next calendar year.

(H) The state of Kansas shall make reimbursement payments quarterly at a fiscal year

rate ~~which that~~ shall be based upon: (i) The available balance in the state's reimbursing account as of December 31 of each calendar year; (ii) the historical unemployment experience of all covered state agencies during prior years; (iii) the estimate of total covered wages to be paid during the ensuing calendar year; (iv) the applicable fiscal year rate of the claims processing and auditing fee under K.S.A. 75-3798, and amendments thereto; and (v) actuarial and other information furnished to the secretary by the secretary of administration. In accordance with K.S.A. 75-3798, and amendments thereto, the claims processing and auditing fees charged to state agencies shall be deducted from the amounts collected for the reimbursement payments under this paragraph (H) prior to making the quarterly reimbursement payments for the state of Kansas. The fiscal year rate shall be expressed as a percentage of covered total wages and shall be the same for all covered state agencies. The fiscal year rate for each fiscal year will be certified in writing by the secretary to the secretary of administration on July 15 of each year and such certified rate shall become effective on the July 1 immediately following the date of certification. A detailed listing of benefit charges applicable to the state's reimbursing account shall be furnished quarterly by the secretary to the secretary of administration and the total amount of charges deducted from previous reimbursing payments made by the state. On January 1 of each year, if it is determined that benefit charges exceed the amount of prior reimbursing payments, an upward adjustment shall be made therefor in the fiscal year rate ~~which will to~~ be certified on the ensuing July 15. If total payments exceed benefit charges, all or part of the excess may be refunded, at the discretion of the secretary, from the fund or retained in the fund as part of the payments ~~which that~~ may be required for the next fiscal year.

(3) *Allocation of benefit costs.* The reimbursing account of each reimbursing employer shall be charged the full amount of regular benefits and ½ of the amount of extended benefits paid except that each reimbursing governmental employer's account shall be charged the full amount of regular benefits and extended benefits paid for weeks of unemployment beginning after December 31, 1978, to individuals whose entire base period wage credits are from such employer. When benefits received by an individual are based upon base period wage credits from more than one employer then the reimbursing employer's or reimbursing governmental employer's account shall be charged in the same ratio as base period wage credits from such employer bear to the individual's total base period wage credits. Notwithstanding any other provision of the employment security law, no reimbursing employer's or reimbursing governmental employer's account shall be charged for payments of extended benefits ~~which that~~ are wholly reimbursed to the state by the federal government. Payments of unemployment compensation that are wholly reimbursed to the reimbursing employer by the federal government shall be charged for the purpose of such reimbursement under the federal CARES act, public law 116-136.

(A) *Proportionate allocation (when fewer than all reimbursing base period employers are liable).* If benefits paid to an individual are based on wages paid by one or more reimbursing employers and on wages paid by one or more contributing employers or rated governmental employers, the amount of benefits payable by each reimbursing employer shall be an amount ~~which that~~ bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bears to the total base period wages paid to the individual by all of such individual's base period employers.

(B) *Proportionate allocation (when all base period employers are reimbursing employers)*. If benefits paid to an individual are based on wages paid by two or more reimbursing employers, the amount of benefits payable by each such employer shall be an amount ~~which~~ that bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of such individual's base period employers.

(4) *Group accounts*. Two or more reimbursing employers may file a joint application to the secretary for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employment of such reimbursing employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection (e)(4). Upon approval of the application, the secretary shall establish a group account for such employers effective as of the beginning of the calendar quarter in which the secretary receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than four years and thereafter such account shall remain in effect until terminated at the discretion of the secretary or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The secretary shall adopt such rules and regulations as the secretary deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subsection (e)(4), for addition of new members to, and withdrawal of active members from such accounts, and for the determination of the amounts that are payable under this subsection (e)(4) by members of the group and the time and manner of such payments.

Sec. 28. K.S.A. 2019 Supp. 44-757 is hereby amended to read as follows: 44-757. *Shared work unemployment compensation program*. (a) As used in this section:

(1) "Affected unit" means a specified department, shift or other unit of two or more employees that is designated by an employer to participate in a shared work plan.

(2) "Fringe benefit" means health insurance, a retirement benefit received under a pension plan, a paid vacation day, a paid holiday, sick leave, and any other analogous employee benefit that is provided by an employer.

(3) "Fund" has the meaning ascribed thereto by K.S.A. 44-703(k), and amendments thereto.

(4) "Normal weekly hours of work" means the lesser of 40 hours or the average obtained by dividing the total number of hours worked per week during the preceding twelve-week period by the number 12.

(5) "Participating employee" means an employee who works a reduced number of hours under a shared work plan.

(6) "Participating employer" means an employer who has a shared work plan in effect.

(7) "Secretary" means the secretary of labor or the secretary's designee.

(8) "Shared work benefit" means an unemployment compensation benefit that is payable to an individual in an affected unit because the individual works reduced hours under an approved shared work plan.

(9) "Shared work plan" means a program for reducing unemployment under which employees who are members of an affected unit share the work remaining after a reduction in their normal weekly hours of work.

(10) "Shared work unemployment compensation program" means a program designed to reduce unemployment and stabilize the work force by allowing certain employees to collect unemployment compensation benefits if the employees share the work remaining after a reduction in the total number of hours of work and a corresponding reduction in wages.

(b) The secretary shall establish a voluntary shared work unemployment compensation program as provided by this section. The secretary may adopt rules and regulations and establish procedures necessary to administer the shared work unemployment compensation program.

(c) An employer who wishes to participate in the shared work unemployment compensation program must submit a written shared work plan to the secretary for the secretary's approval. As a condition for approval, a participating employer must agree to furnish the secretary with reports relating to the operation of the shared work plan as requested by the secretary. The employer shall monitor and evaluate the operation of the established shared work plan as requested by the secretary and shall report the findings to the secretary.

(d) The secretary may approve a shared work plan if:

(1) The shared work plan applies to and identifies a specific affected unit;

(2) the employees in the affected unit are identified by name and social security number;

(3) the shared work plan reduces the normal weekly hours of work for an employee, including regular part-time employees, in the affected unit by not less than 20% and not more than 40%;

(4) the shared work plan applies to at least 10% of the employees in the affected unit;

(5) the shared work plan describes the manner ~~in which that~~ the participating employer treats the fringe benefits of each employee in the affected unit and the employer certifies that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. § 414(j), or contributions under a defined contribution plan, as defined in 26 U.S.C. § 414(i), to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the shared work compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the shared work program;

(6) the employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of layoffs that would affect at least 10% of the employees in the affected unit and that would result in an equivalent reduction in work hours;

(7) the employer has filed all reports required to be filed under the employment security law for all past and current periods and has paid all contributions, benefit cost payments, or if a reimbursing employer has made all payments in lieu of contributions

due for all past and current periods;

(8) (A) a contributing employer must be eligible for a rate computation under K.S.A. 44-710a(a)(2), and amendments thereto, ~~and is not a negative account employer as defined by K.S.A. 44-710a(d), and amendments thereto and the contributing employer, as determined by the secretary, does not adversely impact the state's eligibility under section 2108 of the federal CARES act, public law 116-136;~~ (B) a rated governmental employer must be eligible for a rate computation under K.S.A. 44-710d(g), and amendments thereto;

(9) eligible employees may participate, as appropriate, in training, including without limitation, employer-sponsored training or worker training funded under the workforce investment act of 1998, to enhance job skills if such program has been approved by the state of Kansas;

(10) the employer includes a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced together with an estimate of the number of layoffs that would have occurred absent the ability to participate in shared work compensation and such other information as the secretary of labor determines is appropriate; and

(11) the terms of the employer's written plan and implementation are consistent with employer obligations under applicable federal and Kansas laws.

(e) If any of the employees who participate in a shared work plan under this section are covered by a collective bargaining agreement, the shared work plan must be approved in writing by the collective bargaining agent.

(f) A shared work plan may not be implemented to subsidize seasonal employers during the off-season.

(g) The secretary shall approve or deny a shared work plan no later than the 30<sup>th</sup> day after the day the shared work plan is received by the secretary. The secretary shall approve or deny a shared work plan in writing. If the secretary denies a shared work plan, the secretary shall notify the employer of the reasons for the denial.

(h) A shared work plan is effective on the date it is approved by the secretary, except for good cause a shared work plan may be effective at any time within a period of 14 days prior to the date such plan is approved by the secretary. The shared work plan expires on the last day of the 12<sup>th</sup> full calendar month after the effective date of the shared work plan.

(i) An employer may modify a shared work plan created under this section to meet changed conditions if the modification conforms to the basic provisions of the shared work plan as approved by the secretary. The employer must report the changes made to the shared work plan in writing to the secretary before implementing the changes. If the original shared work plan is substantially modified, the secretary shall reevaluate the shared work plan and may approve the modified shared work plan if it meets the requirements for approval under subsection (d). The approval of a modified shared work plan does not affect the expiration date originally set for that shared work plan. If substantial modifications cause the shared work plan to fail to meet the requirements for approval, the secretary shall deny approval to the modifications as provided by subsection (g).

(j) Notwithstanding any other provisions of the employment security law, an individual is unemployed and is eligible for shared work benefits in any week in which the individual, as an employee in an affected unit, works for less than the individual's



normal weekly hours of work in accordance with an approved shared work plan in effect for that week. The secretary may not deny shared work benefits for any week to an otherwise eligible individual by reason of the application of any provision of the employment security law that relates to availability for work, active search for work or refusal to apply for or accept work with an employer other than the participating employer.

(k) An individual is eligible to receive shared work benefits with respect to any week in which the secretary finds that:

(1) The individual is employed as a member of an affected unit subject to a shared work plan that was approved before the week in question and is in effect for that week;

(2) the individual is able to work and is available for additional hours of work or full-time work with the participating employer;

(3) the individual's normal weekly hours of work have been reduced by at least 20% but not more than 40%, with a corresponding reduction in wages; and

(4) the individual's normal weekly hours of work and wages have been reduced as described in subsection (k)(3) for a waiting period of one week ~~which~~ that occurs within the period the shared work plan is in effect, which period includes the week for which the individual is claiming shared work benefits.

(l) The secretary shall pay an individual who is eligible for shared work benefits under this section a weekly shared work benefit amount equal to the individual's regular weekly benefit amount for a period of total unemployment multiplied by the nearest full percentage of reduction of the individual's hours as set forth in the employer's shared work plan. If the shared benefit amount is not a multiple of \$1, the secretary shall reduce the amount to the next lowest multiple of \$1. All shared work benefits under this section shall be payable from the fund.

(m) An individual may not receive shared work benefits and regular unemployment compensation benefits in an amount that exceeds the maximum total amount of benefits payable to that individual in a benefit year as provided by K.S.A. 44-704(g), and amendments thereto.

(n) An individual who has received all of the shared work benefits and regular unemployment compensation benefits available in a benefit year is an exhaustee under K.S.A. 44-704a and 44-704b, and amendments thereto, and is entitled to receive extended benefits under such statutes if the individual is otherwise eligible under such statutes.

(o) The secretary may terminate a shared work plan for good cause if the secretary determines that the shared work plan is not being executed according to the terms and intent of the shared work unemployment compensation program.

(p) Notwithstanding any other provisions of this section, an individual shall not be eligible to receive shared work benefits for more than 26 calendar weeks during the 12-month period of the shared work plan, except that two weeks of additional benefits shall be payable to claimants who exhaust regular benefits and any benefits under any other federal or state extended benefits program during the period July 1, 2003 through June 30, 2004. No week shall be counted as a week for which an individual is eligible for shared work benefits for the purposes of this section unless the week occurs within the 12-month period of the shared work plan.

(q) No shared work benefit payment shall be made under any shared work plan or this section for any week ~~which~~ that commences before April 1, 1989.

(r) This section shall be construed as part of the employment security law.

Sec. 29. K.S.A. 48-924 is hereby amended to read as follows: 48-924. (a) The governor shall be responsible for meeting the dangers to the state and people presented by disasters.

(b) (1) Subject to the provisions of section 5, and amendments thereto, the governor, upon finding that a disaster has occurred or that occurrence or the threat thereof is imminent, shall issue a proclamation declaring a state of disaster emergency.

(2) In addition to or instead of the proclamation authorized by K.S.A. 47-611, and amendments thereto, the governor, upon a finding or when notified pursuant to K.S.A. 47-611, and amendments thereto, that a quarantine or other regulations are necessary to prevent the spread among domestic animals of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency. In addition to or instead of any actions pursuant to the provisions of K.S.A. 2-2114, and amendments thereto, the governor, upon a finding or when notified pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a quarantine or other regulations are necessary to prevent the spread among plants, raw agricultural commodities, animal feed or processed food of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency.

(3) The state of disaster emergency so declared shall continue until the governor finds that the threat or danger of disaster has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist. Upon making such findings the governor shall terminate the state of disaster emergency by proclamation, but except as provided in paragraph (4), no state of disaster emergency may continue for longer than 15 days unless ratified by concurrent resolution of the legislature, with the single exception that upon specific application by the governor to the state finance council and an affirmative vote of a majority of the legislative members thereof, a state of disaster emergency may be extended once for a specified period not to exceed 30 days beyond such 15-day period.

(4) If the state of disaster emergency is proclaimed pursuant to paragraph (2), the governor shall terminate the state of disaster emergency by proclamation within 15 days, unless ratified by concurrent resolution of the legislature, except that when the legislature is not in session and upon specific application by the governor to the state finance council and an affirmative vote of a majority of the legislative members thereof, a state of disaster emergency may be extended for a specified period not to exceed 30 days. The state finance council may authorize additional extensions of the state of disaster emergency by a unanimous vote of the legislative members thereof for specified periods not to exceed 30 days each. Such state of disaster emergency shall be terminated on the 15<sup>th</sup> day of the next regular legislative session following the initial date of the state of disaster emergency unless ratified by concurrent resolution of the legislature.

(5) The state of disaster emergency described in section 5, and amendments thereto, shall terminate on May 31, 2020, as provided in section 5, and amendments thereto, except that when the legislature is not in session and upon specific application by the governor to the state finance council and an affirmative vote of at least six of the legislative members of the council, this state of disaster emergency may be extended for specified periods not to exceed 30 days each. No such extension granted by the state finance council shall continue past January 26, 2021.

(6) At any time, the legislature by concurrent resolution may require the governor to terminate a state of disaster emergency. Upon such action by the legislature, the governor shall issue a proclamation terminating the state of disaster emergency.

~~(6)~~(7) Any proclamation declaring or terminating a state of disaster emergency which is issued under this subsection shall indicate the nature of the disaster, the area or areas threatened or affected by the disaster and the conditions which have brought about, or which make possible the termination of, the state of disaster emergency. Each such proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent the same, each such proclamation shall be filed promptly with the division of emergency management, the office of the secretary of state and each city clerk or county clerk, as the case may be, in the area to which such proclamation applies.

(c) In the event of the absence of the governor from the state or the existence of any constitutional disability of the governor, an officer specified in K.S.A. 48-1204, and amendments thereto, in the order of succession provided by that section, may issue a proclamation declaring a state of disaster emergency in the manner provided in and subject to the provisions of subsection (a). During a state of disaster emergency declared pursuant to this subsection, such officer may exercise the powers conferred upon the governor by K.S.A. 48-925, and amendments thereto. If a preceding officer in the order of succession becomes able and available, the authority of the officer exercising such powers shall terminate and such powers shall be conferred upon the preceding officer. Upon the return of the governor to the state or the removal of any constitutional disability of the governor, the authority of an officer to exercise the powers conferred by this section shall terminate immediately and the governor shall resume the full powers of the office. Any state of disaster emergency and any actions taken by an officer under this subsection shall continue and shall have full force and effect as authorized by law unless modified or terminated by the governor in the manner prescribed by law.

(d) A proclamation declaring a state of disaster emergency shall activate the disaster response and recovery aspects of the state disaster emergency plan and of any local and interjurisdictional disaster plans applicable to the political subdivisions or areas affected by the proclamation. Such proclamation shall be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, materials or facilities assembled, stockpiled or arranged to be made available pursuant to this act during a disaster.

(e) The governor, when advised pursuant to K.S.A. 74-2608, and amendments thereto, that conditions indicative of drought exist, shall be authorized to declare by proclamation that a state of drought exists. This declaration of a state of drought can be for specific areas or communities, can be statewide or for specific water sources and shall effect immediate implementation of drought contingency plans contained in state approved conservation plans, including those for state facilities.

Sec. 30. K.S.A. 2019 Supp. 48-925 is hereby amended to read as follows: 48-925. (a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior

arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing herein shall restrict the authority of the governor to do so by orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation ~~thereof of this act~~, the governor may issue orders ~~and proclamations which shall to exercise the powers conferred by subsection (c) that~~ have the force and effect of law during the period of a state of disaster emergency declared under ~~subsection (b) of K.S.A. 48-924(b)~~, and amendments thereto, ~~and which, or as provided in section 5, and amendments thereto.~~ Within 24 hours of the issuance of any such order, the governor shall call a meeting of the state finance council for the purposes of reviewing such order. Such orders and proclamations shall be null and void thereafter unless ratified by concurrent resolution of the legislature after the period of a state of disaster emergency has ended. Such orders ~~and proclamations~~ may be revoked at any time by concurrent resolution of the legislature.

(c) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, ~~and~~ in addition to any other powers conferred upon the governor by law ~~and subject to the provisions of subsections (d) and (e)~~, the governor may:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statute, order or rule and regulation would prevent, hinder or delay in any way necessary action in coping with the disaster;

(2) utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster;

(3) transfer the supervision, personnel or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;

(4) subject to any applicable requirements for compensation under K.S.A. 48-933, and amendments thereto, commandeer or utilize any private property if the governor finds such action necessary to cope with the disaster;

(5) direct and compel the evacuation of all or part of the population from any area of the state stricken or threatened by a disaster, if the governor deems this action necessary for the preservation of life or other disaster mitigation, response or recovery;

(6) prescribe routes, modes of transportation and destinations in connection with such evacuation;

(7) control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area and the occupancy by persons and animals of premises therein;

(8) suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles;

(9) make provision for the availability and use of temporary emergency housing;

(10) require and direct the cooperation and assistance of state and local governmental agencies and officials; and

(11) perform and exercise such other functions, powers and duties in conformity with the constitution and the bill of rights of the state of Kansas and with the statutes of the state of Kansas, except any regulatory statute specifically suspended under the authority of subsection (c)(1), as are necessary to promote and secure the safety and

protection of the civilian population.

(d) The governor shall not have the power or authority to temporarily or permanently seize, or authorize seizure of, any ammunition or to suspend or limit the sale, dispensing or transportation of firearms or ammunition pursuant to subsection (c) (8) or any other executive authority.

(e) The governor shall exercise the powers conferred by subsection (c) by issuance of orders under subsection (b). Each order issued pursuant to the authority granted by subsection (b) shall specify the provision or provisions of subsection (c) by specific reference to each paragraph of subsection (c) that confers the power under which the order was issued. The adjutant general, subject to the direction of the governor, shall administer such orders.

(f) The board of county commissioners of any county may issue an order relating to public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the governor. Any board of county commissioners issuing such an order must make a finding based upon advice from the local health officer or other local health officials that the scope of the provisions in the governor's executive order are not necessary to protect the public health and safety of the county to be implemented in the county.

Sec. 31. K.S.A. 48-932 is hereby amended to read as follows: 48-932. (a) A state of local disaster emergency may be declared by the chairman of the board of county commissioners of any county, or by the mayor or other principal executive officer of each city of this state having a disaster emergency plan, upon a finding by such officer that a disaster has occurred or the threat thereof is imminent within such county or city. No state of local disaster emergency shall be continued for a period in excess of seven (7) days or renewed, except with the consent of the board of county commissioners of such county or the governing body of such city, ~~as the case may be~~. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed ~~promptly~~ with the county clerk or city clerk, ~~as the case may be~~. Any such declaration must be approved by the board of county commissioners or the governing body of the city, respectively, at the next meeting of such governing body.

(b) In the event of the absence of the chairman of the board of county commissioners from the county or the incapacity of such chairman, the board of county commissioners, by majority action of the remaining members thereof, may declare a state of local disaster emergency in the manner provided in and subject to the provisions of subsection (a). In the event of the absence of the mayor or other principal executive officer of a city from the city or the incapacity of such mayor or officer, the governing body of the city, by majority action of the remaining members thereof, may declare a state of local disaster emergency in the manner provided in and subject to the provisions of subsection (a). Any state of local disaster emergency and any actions taken pursuant to applicable local and interjurisdictional disaster emergency plans, under this subsection shall continue and have full force and effect as authorized by law unless modified or terminated in the manner prescribed by law.

(c) The declaration of a local disaster emergency shall activate the response and recovery aspects of any and all local and interjurisdictional disaster emergency plans which are applicable to such county or city, and shall initiate the rendering of aid and assistance thereunder.

(d) No interjurisdictional disaster agency or any official thereof may declare a local disaster emergency, unless expressly authorized by the agreement pursuant to which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement pursuant to which it functions in the case of a state of local disaster emergency declared under subsection (a).

Sec. 32. K.S.A. 48-939 is hereby amended to read as follows: 48-939. ~~The knowing and willful violation of~~ (a) A person who violates any provision of this act or, any rule and regulation adopted by the adjutant general under this act or any lawful order or proclamation issued under authority of this act whether pursuant to a proclamation declaring a state of disaster emergency under K.S.A. 48-924, and amendments thereto, or a declaration of a state of local disaster emergency under K.S.A. 48-932, ~~shall constitute a class A misdemeanor and any person convicted of such violation shall be punished as provided by law therefor and amendments thereto,~~ may incur a civil penalty in an amount not to exceed \$2,500 per violation. Each penalty may be assessed in addition to any other penalty provided by law.

(b) Violations of this section shall be enforced through an action brought under chapter 60 of the Kansas Statutes Annotated, and amendments thereto, by the attorney general or the county or district attorney in the county in which the violation took place. Civil penalties sued for and recovered by the county or district attorney shall be paid into the general fund of the county where the proceedings were instigated.

(c) The attorney general or any county or district attorney may bring an action to enjoin, or to obtain a restraining order, against a person who has violated, is violating or is otherwise likely to violate this act.

Sec. 33. K.S.A. 65-201 is hereby amended to read as follows: 65-201. (a) The board of county commissioners of the several counties of this state each county shall act as the county boards board of health for their respective counties the county. Each county board ~~thus created~~ shall appoint a person licensed to practice medicine and surgery, preference being given to persons who have training in public health, who shall serve as the local health officer and who shall act in an advisory capacity to the county board of health ~~and as the local health officer, except that~~. The appointing authority of city-county, county or multicounty health units with less than ~~one hundred thousand (100,000)~~ 100,000 population may appoint a qualified local health program administrator as the local health officer if a person licensed to practice medicine and surgery or person licensed to practice dentistry is designated as a consultant to direct the administrator on program and related medical and professional matters. The local health officer or local health program administrator shall hold office at the pleasure of the board.

(b) Any order issued by the county health officer, including orders issued as a result of an executive order of the governor, must be approved by the board of county commissioners of the county affected by such order at the next meeting of the board. Any such approval of the order shall include an expiration date set by the board of county commissioners and may be revoked at an earlier date by a majority vote of the board.

(c) The board of county commissioners in any county having a population of less than ~~fifteen thousand (15,000)~~ 15,000 may contract with the governing body of any hospital located in such county for the purpose of authorizing such governing body of the hospital to supply services to a county board of health.

Sec. 34. K.S.A. 65-202 is hereby amended to read as follows: 65-202. (a) The local health officer in each county throughout the state, immediately after ~~his or her~~ such officer's appointment, shall take the same oath of office prescribed by law for the county officers, shall give bond of ~~five hundred dollars (\$500)~~ \$500 conditioned for the faithful performance of ~~his or her~~ the officer's duties, shall keep an accurate record of all the transactions of ~~his or her~~ such office, shall turn over to ~~his or her~~ the successor in office or to the county or joint board of health selecting such officer, on the expiration of ~~his or her~~ such officer's term of office, all records, documents and other articles belonging to the office and shall faithfully account to ~~said board of county commissioners~~ and to the county and state for all moneys coming into ~~his or her hands by virtue of~~ the office. Such officer shall notify the secretary of health and environment of ~~his or her~~ such officer's appointment and qualification, ~~as herein provided for,~~ and provide the secretary with ~~his or her post-office address~~ such officer's contact information.

Such officer shall receive and distribute without delay in the county ~~for which he or she is appointed~~ all forms from the secretary of health and environment to the rightful persons, all returns from persons licensed to practice medicine and surgery, assessors and local boards to said secretary, shall keep an accurate record of all of the transactions of ~~his or her~~ such office and shall turn over all records and documents kept by such officer, ~~as herein provided, and all other articles belonging to the office to his or her~~ the successor in office, or to the county or joint board electing such officer, on the expiration of ~~his or her~~ the term of office.

~~Such~~ The local health officer shall upon the opening of the fall term of school, ~~make or have made~~ a sanitary inspection of each school building and grounds, and shall ~~make or have made~~ such additional inspections ~~thereof~~ as are necessary to protect the public health of the students of the school.

(c) (1) Such officer shall make ~~or have made~~ an investigation of each case of smallpox, diphtheria, typhoid fever, scarlet fever, acute anterior poliomyelitis (infantile paralysis), epidemic cerebro-spinal meningitis and such other acute infectious, contagious or communicable diseases as may be required, and shall use all known measures to prevent the spread of any such infectious, contagious or communicable disease, and shall perform such other duties as this act, ~~his or her~~ the county or joint board, board of health or the secretary of health and environment may require.

(2) Any order issued by the county health officer, including orders issued as a result of an executive order of the governor, on behalf of a county regarding the remediation of any infectious disease must be approved by the board of county commissioners of any county affected by such order in the manner provided by K.S.A. 65-201(b), and amendments thereto.

Such officer shall receive ~~for his or her services~~ such reasonable compensation as ~~his or her~~ set by the board ~~may allow~~ and with the approval of ~~his or her~~ the board of health may employ a skilled professional nurse and other additional personnel whenever deemed necessary for the protection of the public health.

~~All of said several sums allowed shall be paid out of the county treasury. For Any failure or neglect of ~~said~~ the local health officer to perform any of the duties prescribed in this act, ~~he or she~~ the officer may be removed from office by the secretary of health and environment, as well as in the manner prescribed by the preceding section county board of health. In addition to removal from office ~~as provided herein,~~ for any failure or~~

neglect to perform any of the duties prescribed by this act, ~~said the~~ local health officer shall be deemed guilty of a misdemeanor and, upon conviction, be fined not less than ~~ten dollars (\$10)~~ \$10 nor more than ~~one hundred dollars (\$100)~~ \$100 for each and every offense.

Sec. 35. K.S.A. 65-468 is hereby amended to read as follows: 65-468. As used in K.S.A. 65-468 to ~~through~~ through 65-474, ~~inclusive~~, and amendments thereto:

(a) ~~"Health care~~ Healthcare provider" means any person licensed or otherwise authorized by law to provide health care services in this state or a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by law to form such corporation and who are health care providers as defined by this subsection, or an officer, employee or agent thereof, acting in the course and scope of employment or agency.

(b) "Member" means any hospital, emergency medical service, local health department, home health agency, adult care home, medical clinic, mental health center or clinic or nonemergency transportation system.

(c) "Mid-level practitioner" means a physician assistant or advanced practice registered nurse who has entered into a written protocol with a rural health network physician.

(d) "Physician" means a person licensed to practice medicine and surgery.

(e) "Rural health network" means an alliance of members, including at least one critical access hospital and at least one other hospital ~~which, that~~ has developed a comprehensive plan submitted to and approved by the secretary of health and environment regarding: Patient referral and transfer; the provision of emergency and nonemergency transportation among members; the development of a network-wide emergency services plan; and the development of a plan for sharing patient information and services between hospital members concerning medical staff credentialing, risk management, quality assurance and peer review.

(f) ~~(1)~~ "Critical access hospital" means a member of a rural health network ~~which that~~ that: Makes available ~~twenty-four hour~~ 24-hour emergency care services; provides not more than 25 acute care inpatient beds or in the case of a facility with an approved swing-bed agreement a combined total of extended care and acute care beds that does not exceed 25 beds; provides acute inpatient care for a period that does not exceed, on an annual average basis, 96 hours per patient; and provides nursing services under the direction of a licensed professional nurse and continuous licensed professional nursing services for not less than 24 hours of every day when any bed is occupied or the facility is open to provide services for patients unless an exemption is granted by the licensing agency pursuant to rules and regulations. The critical access hospital may provide any services otherwise required to be provided by a full-time, on-site dietician, pharmacist, laboratory technician, medical technologist and radiological technologist on a part-time, off-site basis under written agreements or arrangements with one or more providers or suppliers recognized under medicare. The critical access hospital may provide inpatient services by a physician assistant, advanced practice registered nurse or a clinical nurse specialist subject to the oversight of a physician who need not be present in the facility. In addition to the facility's 25 acute beds or swing beds, or both, the critical access hospital may have a psychiatric unit or a rehabilitation unit, or both. Each unit shall not exceed 10 beds and neither unit ~~will shall~~ shall count toward the 25-bed limit, ~~nor will these units or~~ or be subject to the average 96-hour length of stay restriction.



(2) Notwithstanding the provisions of paragraph (1), prior to June 30, 2021, to the extent that a critical access hospital determines it is necessary to treat COVID-19 patients or to separate COVID-19 patients and non-COVID-19 patients, such critical access hospital shall not be limited to 25 beds or, in the case of a facility with an approved swing bed agreement, to a combined total of 25 extended care and acute care beds, and shall not be limited to providing acute inpatient care for a period of time that does not exceed, on an annual average basis, 96 hours per patient.

(g) "Hospital" means a hospital other than a critical access hospital ~~which~~ that has entered into a written agreement with at least one critical access hospital to form a rural health network and to provide medical or administrative supporting services within the limit of the hospital's capabilities.

New Sec. 36. The provisions of this act are severable. If any portion of the act is declared unconstitutional or invalid, or the application of any portion of the act to any person or circumstance is held unconstitutional or invalid, the invalidity shall not affect other portions of the act that can be given effect without the invalid portion or application, and the applicability of such other portions of the act to any person or circumstance shall remain valid and enforceable.

Sec. 37. Section 1 of 2020 House Substitute for Senate Bill No. 102, K.S.A. 48-924, 48-932, 48-939, 65-201, 65-202 and 65-468 and K.S.A. 2019 Supp. 19-101a, 41-2653, 44-702, 44-705, as amended by section 2 of 2020 Senate Bill No. 27, 44-709, 44-710, 44-757 and 48-925 are hereby repealed.";

Also on page 8, in line 9, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 6 and inserting "governmental response to the 2020 COVID-19 pandemic in Kansas; providing certain relief related to health, welfare, property and economic security during this public health emergency; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the legislative coordinating council and the governor's department; relating to the state of disaster emergency; powers of the governor and executive officers; providing certain limitations and restrictions; business and commercial activities, local health officials; violations of the emergency management act; enacting the COVID-19 response and reopening for business liability protection act; relating to limitations on liability associated with the COVID-19 public health emergency; providing immunity from civil liability for healthcare providers during the COVID-19 public health emergency; validating certain notarial acts performed while the requirements that a person must appear before a notary public are suspended; requiring county health officers to share certain information with first responder agencies and 911 call centers; imposing requirements on the Kansas department for aging and disability services related to infection prevention and control practices and recommendations, infection control inspections and providing personal protective equipment; authorizing the expanded use of telemedicine in response to the COVID-19 public health emergency and imposing requirements related thereto; suspending certain requirements related to medical care facilities and expiring such provisions; providing for temporary suspension of certain healthcare professional licensing and practice requirements; delegation and supervision requirements; conditions of licensure and renewal and reinstatement of licensure; relating to authorized use of two-way electronic audio-visual communication by courts

to secure the health and safety of court users, staff and judicial officers; authorizing the temporary sale of alcoholic liquor for consumption off of certain licensed premises; relating to changes in the employment security law in response to the COVID-19 public health emergency; eligibility for benefits; contribution rates; federal reimbursement; employer notifications; shared work plan eligibility; authorizing counties to adopt orders relating to public health that are less stringent than statewide executive orders; requiring the board of county commissioners to approve orders of a local health officer; requiring city governing bodies to approve local disaster orders of the mayor; providing for severability of this act; amending Section 1 of 2020 House Substitute for Senate Bill No. 102, K.S.A. 48-924, 48-932, 48-939, 65-201, 65-202 and 65-468 and K.S.A. 2019 Supp. 19-101a, 41-2653, 44-702, 44-705, as amended by section 2 of 2020 Senate Bill No. 27, 44-709, 44-710, 44-757 and 48-925 and repealing the existing sections."

And your committee on conference recommends the adoption of this report.

RICHARD WILBORN

ERIC RUCKER

*Conferees on part of Senate*

FRED C. PATTON

BRAD RALPH

*Conferees on part of House*

Senator Rucker moved the Senate adopt the Conference Committee Report on **S Sub HB 2054**.

Senator Denning called the question.

Upon the showing of five hands, the motion passed by voice vote.

On roll call, the vote was: Yeas 27; Nays 11; Present and Passing 1; Absent or Not Voting 1.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Doll, Estes, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pyle, Rucker, Suellentrop, Taylor, Thompson, Tyson, Wagle, Wilborn.

Nays: Denning, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Miller, Pettey, Sykes, Ware.

Present and Passing: Skubal.

Absent or Not Voting: Bollier.

The Conference Committee Report was adopted.

#### EXPLANATION OF VOTE

Madam President: Lobbyists for big industry negotiated out a provision known as 'premise protection' in the liability section of this bill. Negotiating premise protection out favors large corporations over small businesses. The Senate position was to have premise protection in to help small businesses recover and survive the COVID-19 pandemic. For that reason, I vote No. – JIM DENNING

Madam President: Obviously, I proudly vote NO on the final conference committee report of the 2020 Session. I was the ONLY NO vote in this Chamber on the very FIRST bill of this Session (SB 45 which purported to enhance criminal penalties for assaults, intentional and unintentional, against public servant officers to the tune of a

projected \$1.2 million in necessary prison bed space in the next ten years). Fortunately, the House appears to have concurred with my lone assessment and spared our Treasury needless waste that would not have increased public safety. Colleagues, some of you won't be back after today (it's 6:30 am on the morning of May 22 actually), so here's one more thing to remember about David Haley. Sniffing out waste and special interest "protections" in bills would always compel me to vote No. Immunities and legal protections from lawsuits due to gross negligence leading to multiple deaths? Not on my watch...especially after personally attending funerals that were decidedly premature. Finally, remember (and I pray this potential prediction *never* materializes), we should have compelled the Governor to have all inmates at all of our prisons tested for the COVID-19 coronavirus and released to monitored "home detention" all non-violent offenders with fewer than 12 months left to serve. The federal system did no less; sending notorious, but well-heeled, criminals like Paul Manafort (with 5 years at least yet to serve) and Michael Cohen (with 2 years left) to their home detentions early due to COVID-19 fears. Anticipated that as many as 3,700 in the federal system will meet the criteria for release, we here in Kansas too should release from potential "death sentences" those who posed no harm and are near completion of sentencing. And the lawsuit(s) against our State by a loved one of a hapless healthy offender who, crammed into a cell, grew COVID sick and died. Madam President, for these and other reasons, I vote NO on the LAST bill of the 2020 Session, too. – DAVID HALEY

#### REPORT ON ENROLLED BILLS

**SB 66, H Sub SB 173** reported correctly enrolled, properly signed and presented to the Governor on March 24, 2020.

**SCR 1615** reported correctly enrolled, properly signed and presented to the Secretary of State on March 24, 2020.

As provided by **SCR 1615**, Senator Denning moved the Senate adjourn Sine Die. The motion prevailed.

President Wagle thereupon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2020 Session of the Kansas Senate adjourned Sine Die."

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*



#### MESSAGES FROM THE HOUSE

The House concurs in Senate amendments to **S Sub for HB 2018**.

The House adopts the Conference Committee report on **S Sub for HB 2054**.

Announcing a veto message from the Governor on **Senate Substitute for House Bill 2054**, AN ACT concerning governmental response to the 2020 COVID-19 pandemic in Kansas; providing certain relief related to health, welfare, property and economic

security during this public health emergency; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the legislative coordinating council and the governor's department; relating to the state of disaster emergency; powers of the governor and executive officers; providing certain limitations and restrictions; business and commercial activities, local health officials; violations of the emergency management act; enacting the COVID-19 response and reopening for business liability protection act; relating to limitations on liability associated with the COVID-19 public health emergency; providing immunity from civil liability for healthcare providers during the COVID-19 public health emergency; validating certain notarial acts performed while the requirements that a person must appear before a notary public are suspended; requiring county health officers to share certain information with first responder agencies and 911 call centers; imposing requirements on the Kansas department for aging and disability services related to infection prevention and control practices and recommendations, infection control inspections and providing personal protective equipment; authorizing the expanded use of telemedicine in response to the COVID-19 public health emergency and imposing requirements related thereto; suspending certain requirements related to medical care facilities and expiring such provisions; providing for temporary suspension of certain healthcare professional licensing and practice requirements; delegation and supervision requirements; conditions of licensure and renewal and reinstatement of licensure; relating to authorized use of two-way electronic audiovisual communication by courts to secure the health and safety of court users, staff and judicial officers; authorizing the temporary sale of alcoholic liquor for consumption off of certain licensed premises; relating to changes in the employment security law in response to the COVID-19 public health emergency; eligibility for benefits; contribution rates; federal reimbursement; employer notifications; shared work plan eligibility; authorizing counties to adopt orders relating to public health that are less stringent than statewide executive orders; requiring the board of county commissioners to approve orders of a local health officer; requiring city governing bodies to approve local disaster orders of the mayor; providing for severability of this act; amending Section 1 of 2020 House Substitute for Senate Bill No. 102, K.S.A. 48-924, 48-932, 48-939, 65-201, 65-202 and 65-468 and K.S.A. 2019 Supp. 19-101a, 41-2653, 44-702, 44-705, as amended by section 2 of 2020 Senate Bill No. 27, 44- 709, 44-710, 44-757 and 48-925 and repealing the existing sections.

### MESSAGE FROM THE GOVERNOR

**House Bill 2054** is a sweeping piece of legislation that would have long-lasting consequences for the people of Kansas as we continue to mitigate the impact of COVID-19 in our state. I support provisions of **House Bill 2054** that extend a crucial emergency declaration upon which Kansas' entire COVID-19 response effort is based. With no emergency declaration in place, critical federal support through FEMA, in addition to all Executive Orders issued under the previous act, will expire. Months of sacrifice and work on the part of Kansas families, local officials, public health leaders, and emergency response teams to limit the harm inflicted by this global public health pandemic will be lost. Unfortunately, this legislation comes attached to policy provisions I cannot support.

1. **House Bill 2054 politicizes and hampers the ability of the Executive Branch to act swiftly on behalf of Kansans in the face of an emergency.** I am willing to accept changes to Kansas Emergency Management Act (KEMA) that extend additional legislative oversight during times of emergency, within reason. Unfortunately, **House Bill 2054** goes beyond reasonable legislative oversight and fails to make appropriate amendments to the law. First, the legislation demands that a supermajority of legislative leaders on the State Finance Council approve emergency actions. The bill also needlessly and dangerously hamstring the government's ability to respond to future threats from COVID-19. Finally, **House Bill 2054** fails to provide a reasonable mechanism for the extension of emergency declarations during the many months each year that the Legislature is not in session.

2. **House Bill 2054 creates unnecessary, unprecedented bureaucracy that will impede on the timely distribution of federal coronavirus relief.** I am willing to engage the Kansas Legislature in the proper, efficient distribution of federal Coronavirus Relief Funds. This is why I included both Republican legislative leaders and Republican budget committee chairs on the Strengthening People and Revitalizing Kansas (SPARK) Taskforce for the newly established Recovery Office. However, **House Bill 2054** goes beyond collaboration to add unwarranted, unprecedented bureaucracy to the process. It will inevitably delay and confuse efforts for providing relief to Kansas communities and businesses. Kansas accepts billions of dollars in aid each year from the federal government. Kansas law provides the Executive Branch authority to not only accept federal funds, but to expend such funds. This legislative overreach is not only unprecedented, it will delay the process to an extent that will endanger our ability to disperse funds by December 31, 2020, as required by federal law.

3. **House Bill 2054 undermines a thoughtful compromise originally reached on liability protections to protect both individuals and responsible business owners.** My administration engaged key stakeholders in a thorough discussion to amend COVID-19-related civil liability protections in a responsible manner. After weeks of negotiation, a compromise was reached. **House Bill 2054** fails to honor this compromise and discards all of the progress made in prior negotiations.

**House Bill 2054** was debated, voted on, and written while most Kansans were asleep and was never intended to address reasonable concerns and bring KEMA in line with our present circumstances. Rather, it was designed to trigger a high-stakes game of political chicken, combining provisions that are essential to COVID-19 response with a wide ranging, special interest "wish-list" of unrelated and unnecessary provisions. I call on the Kansas Legislature to send a clean proposal to my desk that will provide clarity and legal certainty for all elements of our emergency response moving forward.

Therefore, under Article 2, Section 14(a) of the Kansas Constitution, I hereby veto **House Bill 2054**.

LAURA KELLY  
*Governor*

The message was received on June 1, 2020. The veto message having been received after the House adjourned Sine Die, there was no opportunity to reconsider **Senate Substitute for HB 2054**.

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Announcing a veto message from the Governor on **House Bill 2510**, AN ACT concerning education; creating the Kansas promise scholarship act; requiring a Kansas foster care children annual academic report card; authorizing the state board of regents on behalf of Kansas state university to sell certain real property in Saline county; authorizing school districts to pay tuition and fees for concurrent and dual enrollment of students; requiring tuition waiver for dual or concurrently enrolled foster students; authorizing the practice of the healing arts by healing arts school clinics; providing ACT college entrance exams and workkeys assessments to nonpublic school students; amending K.S.A. 65-2877a, as amended by section 5 of chapter 52 of the 2019 Session Laws of Kansas, 72-3220, 72-3221, 72-3222, 72- 5-53,112 and K.S.A. 2019 Supp. 17-2707, 17-7668 and 72-5179 and repealing the existing sections.

**House Bill 2510** includes valuable provisions—such as free ACT exams for high school students and a foster care report card—that I would sign into law if they were presented in a standalone bill. The Kansas Promise Scholarship is also a laudable effort to make higher education more accessible to vulnerable Kansans who come of age in the foster care system, and to incentivize Kansas graduates to establish their careers here. Although well-intentioned, **House Bill 2510** as a whole would annually deplete millions from state funds at a time when Kansas faces a \$1.3 billion budget shortfall. I cannot in good conscience sign a bill establishing a new discretionary spending program that is unrelated to Kansas COVID-19 response efforts when such severe financial strain looms in the months ahead. I have made Kansas children in foster care one of the top priorities of my administration. At this time of fiscal crisis we must focus on preserving the foster care programs and services already in place. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2510**.

LAURA KELLY  
*Governor*

The message was received on June 1, 2020. The veto message having been received after the House adjourned Sine Die, there was no opportunity to reconsider **HB 2510**.

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Announcing a veto message from the Governor on **Senate Substitute for House Bill 2619**, AN ACT concerning financial institutions; enacting the Kansas economic recovery loan deposit program; relating to credit unions, field of membership; banks, trust companies and savings and loan institutions, privilege tax, deduction of net interest received from certain agricultural real estate loans and single family residence loans; amending K.S.A. 75-4237 and 79-1109 and K.S.A. 2019 Supp. 17-2205 and repealing the existing sections.

## MESSAGE FROM THE GOVERNOR

**House Bill 2619** establishes a new Economic Recovery Linked Deposit Loan Program for businesses in response to the economic downturn caused by the COVID-19 pandemic. This 10-year program would make up to \$60 million available for low-interest loans to businesses and agricultural producers through the Pooled Money Investment Board. I support efforts to provide economic relief to Kansas small businesses and agricultural producers who have been hard hit by the COVID-19 pandemic. However, federal funding made available to Kansas through the CARES Act is a more appropriate funding source for this effort. With a \$1.3 billion budget shortfall looming, we must protect every state resource at our disposal to make ends meet in the months ahead, including earnings from the state's investment portfolio. **House Bill 2619** also grants authority to the Kansas State Treasurer to administer the loan program. These programs have historically been administered by the Kansas Department of Commerce, and that should continue in our COVID-19 response effort. Finally, this bill includes a problematic income tax exemption for for-profit banks. While the efforts of Kansas banks and credit unions to reach a compromise on this legislation are laudable, I cannot in good conscience agree to providing tax breaks for banks in light of the looming budget shortfall. Additionally, the CARES Act already provides relief for banks that will far exceed the benefits of this legislation. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2619**.

Laura Kelly  
*Governor*

The message was received on June 1, 2020. The veto message having been received after the House adjourned Sine Die, there was no opportunity to reconsider **Senate Substitute for HB 2619**.

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Announcing a veto message from the Governor on **House Bill 2702**, AN ACT concerning taxation; relating to income tax, enacting the Kansas taxpayer protection act regulating paid tax return preparers, extending certain return filing and tax payment deadlines; property taxation, rates, truth in taxation and establishing notice and public hearing requirements prior to approval to exceed revenue neutral rate, discontinuing the city and county tax lid, time for payment of real property and personal property taxes, providing for waiver of interest and fees for late property tax payments for a certain period of time, extending the time for listing and publication of delinquent real estate subject to sale, prohibiting valuation increase of real property solely as the result of normal repair, replacement or maintenance, establishment of a payment plan for the payment of delinquent or nondelinquent taxes; amending K.S.A. 79-1110, 79-1460, 79-1801, 79-2024, 79-2302, 79-2303, 79-2925c, 79-3221 and 79-3225 and repealing the existing sections.

## MESSAGE FROM THE GOVERNOR

During the COVID-19 pandemic our local governments have risen to the challenge of providing services to citizens when COVID-19 threatens the normal operations of

businesses and government agencies alike. I am keenly aware of the challenges facing Kansas taxpayers, especially those facing unemployment or decreased income as a result of the COVID-19 pandemic. However, the COVID-19 pandemic has also required our local governments to do more with less. Local governments rely heavily on property taxes to fund essential programs and services, but by allowing property tax payments to be made as late as August 10, 2020, with no penalties or interest, House Bill 2702 would potentially deprive local governments of essential funding at a time it is needed the most. Local governments cannot meet increased demand for police, fire, emergency medical, and other services if a primary funding source for local governments is withdrawn. Additionally, **HB 2702** places significant administrative burdens on local governments when local officials should be focused on addressing the threats and challenges of COVID-19 in their communities. I have long supported responsible property tax relief, but the provisions of **HB 2702** cause more problems than they solve. Now is not the time to create more problems and burdens for local governments. Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto **House Bill 2702**.

LAURA KELLY  
*Governor*

The message was received on June 1, 2020. The veto message having been received after the House adjourned Sine Die, there was no opportunity to reconsider **HB 2702**.

The House announces the following bills and concurrent resolutions are hereby transmitted to the Senate with final disposition:

Senate Bills that died in House Committees: **SB 7, SB 19, SB 32, SB 42, SB 45, SB 49, SB 58, Sub SB 62, Sub SB 75, SB 104, SB 108, Sub SB 126, SB 131, SB 134, SB 135, SB 140, SB 150, SB 152, SB 153, SB 157, SB 162, SB 164, SB 178, SB 210, SB 218, Sub SB 219, SB 225, SB 228, SB 232, SB 253, SB 254, SB 255, SB 256, SB 258, SB 264, SB 267, SB 272, SB 283, SB 286, SB 287, SB 288, SB 293, SB 295, SB 297, SB 302, SB 308, SB 309, SB 315, SB 319, SB 322, SB 331, SB 334, Sub SB 335, SB 337, SB 339, SB 342, SB 345, SB 346, SB 355, SB 358, SB 371, SB 374, SB 375, SB 377, SB 380, SB 381, SB 383, Sub SB 386, SB 390, SB 402, SB 404, SB 406, SB 409, SB 417, SB 423, SB 424, SB 432, SB 433, SB 454, SB 474, SB 491.**

Senate Bills that died on the House Calendar: **SB 99, H Sub SB 125, SB 221, SB 230, H Sub SB 235, SB 251, SB 262, SB 265, H Sub SB 266, SB 294, SB 427, SCR 1614.**