

# Journal of the House

FIFTY-SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, April 28, 2022, 10:00 a.m.

The House met pursuant to adjournment with Speaker Ryckman in the chair.

The roll was called with 122 members present.

Rep. Vaughn was excused on verified illness.

Reps. Sutton and Victors-Cozad were excused on excused absence by the Speaker.

Excused later: Reps. Burroughs, Helmer, Highland, Poetter Parshall and L. Ruiz.

Prayer by guest chaplain, Dr. L.D. Holmes, Wanamaker Woods Church of the Nazarene, Topeka:

Dear Father,

You are a great and mighty God and we give you praise for all the blessings you have bestowed upon us.

Thank you for your gentle hand of mercy and understanding as you continually direct our steps.

Today, we pray for these whom you have given the responsibility of leadership. As they pursue fairness and justice, may each one present themselves as good stewards of the responsibilities placed upon them.

When they feel weak and incapable of carrying on, we pray for the biblical strength of Sampson; when they encounter confusion, may the wisdom of Solomon flow into them; when they encounter contention and possible division in their ranks, may the gentleness of Esther prevail. And, when there are strong differences of opinion, may they experience the intuitive insight of Daniel.

May the freshness of your Spirit rest upon each one who occupies this chamber of deliberation. And tonight when our day is done and we lay our heads upon our pillows, allow our spirits to rest in the knowledge that we have done our best.

In Jesus name we pray, Amen

The Pledge of Allegiance was led by Rep. Burroughs.

**PERSONAL PRIVILEGE**

There being no objection, the following remarks of Rep. Proehl are spread upon the Journal:

The time has arrived to say farewell. I will miss you and this process. I would like share something I learned long ago. You stand up to be recognized and sit down to be appreciated.

With that, Mr. Speaker, I close!

**MESSAGE FROM THE GOVERNOR**

*Message to the House of Representatives:*

Regarding Issuance of Executive Clemency

LAURA KELLY  
Governor

April 27, 2022

**MESSAGE FROM THE SENATE**

The Senate not adopts the Conference Committee report on **HB 2540**, requests a conference and appoints Senators Hilderbrand, Gossage and Pettey as Second conferees on the part of the Senate.

The Senate not adopts the Conference Committee report on **SB 84**, requests a conference and appoints Senators Olson, Petersen and Faust-Goudeau as Second conferees on the part of the Senate.

The Senate adopts the Conference Committee report on **SB 313**.

The Senate adopts the Conference Committee report on **HB 2106**.

**REPORT OF STANDING COMMITTEE**

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

**Request No. 52**, by Representative Bill Clifford, congratulating Dr. Steve Karlin, Superintendent, July 1, 2015 to May 31, 2022, in recognition of outstanding service to the students and staff of USD 457 and the community of Garden City, from August 29, 1988 to May 31, 2022;

**Request No. 53**, by Representative Bill Clifford, in memory of I. B. “Sonny” Randell for outstanding service to the students of Kansas as a member of the State Board of Education, January 9, 1988 to January 14, 2003;

**Request No. 54**, by Representative Cyndi Howerton, honoring Terri Howard in recognition of your faithful support and love of your husband, Representative Ron Howard and his dedication and investment to the Kansas House of Representatives;

**Request No. 55**, by Representative Ron Ellis, congratulating Valley Falls High School Boys Basketball Team in recognition of their outstanding performance in the 2A State Basketball Tournament;

**Request No. 56**, by Representative Timothy Johnson, honoring the “Road Runners” CSM Larry Joe Powell, SSG Rhea Rakes, SGT Willie Battles, SGT Ed Billmyre, SPEC 5 Dennis Summerfield and SPEC Dean Smith; LZ St. George, in which the US Army post was nearly overrun by a massive force of Viet Cong and NVA;

**Request No. 57**, by Representative Shannon Francis, congratulating Owens Welding & Custom Fabrication, LLC, AJ Owens, owner in recognition for 2022 Existing Business Award, Small Business Development Centers of Southwest Kansas, Hugoton and Liberal;

**Request No. 58**, by Representative Bill Clifford, congratulating Prairie Sage Functional Medicine & Kinesiology, Drs. George and Michelle Stanton, owners, in recognition for 2022 Emerging Business Award, Small Business Development Centers of Southwest Kansas, Garden City;

**Request No. 59**, by Representative Brad Ralph, congratulating Boot Hill Distillery, Hayes Kelman, owner with Roger and Shelby Kelman, co-owners, in recognition for 2021 Existing Business Award, Small Business Development Centers of Southwest Kansas, Dodge City;

**Request No. 60**, by Representative Marty Long, congratulating Legends Barbershop & Salon, LLC, Adam and Shayla Jaquez, owners in recognition for 2021 Emerging Business Award, Small Business Development Centers of Southwest Kansas, Ulysses;

**Request No. 61**, by Representative Steven Johnson, congratulating Sunrise Christian Academy Life Smart Team in recognition for inaugural winner of the National Stenhjem Spirit Life Smarts Team Award and 2022 State Champion;

**Request No. 62**, by Representative Steven Johnson, congratulating Bernie and Robyn Johnson in recognition for North American Limousine Foundation 2021 Commercial Producer of the Year;

**Request No. 63**, by Representative KC Ohaebosim, and Representative Gail Finney, in memory of Dr. Val Brown, Sr.;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hawkins, the committee report was adopted.

On motion of Rep. Hawkins, the House recessed until 10:45 a.m.

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#### LATE MORNING SESSION

The House met pursuant to recess with Speaker Ryckman in the chair.

#### MESSAGE FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **HB 2136**, and has appointed Senators Tyson, Peck and Holland as Second conferees on the part of the Senate.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hawkins, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2540**, **H Sub for S Sub SB 84**, **HB 2136**.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hawkins, the House acceded to the request of the Senate for a conference on **HB 2540**.

Speaker Ryckman thereupon appointed Reps. Landwehr, Eplee and S. Ruiz as second conferees on the part of the House.

Also, on motion of Rep. Hawkins, the House acceded to the request of the Senate for a conference on **H Sub for Sub SB 84**.

Speaker Ryckman thereupon appointed Reps. Barker, Arnberger-Blew and L. Ruiz as second conferees on the part of the House.

### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2136** 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

VIRGIL PECK

TOM HOLLAND

*Conferees on part of Senate*

ADAM SMITH

LES MASON

*Conferees on part of House*

On motion of Rep. A. Smith, the conference committee report on **HB 2136** to agree to disagree, was adopted.

Speaker Ryckman thereupon appointed Reps. A. Smith, Mason and Gartner as second conferees on the part of the House.

### CONSIDERATION OF VETO

On motion of Rep. Rep. Tarwater the House proceeded to reconsider **S Sub for HB HB 2448** AN ACT concerning public assistance; requiring able-bodied adults without dependents to complete an employment and training program in order to receive food assistance; amending K.S.A. 39-709 and repealing the existing section..

The Governor's objection to **S Sub for HB 2448** having been read, (HJ Page 3053) the question being shall the bill be passed notwithstanding the Governor's veto?

On roll call, the vote was: Passed

A two-thirds majority of the members elected to the House having voted in favor of the bill over the Governor's veto, the motion did prevail, the bill did pass.

On roll call, the vote was: Yeas 86; Nays 36; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Arnberger, Awerkamp, Baker, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, W. Carpenter, Clark, Clifford, Collins, Concannon, Corbet, Croft, Delpdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helgerson, Helmer, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn, Poetter, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Sanders, Schreiber, Seiwert, Smith, A.,

Smith, C., Smith, E., Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Ballard, Burroughs, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Featherston, Finney, Gartner, Haswood, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Osman, Ousley, Poskin, Probst, Ruiz, L., Ruiz, S., Sawyer, Schmidt, Stogsdill, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Sutton, Vaughn, Victors.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I have opposed this bill previously and still am not convinced it is right to pass this when we are not helping families with children get an education and a future by supporting them in a meaningful way when they are struggling. I fully intend to be back here next session to work on this shortcoming in current statute. I hope this bill accomplishes what the supporters state it will do. For those reasons, I am voting yes today on **S Sub for HB 2448**. — CHARLOTTE ESAU

MR. SPEAKER: I vote no on **S Sub for HB 2448**. I cannot support a bill that makes it more difficult for Kansans to feed themselves, particularly when prices at the grocery store are increasing. 30,000 hardworking Kansans will be affected by this, including families and those with children. I will not vote for a policy that makes it harder for children to grow and thrive in Kansas. I vote no. — JERRY STOGSDILL, TOM BURROUGHS, PAM CURTIS, BRANDON WOODARD, VALDENIA WINN, STEPHANIE CLAYTON, CINDY NEIGHBOR, GAIL FINNEY, JOHN ALCALA, BRODERICK HENDERSON, JOHN CARMICHAEL, DAN OSMAN, KC OHAEBOSIM, HEATHER MEYER, LINDA FEATHERSTON, STEPHANIE BYERS, SUSAN RUIZ

#### CONSIDERATION OF VETO

On motion of Rep. Rep. Williams the House proceeded to reconsider **SB 58 AN ACT** concerning education; relating to schools and school districts; establishing the parents' bill of rights..

The Governor's objection to **SB 58** having been read, (HJ Page 3103) the question being shall the bill be passed notwithstanding the Governor's veto?

On roll call, the vote was: Failed

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

On roll call, the vote was: Yeas 72; Nays 50; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Amberger, Awerkamp, Barker, Bergkamp, Bergquist, Blex, Burris, Carlson, W. Carpenter, Clark, Clifford, Collins, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Howe, Howell, Howerton, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Owens, Penn, Poetter, Proctor, Proehl, Resman, Rhiley, Ryckman, Sanders, Seiwert, Smith, C., Smith, E., Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, K. Williams.

Nays: Alcalá, Amyx, Baker, Ballard, Borjon, Burroughs, Byers, Carlin, Carmichael,

Clayton, Coleman, Concannon, Curtis, Featherston, Finney, Gartner, Haswood, Helgerson, Henderson, Highberger, Houser, Hoye, Kelly, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Orr, Osman, Ousley, F. Patton, Poskin, Probst, Rahjes, Ralph, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schmidt, Schreiber, Smith, A., Stogsdill, Weigel, Wheeler, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Sutton, Vaughn, Victors.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **SB 58**. This is not a “parental bill of rights.” Parents in Kansas didn’t ask for this, in fact over 100 testified against it. Access to classroom materials is already available and parents are enabled and encouraged to stay engaged with their child’s education from day one. This bill has nothing to do with parents and everything to do with politics. The parents who testified in opposition know this. I refuse to put teachers, parents, and students in the crossfire of political culture wars. I vote no. – TOM SAWYER, LUIS RUIZ, DENNIS “BOOG” HIGHBERGER, JERRY STOGSDILL, TOM BURROUGHS, CHRISTINA HASWOOD, SYDNEY CARLIN, PAM CURTIS, BRANDON WOODARD, VALDENIA WINN, BARBARA BALLARD, RUI XU, SUSAN RUIZ, STEPHANIE BYERS, JO ELLA HOYE, CINDY NEIGHBOR, MIKE AMYX, JIM GARTNER, ANNIE KUETHER, GAIL FINNEY, JOHN ALCALA, BRODERICK HENDERSON, JOHN CARMICHAEL, DAN OSMAN, KC OHAEBOSIM, VIRGIL WEIGEL, HEATHER MEYER, LINDA FEATHERSTON, MARI-LYNN POSKIN.

MR. SPEAKER: I vote no on **SB 58**. Parents have every right to be involved in their child’s education. In fact no one wants this more than teachers because they know it is the best way for the student to be successful. This right already exists and this bill does nothing to enhance that right. It simply creates more work for teachers and schools. The fact that not a single parent testified in support of this bill and that the only proponents were organizations that are routinely critical of schools tells us all we need to know. – CHUCK SCHMIDT

#### CONSIDERATION OF VETO

On motion of Rep. Rep. Wasinger the House proceeded to reconsider **SB 160 AN ACT** concerning education; relating to student athletics; enacting the fairness in women’s sports act; restricting participation on women’s teams to female students; providing a cause of action for violations..

The Governor’s objection to **SB 160** having been read, (HJ Page 3101) the question being shall the bill be passed notwithstanding the Governor’s veto?

On roll call, the vote was: Failed

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor’s veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

On roll call, the vote was: Yeas 81; Nays 41; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Arnberger, Awerkamp, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, W. Carpenter, Clark, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howe,

Howell, Howerton, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn, Poetter, Proctor, Proehl, Rahjes, Resman, Rhiley, Ryckman, Sanders, Seiwert, Smith, A., Smith, C., Smith, E., Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Baker, Ballard, Burroughs, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Featherston, Finney, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Osman, Ousley, Poskin, Probst, Ralph, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schmidt, Schreiber, Stogsdill, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Sutton, Vaughn, Victors.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SB 160**. This week, we confirmed what the intent of SB 160 really is. It's not about girls or fairness in women's sports. It's about a deep hate of 'others.' It's about endorsing state-sanctioned discrimination against a population already subject to higher rates of assault and suicide. Bills like this are so egregious that even Republican governors in other states have vetoed them, citing the intrinsic hate. Kansas must not be on the wrong side of history. I reject this bill and I vote no. – TOM SAWYER, RUI XU, KATHY WOLFE MOORE, LUIS RUIZ, PAM CURTIS, BRANDON WOODARD, SUSAN RUIZ, VALDENIA WINN, SYDNEY CARLIN, CHRISTINA HASWOOD, DAN OSMAN, BRODERICK HENDERSON, JOHN ALCALA, GAIL FINNEY, ANNIE KUIETHER, JIM GARTNER, MIKE AMYX, CINDY NEIGHBOR, STEPHANIE BYERS, MARI-LYNN POSKIN, HEATHER MEYER, VIRGIL WEIGEL, CHUCK SCHMIDT, STEPHANIE CLAYTON

On motion of Rep. Hawkins, the House recessed until 3:00 p.m.

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#### AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Finch in the chair.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2749**, AN ACT concerning economic development; relating to an income tax credit and sales tax exemption program to be administered by the secretary of commerce for the purpose of developing film, video or digital production in Kansas; enacting the Kansas film production industry development act; amending K.S.A. 2021 Supp. 79-3606, as amended by section 16 of 2022 Senate Bill No. 347, and repealing the existing section, by Committee on Taxation.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hawkins, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 331** and **S Sub for HB 2567**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 331** 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.

ADAM SMITH

LES MASON

JIM GARTNER

*Conferees on part of House*

CARYN TYSON

VIRGIL PECK

TOM HOLLAND

*Conferees on part of Senate*

On motion of Rep. A. Smith the conference committee report on **SB 331** to agree to disagree, was adopted.

Speaker pro tem Finch thereupon appointed Reps. A. Smith, Mason and Gartner as second conferees on the part of the House.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 84** submits the following report:

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

On page 51, in line 32, by striking all before "manage";

On page 52, in line 14, after "(b)" by inserting "(1)"; in line 24, after "director" by inserting "shall issue a final decision regarding approval of an interactive sports wagering platform within 30 days after the date the request for approval was submitted and"; following line 28, by inserting:

"(2) On or before September 1, 2022, the executive director shall prescribe a process for submission of requests for approval and a process for approval of interactive sports wagering platforms and shall notify all lottery gaming facility managers of such processes.

(3) On or before August 1, 2022, the executive director of the Kansas racing and gaming commission shall prescribe a process for conducting background investigations of interactive sports wagering platforms and shall notify all lottery gaming facility managers of such process. The Kansas racing and gaming commission shall commence background investigations of interactive sports wagering platforms on or before August 15, 2022.";

Also on page 52, in line 30, by striking "one" and inserting "three"; also in line 30, by striking "interface" and inserting "interfaces"; in line 31, after "team" by inserting "or auto racetrack facility";

On page 54, in line 7, after "team" by inserting ", auto racetrack facility"; in line 10, after "team" by inserting ", auto racetrack facility"; in line 11, by striking all after "be"; in line 14, by striking "operation"; in line 15, by striking "or"; in line 18, after "team" by inserting ", auto racetrack facility"; in line 20, after "team" by inserting ", auto racetrack

facility"; in line 26, after "team" by inserting "or auto racetrack facility"; in line 30, by striking "operating and"; in line 31, by striking "the" and inserting "such"; in line 33, after "team" by inserting ", auto racetrack facility"; in line 34, after "team" by inserting ", auto racetrack facility"; in line 38, by striking "operate and";

On page 55, in line 39, after "wagers" by inserting "with the manager at the manager's location or through the manager's interactive sports wagering platform";

(2) prohibit an interactive sports wagering platform, any director, officer, owner and employee of such platform and any relative living in the same household as such persons from placing any wager through such platform or at the manager's location, except that nothing in this paragraph shall be construed to prohibit any such person from placing any wager through a lottery gaming facility manager or interactive sports wagering platform with which such person has no affiliation";

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

On page 58, in line 2, by striking "Such records" and inserting "The records described in subsections (a)(1) through (a)(6)"; also in line 2, by striking "three" and inserting "two"; in line 3, after the period by inserting "Video recordings described in subsection (a)(7) shall be maintained for at least 30 days after the sporting event occurs.";

On page 59, following line 9, by inserting:

"(c) The executive director shall allow lottery gaming facility managers to carry over negative sports wagering revenues and apply such amounts to returns filed for subsequent weeks. Sports wagering revenues for a week will be considered negative if the sum of the winnings paid to patrons wagering on such manager's sports wagering plus all voided wagers and excise taxes on sports wagering paid pursuant to federal law, exceeds the manager's total bets accepted from sports wagering by patrons. The negative amount of sports wagering revenues shall not be applied back to an earlier week, and moneys previously received by the Kansas lottery will not be refunded unless the manager ceases to manage sports wagering and the last return reported negative sports wagering revenues.";

Also on page 59, in line 10, by striking "(c)" and inserting "(d)"; also in line 10, by striking "monthly" and inserting "weekly"; in line 19, by striking "At least once each month,"; in line 20, by striking "from" and inserting "remaining in";

On page 60, following line 12, by inserting:

"New Sec. 13. (a) There is hereby established in the state treasury the attracting professional sports to Kansas fund. The attracting professional sports to Kansas fund shall be administered by the secretary of commerce. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce, or the secretary's designee, for the purpose set forth in this section.

(b) The secretary of commerce is authorized to pledge all or a portion of the funds held in the attracting professional sports to Kansas fund or sports wagering revenues credited to or to be credited to the attracting professional sports to Kansas fund for the benefit of any professional sports team and used to pay the principal or interest on any bonds issued by the state or any municipality, including, but not limited to, bonds issued pursuant to K.S.A. 12-1740 et seq., 12-1770 et seq. or 12-17,160 et seq., and amendments thereto, which shall include any such financing structured as pay-as-you-

go, issued to fund the construction, rehabilitation, revitalization or expansion of a professional sports team's primary facility or any other ancillary development to such primary facility.

(c) Each month, the secretary of commerce shall certify to the director of accounts and reports the amount of moneys held in the attracting professional sports to Kansas fund that are in excess of the amount necessary for the purposes described in subsection (b). Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the attracting professional sports to Kansas fund to the lottery operating fund established in K.S.A. 74-8711, and amendments thereto.;

Also on page 60, in line 16, by striking "17" and inserting "18"; in line 24, by striking "operatedand";

On page 61, in line 42, by striking "14" and inserting "15";

On page 62, in line 9, by striking "14" and inserting "15"; in line 12, by striking "14" and inserting "15";

On page 63, in line 12, by striking all after "(f)"; by striking all in lines 13 through 34; in line 35, striking "(g)(1)";

On page 64, by striking all in lines 2 through 12; in line 13, by striking "(h)" and inserting "(g)"; in line 15, by striking "14 and"; also in line 15, after "15" by inserting "and 16"; in line 17, by striking "14 and"; also in line 17, after "15" by inserting "and 16";

On page 69, following line 14, by inserting:

"Sec. 22. K.S.A. 2021 Supp. 21-6508 is hereby amended to read as follows: 21-6508. (a) Tampering with a sports contest is seeking to influence a sports participant or sports official, or tampering with any animal or equipment or other thing involved in the conduct or operation of a sports contest, in a manner known to be contrary to the rules and usages governing such contest and with intent to influence the outcome of such contest.

(b) Tampering with a sports contest is a severity level ~~9~~8, nonperson felony.;

Also on page 69, in line 17, by striking "17" and inserting "18"; in line 34, after "(b)" by inserting ""Auto racetrack facility" means the same as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, and that is located in Wyandotte county with a minimum investment of \$50,000,000 and is in operation on July 1, 2022.

(c)";

On page 70, in line 32, by striking all after "means"; by striking all in lines 33 through 35; in line 36, by striking all before the period and inserting "an integrated system of hardware, software and applications, including, but not limited to, mobile applications and servers, through which sports wagering may be made available to persons physically located within the state of Kansas at the time of submitting the wager to a sports wagering manager over the internet or wireless services as defined in K.S.A. 66-2019, and amendments thereto, including, but not limited to, through websites and mobile device applications";

On page 71, in line 35, by striking ", as of January 1, 2007,"; in line 36, by striking all after "at"; by striking all in line 37; in line 38, by striking all before the period and inserting "any licensed gaming facilities in the United States";

On page 77, in line 13, after "wagers" by inserting ", federal excise taxes, free plays or other promotional credits";

On page 79, in line 17, by striking "13" and inserting "14"; in line 23, by striking "and"; following line 25, by inserting:

"(D) permitting each lottery gaming facility manager, or such manager's contracted parties, including any approved interactive sports wagering platform, to have employees located outside the state of Kansas so that all job functions will conform with 18 U.S.C. § 1081 et seq.;

(E) permitting the establishment of online sports wagering accounts held by a lottery gaming facility manager as approved by the Kansas lottery and preestablished online accounts from other states to be accessed within the borders of Kansas so that revenue is recorded correctly and all other Kansas online rules are followed; and

(F) allowing lottery gaming facility managers to carry over negative amounts to returns filed for subsequent weeks when sports wagering revenues for a week are a negative number because the sum of the winnings paid to patrons wagering on the manager's sports wagering plus all voided wagers and excise taxes on sports wagering paid pursuant to federal law exceeds the manager's total bets accepted from sports wagering by patrons. The negative amounts of sports wagering revenues shall not be carried back to an earlier week, and moneys previously received by the lottery will not be refunded, except if the manager ceases to manage sports wagering and the last return reported negative adjusted gross receipts.";

On page 80, in line 32, by striking "and"; in line 33, after "(9)" by inserting "transfers to the attracting professional sports to Kansas fund of the department of commerce pursuant to subsection (h); and

(10)";

On page 81, following line 31, by inserting:

"(h) On July 1, 2023, and each July 1 thereafter, or as soon thereafter as moneys are available, after the transfer required under subsection (f) has been made, 80% of the remaining moneys credited to the lottery operating fund from sports wagering revenues deposited in the lottery operating fund shall be transferred by the director of accounts and reports from the lottery operating fund to the attracting professional sports to Kansas fund established in section 13, and amendments thereto.";

On page 83, in line 21, by striking "13" and inserting "14";

On page 88, in line 17, by striking "operating and"; in line 22, by striking all after "include"; in line 23, by striking all before "receive" and inserting "a provision for the state to"; also in line 23, by striking "20%" and inserting "10%"; in line 24, by striking all after "facility"; by striking all in lines 25 and 26; in line 27, by striking all before the period and inserting "manager";

On page 89, in line 31, by striking all after "to"; in line 36, by striking "operating and";

On page 91, in line 13, by striking all after "(3)"; by striking all in lines 14 through 26; in line 27, by striking all before the semicolon and inserting "(A) a certification requirement and enforcement procedure for:

(i) Employees of a lottery gaming facility manager or another entity owned by the lottery gaming facility manager's parent company that are directly involved in the management of sports wagering managed by such manager; and

(ii) those persons who propose to contract with a lottery gaming facility manager in an amount that exceeds \$250,000 per year for the provision of goods or services related to sports wagering, including any interactive sports wagering platform requested by a

lottery gaming facility manager under section 2, and amendments thereto; and

(B) such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director deems necessary to determine whether such person's reputation, habits or associations pose a threat to the public interest of the state or to the reputation of, or effective regulation and control of, sports wagering conducted by the lottery gaming facility. Such certification shall be valid for one year from the date of issuance";

On page 92, in line 12, by striking all after "(b)"; by striking all in lines 13 through 16; in line 17, by striking "(c)";

On page 93, following line 36, by inserting:

"Sec. 32. K.S.A. 74-8756 is hereby amended to read as follows: 74-8756. (a) Wagers shall be received only from a person at the location where the electronic gaming machine or lottery facility game is authorized pursuant to the Kansas expanded lottery act. No person present at such location shall place or attempt to place a wager on behalf of another person who is not present at such location.

(b) No employee or contractor of, or other person who has any legal affiliation with, a racetrack gaming facility manager shall loan money to or otherwise extend credit to patrons of the parimutuel licensee.

(c)(1) Except as otherwise provided, no employee or contractor of, or other person who has any legal affiliation with, a lottery gaming facility manager shall loan money to or otherwise extend credit to patrons of a lottery gaming facility.

(2) A patron of a lottery gaming facility may fund an account held by a lottery gaming facility manager for the payment of sports wagers and pay for sports wagers through the use of:

(A) Cash and cash equivalents;

(B) electronic bank transfers of money, including transfers through third parties;

(C) bank and wire transfers of money;

(D) debit and credit cards;

(E) online and mobile application payment systems that support online money transfers;

(F) promotional funds provided by a lottery gaming facility manager; and

(G) any other payment method approved by the Kansas lottery.

(3) Nothing in this subsection shall be construed to prohibit any lottery gaming facility manager from obtaining insurance or check guarantee services to protect against any loss as a result of any check that is returned or otherwise not honored due to a stop payment order or nonsufficient funds.

(d) Violation of this section is a class A nonperson misdemeanor upon a conviction for a first offense. Violation of this section is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.";

On page 94, by striking all in line 24; in line 25, by striking "facility" and inserting "sports wager"; in line 28, by striking the second "or"; by striking all in lines 29 through 43;

On page 95, by striking all in lines 1 through 3; in line 4, by striking all before the period and inserting:

"(3) a lottery gaming facility manager, any director, officer, owner or employee of such manager or any relative living in the same household as such persons who places any wager with the manager at the manager's location or through the manager's

interactive sports wagering platform;

(4) an interactive sports wagering platform, any director, officer, owner or employee of such platform or any relative living in the same household as such persons who places any wager with the manager through such platform or at the manager's location, except that nothing in this paragraph shall be construed to prohibit any such person from placing any wager through a lottery gaming facility manager or interactive sports wagering platform with which such person has no affiliation;

(5) any owner, officer, athlete, coach or other employee of a team or any person participating as an individual in any sporting event; or

(6) any director, officer or employee of a player or referee union";

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

On page 96, following line 14, by inserting:

"Sec. 36. K.S.A. 74-8772 is hereby amended to read as follows: 74-8772. On or before January 1, 2023, the Kansas racing and gaming commission shall adopt such permanent rules and regulations as the commission deems necessary to carry out the duties and functions of the commission pursuant to the Kansas expanded lottery act. Such Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state and published in the Kansas register. Temporary and permanent rules and regulations shall include, but not be limited to, rules and regulations:

(a) Promoting the integrity of the gaming and finances of lottery gaming facilities and racetrack gaming facilities and shall meet or exceed industry standards for monitoring and controlling the gaming and finances of lottery gaming facility operations and racetrack gaming facility operations and shall give the Kansas racing and gaming commission sufficient authority to monitor and control the gaming operation and to ensure its integrity and security;

(b) prescribing the on-site security arrangements for lottery gaming facilities and racetrack gaming facilities;

(c) requiring reporting of information about any lottery gaming facility manager or racetrack gaming facility manager, and its employees, vendors and finances, necessary or desirable to ensure the security of lottery gaming facility and racetrack gaming facility operations. None of the information disclosed pursuant to this subsection shall be subject to disclosure under the Kansas open records act;

(d) requiring reporting and auditing of financial information of lottery gaming facility managers and racetrack gaming facility managers, including, but not limited to, the reporting of profits or losses incurred by lottery gaming facility managers and racetrack gaming facility managers and the reporting of such other information as the Kansas racing and gaming commission requires to determine compliance with the Kansas expanded lottery act and rules and regulations adopted hereunder. None of the information disclosed pursuant to this subsection shall be subject to disclosure under the Kansas open records act; and

(e) provisions for oversight of all lottery gaming facility operations and racetrack gaming facility operations, including, but not limited to, oversight of internal controls; oversight of security of facilities; performance of background investigations,

determination of qualifications and credentialing of employees, contractors and agents of lottery gaming facility managers, ancillary lottery gaming facility operations and racetrack gaming facilities; auditing of lottery gaming facility revenues and net electronic gaming machine income of racetrack gaming facilities; enforcement of all state laws; and maintenance of the integrity of lottery gaming facility and racetrack gaming facility operations.";

On page 112, in line 23, after "(f)" by inserting "On or before January 15, 2023, and each January 15 thereafter, the secretary for aging and disability services shall prepare and submit a report on expenditures from the problem gambling and addictions grant fund to the standing committees on federal and state affairs of the senate and house of representatives.

(g)";

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

Also on page 112, in line 42, after the fourth comma by inserting "74-8756,"; also in line 42, after the seventh comma by inserting "74-8772,";

On page 113, in line 1, by striking "and" and inserting a comma; also in line 1, after "21-6507" by inserting "and 21-6508";

And by renumbering sections accordingly;

On page 1, in the title, in line 10, after the second "the" by inserting "attracting professional sports to Kansas fund and the"; in line 11, by striking all after "fund": in line 12, by striking all before the semicolon; in line 14, after the seventh comma by inserting "74-8756,"; in line 15, after the third comma by inserting "74-8772,"; in line 16, by striking the third "and" and inserting a comma; in line 17, after "6507" by inserting "and 21-6508";

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

JOHN BARKER

TORY MARIE ARNBERGER-BLEW

LOUIS E. RUIZ

*Conferees on part of House*

ROBERT OLSON

MIKE PETERSEN

OLETHA FAUST-GOUDEAU

*Conferees on part of Senate*

On motion of Rep. Barker, the conference committee report on **H Sub for S Sub for SB 84** was adopted.

On roll call, the vote was: Yeas 73; Nays 49; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Anderson, Arnberger, Ballard, Barker, Borjon, Burroughs, Byers, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Dodson, M., Eplee, Fairchild, Featherston, Finch, Finney, Francis, Gartner, Haswood, Hawkins, Henderson, Hoheisel, Houser, Hoye, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Long, Lynn, Meyer, Miller, Neelly, Neighbor, Ohaebosim, Osman, Ousley, F. Patton, Penn, Poetter, Poskin, Probst, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Stogsdill, Tarwater, Thomas, Thompson, Waymaster, K. Williams, Winn, Wolfe Moore,

Woodard, Xu.

Nays: Amyx, Awerkamp, Baker, Bergkamp, Bergquist, Blex, Burris, Carlin, Delperdang, Donohoe, Ellis, Esau, Estes, French, Garber, Helgerson, Helmer, Highberger, Highland, Hoffman, Howe, Howell, Howerton, Huebert, Humphries, Jacobs, Landwehr, Lee-Hahn, Mason, Minnix, Moser, Murphy, Newland, Orr, Owens, Proctor, Rhiley, Sanders, Schmidt, Seiwert, Smith, A., Smith, C., Smith, E., Toplikar, Turner, Waggoner, Wasinger, Weigel, Wheeler.

Present but not voting: None.

Absent or not voting: Sutton, Vaughn, Victors.

**MESSAGE FROM THE SENATE**

The Senate adopts the Conference Committee report on **S Sub for HB 2567**.

**CONFERENCE COMMITTEE REPORT**

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2567** 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. 2567, as follows:

On page 1, following line 9, by inserting:

"Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Education superhighway (652-00-1000-0180).....	\$178,986
Supplemental state aid (652-00-1000-0840).....	\$10,252,000

(b) On the effective date of this act, of the \$14,109,493 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account (652-00-1000-0053), the sum of \$25,749 is hereby lapsed.

(c) On the effective date of this act, of the \$41,853,675 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the KPERS – school employer contributions – non-USDs account (652-00-1000-0100), the sum of \$7,789,076 is hereby lapsed.

(d) On the effective date of this act, of the \$537,971,506 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of the 2021 Session Laws of Kansas from the state general fund in the KPERS – school employer contributions – USDs account (652-00-1000-0110), the sum of \$24,041,149 is hereby lapsed.

(e) On the effective date of this act, of the \$2,437,622,329 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 2(a) of chapter 114 of

the 2021 session laws of Kansas from the state general fund for state foundation aid account (652-00-1000-0820), the sum of \$58,570,986 is hereby lapsed.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (including official hospitality) (652-00-1000-0053).....\$14,200,772

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

State foundation aid (652-00-1000-0820).....\$157,335,108

Supplemental state aid (652-00-1000-0840).....\$54,039,398

Center for READIng (652-00-1000-0080).....\$80,000

*Provided*, That the above agency shall expend moneys in such account to provide a project manager grant to the center for reading at Pittsburg state university to: (1) Assist in the development and support of a science of reading curricula for the state educational institutions and colleges based on the knowledge and practice standards that have been adopted by the state department of education; (2) develop and support a recommended dyslexia textbook list for in-class learning for school districts to use; (3) develop and support a recommended dyslexia resources list for in-class learning for school districts to use; (4) provide knowledge and support for a train the trainer program and professional development curriculum for school districts to use; and (5) provide knowledge and support for developing a list of qualified trainers for school districts to hire.

KPERS-school employer contributions-non-USDs (652-00-1000-0100).....\$37,714,422

*Provided*, That any unencumbered balance in the KPERS-school employer contributions-non-USDs account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

KPERS-school employer contributions-USDs (652-00-1000-0110).....\$520,780,609

*Provided*, That any unencumbered balance in the KPERS-school employer contributions-USDs account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

ACT and workkeys assessments program (652-00-1000-0140).....\$2,800,000

Mental health intervention team pilot (652-00-1000-0150).....\$10,534,722

*Provided*, That any unencumbered balance in the mental health intervention team pilot account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further*, That expenditures shall be made by the above agency from the mental health intervention team pilot account during fiscal year 2023 for mental health intervention team school liaisons employed by those school districts participating in the mental health intervention team pilot program: *And provided further*, That the salaries and wages for school liaisons shall be matched by participating school districts on a \$3 of state moneys for \$1 of school district moneys basis: *And provided further*, That each school district that participated in the mental health intervention team pilot program during fiscal year 2022 shall continue to receive an amount of moneys not less than the amount from such account or fund such school district received in fiscal year 2022 so long as the school district maintains a substantially similar program participation level in fiscal year 2023: *And provided further*, That the remaining unencumbered moneys in the mental health intervention team pilot account shall be used to expand the program to school districts that have not previously participated in the program and to contract with a third-party entity to conduct a study of the effectiveness of the program and suggest improvements to the program: *And provided further*, That, if such remaining moneys are not fully expended on new school district programs and the third-party study, the above agency shall expend such moneys on school districts that seek to expand existing programs: *And provided further*, That the department of education shall provide a report on or before January 1, 2023, to the director of the budget and the director of legislative research that includes performance measures, developed in consultation with the Kansas department for aging and disability services, that illustrate the effectiveness of the mental health intervention team pilot program.

Career and technical education transportation state aid (652-00-1000-0190).....	\$1,482,338
Juvenile transitional crisis center pilot (652-00-1000-0210).....	\$300,000
Education commission of the states (652-00-1000-0220).....	\$67,700
School safety hotline (652-00-1000-0230).....	\$10,000
School district juvenile detention facilities and Flint Hills job corps center grants (652-00-1000-0290).....	\$5,060,528

*Provided*, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further*, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-1173, and amendments thereto.

School food assistance (652-00-1000-0320).....	\$2,510,486
Mentor teacher (652-00-1000-0440).....	\$1,300,000

Educable deaf-blind and severely handicapped children's programs aid (652-00-1000-0630).....\$110,000

Special education services aid (652-00-1000-0700).....\$520,380,818

*Provided*, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child, unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *And provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3425, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing provisos, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422, and amendments thereto.

Governor's teaching excellence scholarships and awards (652-00-1000-0770).....\$360,693

Professional development state aid (652-00-1000-0860).....\$1,770,000

School safety and security grants.....\$4,000,000

*Provided*, That expenditures shall be made from the school safety and security grants account for fiscal year 2023 for disbursements of grant moneys approved by the state board of education for the: Acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities; and salaries and wages, and associated fringe benefits, for newly created positions of school resource officers and the costs associated with any newly created school resource officers provided by the city or county of such school district: *Provided further*, That all moneys expended for school safety and security grants for fiscal year 2023 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the district that may be used for such purpose.

Computer science education advancement grant.....\$1,000,000

*Provided*, That expenditures shall be made by the above agency from the computer science education advancement grant account for fiscal year 2023 to provide grants to high-quality professional learning providers to develop and implement teacher professional development programs for the computer science courses as established in 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the \$1,000,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the computer science education advancement grant account is hereby lapsed.

Career technical education pilot.....\$40,000

*Provided*, That expenditures shall be made by the above agency from the career technical education pilot account for fiscal year 2023 to distribute the stipends required to be provided to the Washburn institute of technology and to participating high schools that are served by the Washburn institute of technology service area pursuant to the secondary career technical education credentialing and student transitioning to employment success pilot program as established in 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the \$40,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the career technical education pilot account is hereby lapsed.

Virtual math education program.....\$4,000,000

*Provided*, That expenditures shall be made by the above agency from the virtual math education program account for fiscal year 2023 to select and implement a virtual math program that shall be customized to Kansas curriculum standards, be evidence-based, not impose any fee or cost upon students, provide tutoring in multiple languages, provide professional development for the implementation of the program and have been implemented in other states over the preceding eight fiscal years: *Provided further*, That the above agency shall enter into a two-year contract to implement such program: *And provided further*, That any unified school district shall be authorized to use such program: *And provided further*, That the above agency shall recommend that all school districts use such program: *And provided further*, That all school districts shall track and report to the above agency twice during school year 2022-2023 as determined by the above agency on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: *And provided further*, That the above agency shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2023 regular session of the legislature: *And provided further*, That such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers: *Provided however*, If the above agency, in consultation with the director of the budget, determines that expenditures are made from the American rescue plan – state fiscal relief federal fund in the virtual math education program account pursuant to section 3(a), then the director of the budget shall so certify such information to the director of accounts and reports, and on the date of such certification, the \$4,000,000 appropriated for the above agency for the fiscal year ending June 30, 2023, by this section from the state general fund in the virtual math education program account is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

School district capital outlay state aid fund.....No limit

Educational technology coordinator fund (652-00-2157).....No limit

*Provided*, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2023, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2023 in order to assess the cost effectiveness of the position of educational technology coordinator.

Communities in schools program fund (652-00-2221).....No limit

Inservice education workshop fee fund (652-00-2230).....No limit

*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Federal indirect cost reimbursement fund (652-00-2312).....No limit

Conversion of materials and equipment fund (652-00-2420).....No limit

School bus safety fund (652-00-2532).....No limit

State safety fund (652-00-2538).....No limit

*Provided*, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2023 as soon as moneys are available.

Motorcycle safety fund (652-00-2633).....No limit

Teacher and administrator fee fund (652-00-2723).....No limit

Service clearing fund (652-00-2869).....No limit

School district capital improvements fund (652-00-2880).....No limit

*Provided*, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.

Reimbursement for services fund (652-00-3056).....	No limit
ESSA – student support academic enrichment – federal fund (652-00-3113).....	No limit
Educationally deprived children – state operations – federal fund (652-00-3131).....	No limit
Food assistance – federal fund (652-00-3230).....	No limit
Elementary and secondary school aid – federal fund (652-00-3233).....	No limit
Education of handicapped children fund – federal (652-00-3234).....	No limit
Community-based child abuse prevention – federal fund (652-00-3319).....	No limit
TANF children's programs – federal fund (652-00-3323).....	No limit
21 <sup>st</sup> century community learning centers – federal fund (652-00-3519).....	No limit
State assessments – federal fund (652-00-3520).....	No limit
Rural and low-income schools program – federal fund (652-00-3521).....	No limit
Language assistance state grants – federal fund (652-00-3522).....	No limit
State grants for improving teacher quality – federal fund (652-00-3526).....	No limit
State grants for improving teacher quality – federal fund – state operations (652-00-3527).....	No limit
Food assistance – school breakfast program – federal fund (652-00-3529).....	No limit
Food assistance – national school lunch program – federal fund (652-00-3530).....	No limit

Food assistance – child and adult care food program – federal fund (652-00-3531).....	No limit
Elementary and secondary school aid – federal fund – local education agency fund (652-00-3532).....	No limit
Education of handicapped children fund – state operations – federal fund (652-00-3534).....	No limit
Education of handicapped children fund – preschool – federal fund (652-00-3535).....	No limit
Education of handicapped children fund – preschool state operations – federal (652-00-3536).....	No limit
Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537).....	No limit
Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538).....	No limit
Vocational education title II – federal fund (652-00-3539).....	No limit
Vocational education title II – federal fund – state operations (652-00-3540).....	No limit
Educational research grants and projects fund (652-00-3592).....	No limit
Local school district contribution program checkoff fund (652-00-7005).....	No limit
<i>Provided, That notwithstanding the provisions of K.S.A. 79-3221n, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, any moneys in such fund where a taxpayer fails to designate a unified school district on such taxpayer's individual income tax return may be expended by the above agency to distribute to unified school districts.</i>	
Governor's teaching excellence scholarships program repayment fund (652-00-7221).....	No limit

*Provided, That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-2166, and amendments thereto: Provided further, That each such grant shall be required to be matched on a \$1-for-\$1 basis from nonstate sources: And provided further, That award of each such grant shall be conditioned upon the recipient entering into an agreement*

requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*; That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.

Private donations, gifts, grants and bequests fund (652-00-7307).....	No limit
Family and children investment fund (652-00-7375).....	No limit
State school district finance fund (652-00-7393).....	No limit
Mineral production education fund (652-00-7669-7669).....	No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2023, the following:

Children's cabinet accountability fund (652-00-2000-2402).....	\$375,000
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*Provided*, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

CIF grants (652-00-2000-2408).....	\$20,729,848
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*Provided*, That any unencumbered balance in the CIF grants account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

Parent education program (652-00-2000-2510).....	\$8,437,635
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*Provided*, That any unencumbered balance in the parent education program account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023: *Provided further*; That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

Pre-K pilot (652-00-2000-2535).....	\$4,200,000
Early childhood infrastructure.....	\$1,400,773
Imagination library.....	\$500,000

(d) On July 1, 2022, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-1,148 or 38-1808, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund (652-00-7375-7900) of the department of education to the communities in schools program fund (652-00-2221-2400) of the department of education.

(e) On March 30, 2023, and June 30, 2023, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund (652-00-2538-2030) to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state safety fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state safety fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the department of education by other state agencies that receive appropriations from the state general fund to provide such services.

(f) On July 1, 2022, and quarterly thereafter, the director of accounts and reports shall transfer \$73,750 from the state highway fund (276-00-4100-4100) of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2022, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund (652-00-2633-2050) of the department of education to the motorcycle safety fund (561-00-2366-2360) of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to K.S.A. 8-272(b)(2), and amendments thereto.

(h) On July 1, 2022, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$70,000 from the USAC E-rate program federal fund (561-00-3920-3920) of the state board of regents to the education technology coordinator fund (652-00-2157-2157) of the department of education.

(i) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2023, the following:

Children's cabinet administration (652-00-7000-7001).....\$260,535

*Provided*, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(j) During the fiscal year ending June 30, 2023, the commissioner of education, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2023 from the state general fund for the department of education to another item of appropriation for fiscal year 2023 from the state general fund for the department of education. The commissioner of education shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2023, the following:

KPERS – school employer  
contribution (652-00-1700-1700).....\$41,389,547

*Provided*, That during the fiscal year ending June 30, 2023, the amount appropriated

from the expanded lottery act revenues fund in the KPERS – school employer contribution account (652- 00-1700-1700) for the department of education shall be for the purpose of reducing the unfunded actuarial liability of the Kansas public employees retirement system attributable to the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, in accordance with K.S.A. 74-8768, and amendments thereto.

(l) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2023 as authorized by section 3 of chapter 114 of the 2021 Session Laws of Kansas, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2023 for communities in schools in an amount not less than \$100,000.

Sec. 3.

GOVERNOR'S DEPARTMENT

(a) Expenditures shall be made from the American rescue plan – state fiscal relief federal fund (252-00-3756) for the fiscal year ending June 30, 2023, pursuant to the authority in 42 U.S.C. § 802(c)(1) or other relevant authority, to provide government services, for the following specified purposes:

Virtual math education program.....\$4,000,000

*Provided*, That expenditures from the virtual math education program account shall be used by the above agency, in consultation with the department of education, for the purpose of implementing a virtual math program to be used by school districts: *Provided further*, That the above agency shall designate the department of education as the administrating authority for such program: *And provided further*, That the department of education is hereby authorized to select and implement a virtual math program that shall be customized to Kansas curriculum standards, be evidence-based, not impose any fee or cost upon students, provide tutoring in multiple languages, provide professional development for the implementation of the program and have been implemented in other states over the preceding eight fiscal years: *Provided further*, That the department of education shall enter into a two-year contract to implement such program: *And provided further*, That any unified school district shall be authorized to use such program: *And provided further*, That the above agency shall recommend that all school districts use such program: *And provided further*, That all school districts shall track and report to the department of education twice during school year 2022-2023 as determined by the department of education on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: *And provided further*, That the department of education shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2023 regular session of the legislature: *And provided further*, That

such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers.

School safety and security grants.....\$1,000,000

*Provided*, That expenditures shall be made from the school safety and security grants account by the above agency, in consultation with the department of education, for disbursements of grant moneys approved by the state board of education for the: Acquisition and installation of security cameras and any other systems, equipment and services necessary for security monitoring of facilities operated by a school district and for securing doors, windows and any entrances to such facilities; and salaries and wages, and associated fringe benefits, for newly created positions of school resource officers and the costs associated with any newly created school resource officers provided by the city or county of such school district: *Provided further*, That all moneys expended for school safety and security grants account for fiscal year 2023 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the school district that may be used for such purpose.

(b) During the fiscal year ending June 30, 2023, the expenditures in subsection (a) from the American rescue plan – state fiscal relief federal fund shall not be subject to the provisions of section 28(d) of 2022 House Substitute for Substitute for Senate Bill No. 267.

(c) During the fiscal year ending June 30, 2023, the provisions of section 196 of 2022 House Substitute for Substitute for Senate Bill No. 267 shall not apply to expenditures from the American rescue plan – state fiscal relief federal fund of the governor’s department. Such expenditures are subject to the provisions of subsection (a).

Sec. 4.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

State foundation aid (652-00-1000-0820).....\$2,558,881,605

*Provided*, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Supplemental state aid (652-00-1000-0840).....\$568,150,000

*Provided*, That any unencumbered balance in the supplemental state aid account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Virtual math education program.....\$2,000,000

*Provided*, That expenditures shall be made by the above agency from the virtual math education program account for fiscal year 2024 to fund the second year of operation of the virtual math program implemented by the above agency pursuant to sections 2(a) and 3(a): *Provided further*, That all school districts shall track and report to the above

agency twice during school year 2023-2024 as determined by the above agency on the number of attendance centers and students using such program or other virtual math program and the number of attendance centers and students not using any such virtual math program, the number of teachers participating in the professional development provided by such program or other virtual math program and the effect of any such virtual math program on student academic proficiency: *And provided further*, That the above agency shall compile such reports and shall submit a summary report to the house of representatives standing committee on K-12 education budget and the senate standing committee on education during the 2024 regular session of the legislature: *And provided further*, That such report shall also include a list of the school districts and attendance centers that are using such program or other virtual math program and a list of the school districts and attendance centers that are not using a virtual math program and a comparison between low-usage and high-usage school districts and attendance centers.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund (652-00-7393).....	No limit
Mineral production	
education fund (652-00-7669-7669).....	No limit

New Sec. 5. (a) The legislature hereby affirms that excellence in education provides an essential gateway to success not only for students but for the entire state. Achieving excellence in education opens doors of opportunity for long-term personal, professional and economic growth and improvement for all students. As academic achievement is elevated, inspired and attained, more students will gain the soft skills that are necessary to succeed in the workforce, including improved time management, personal accountability and communication skills. Maintaining high academic achievement standards for all students provides the basis for the fundamental belief that all people, despite their socioeconomic, racial or cultural status, are uniquely capable and worthy of meeting and exceeding the highest caliber of expectations. In affirming this focus on excellence, the legislature hereby desires consistent communication with the state board of education and the state department of education to annually review academic achievement, as quantitatively measured by performance on state assessments and the interventions, goals and strategies that are being utilized to move all students to academic proficiency.

(b) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 6. (a) This section shall be known and may be cited as the every child can read act.

(b) The legislature hereby affirms that third grade marks a pivotal grade level in which students must attain proficiency in reading or risk continued learning losses throughout their academic career. To ensure that all students move toward grade-level proficiency in literacy, especially by the third grade level, the board of education of

each school district shall provide opportunities for students to participate in targeted educational interventions to promote proficiency in literacy. Reading literacy shall be attained through the science of reading and evidence-based reading instruction and shall include such competencies as may be necessary to attain reading proficiency. The necessary competencies, best practices and screening tools used by school districts shall follow the framework of the dyslexia handbook developed by the state department of education. To ensure that such competencies are achieved, the board of education of each school district shall include as part of instruction in literacy:

- (1) Phonics, phonological and phonemic awareness;
  - (2) vocabulary development;
  - (3) silent and oral reading fluency; and
  - (4) reading comprehension.
- (c) To promote the goals of the every child can read act, the board of education of each school district shall:

(1) Measure student achievement by participation in the state assessment program and through other universal screening and assessment tools that are approved by a board of education of a school district or by the state department of education;

(2) provide targeted and tiered interventions that are designed to match a student's individual deficiencies through additional contact hours with such student, including, but not limited to, one-on-one instruction, small group instruction, tutoring and summer school programs for all students and especially for those students who are at and below the third grade level who are identified as having a literacy deficit; and

(3) ensure that the teacher of each third grade student communicates with the parent or guardian of each such student to provide information on the student's literacy proficiency or deficiencies and any recommended interventions for such student to achieve proficiency. Such communication shall occur at least once during the fall semester and once during the spring semester. When a teacher provides the communications required pursuant to this paragraph, each such communication shall provide the parent or guardian with:

- (A) A summary of the every child can read act and the literacy goals of the act;
- (B) any assessment data relating to literacy that pertains to the student;
- (C) any recommended interventions for the student; and
- (D) how the school district tracks the outcomes of any such interventions.

(d) (1) On or before June 30 of each school year, each school district shall report to the state department of education on the school district's implementation of the every child can read act, the interventions that the school district is using to attain the goals of such act and the resulting outcomes of such interventions. Such report shall include:

- (A) The number of third grade students in such school district;
- (B) the screening and assessment data from at least the preceding two school years that the school district is using as a baseline to evaluate student progress in literacy; and

(C) the percentage of students that are proficient, moving toward proficiency or deficient, with percentages provided for all students and student subgroups.

(2) The state department of education shall compile such reports and shall submit a summary report to the governor and the legislature on or before January 15 of each year.

(e) This section shall take effect and be in force from and after July 1, 2023.

New Sec. 7. (a) A board of education of a school district may adopt a policy to allow students enrolled in grades six through 12 to earn course credits through alternative educational opportunities with sponsoring entities. A school district's policy adopted pursuant to this section shall provide:

- (1) Eligibility requirements for sponsoring entities;
- (2) requirements for the provision of alternative educational opportunities by sponsoring entities;
- (3) the procedures for a sponsoring entity to submit a proposal to the school district to provide an additional educational opportunity to students;
- (4) the criteria the school district will use to evaluate such proposals; and
- (5) the course credit that may be earned through the alternative educational opportunity by a participating student.

(b) A school district may accept a proposal from a sponsoring entity if the alternative educational opportunity provided by the sponsoring entity:

- (1) Provides an additional learning opportunity for students through a work-based, pre-apprenticeship, apprenticeship, internship, industry certification or community program; and
- (2) (A) is approved by the state board of education as an alternative educational opportunity pursuant to subsection (d); or

(B) complies with the school district policies adopted pursuant to subsection (a).

(c) Each approved alternative educational opportunity with a sponsoring entity shall be managed and directed by a licensed teacher employed by the school district.

(d) A sponsoring entity may petition the state board to approve an alternative educational opportunity that is provided through such sponsoring entity if the alternative educational opportunity provided through such sponsoring entity is generally applicable on a statewide or regional basis across multiple school districts. The state board of education shall approve or deny each petition proposing an alternative educational opportunity within 90 days of receipt of such proposal. If the state board denies the proposal, the state board shall provide the sponsoring entity the reasons for such denial. If the state board approves such proposal, any school district may implement the alternative educational opportunity. The state board may revoke any such approved proposal if the state board determines that the sponsoring entity fails to comply with the requirements of this section.

(e) Each school district shall report to the state department of education information regarding the school district's alternative educational opportunities offered at the school,

the names of sponsoring entities, the number of students participating and credits earned.

(f) The state board of education may adopt rules and regulations for the administration of this section.

(g) As used in this section:

(1) "Alternative educational opportunity" means instruction that primarily occurs outside the classroom with a sponsoring entity.

(2) "Sponsoring entity" means a business, not-for-profit organization, nonprofit organization, trade association, parent of a student, teacher or administrator that partners with a school district to provide an alternative educational opportunity to students.

(h) This section shall take effect and be in force from and after July 1, 2022.

New Sec. 8. (a) As used in K.S.A. 72-3122 through 72-3125, and amendments thereto, and section 9, and amendments thereto:

(1) "Homeless child" means a child who lacks a fixed, regular and adequate nighttime residence and whose primary nighttime residence is:

(A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing for the mentally ill;

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(2) "Nonresident student" or "nonresident transfer student" means a student who is enrolled and in attendance at or seeking to enroll and attend a school located in a district where such student is not a resident.

(3) "Parent" means and includes natural parents, adoptive parents, stepparents and foster parents.

(4) "Person acting as parent" means:

(A) A guardian or conservator; or

(B) a person, other than a parent, who:

(i) Is liable by law to maintain, care for or support the child;

(ii) has actual care and control of the child and is contributing the major portion of the cost of support of the child;

(iii) has actual care and control of the child with the written consent of a person who has legal custody of the child; or

(iv) has been granted custody of the child by a court of competent jurisdiction.

(5) "Receiving school district" means a school district of nonresidence of a student who attends school in such school district.

(6) "School district" means a school district organized and operating under the laws of this state.

(7) "Sending school district" means a school district of residence of a student who attends school in a school district not of the student's residence.

(8) "Sibling" means a brother or sister of the whole or half blood, adoptive brother or sister, a stepbrother or stepsister or a foster brother or foster sister.

(b) This section shall take effect and be in force from and after July 1, 2023.

New Sec. 9. (a) On or before January 1, 2024, each board of education of a school district shall adopt a policy to determine the number of nonresident students that the school district has the capacity to accept in each grade level for each school of the school district pursuant to K.S.A. 72-3123, and amendments thereto. Such policies shall clearly specify the reasons that the board may use to deny continued enrollment of a nonresident student who is not in good standing. Such reasons for a denial of continued enrollment may include, but shall not be limited to, the nonresident student's record of school absenteeism and repeated suspensions or expulsions.

(b) Prior to adopting such policy, the board of education shall call and hold a hearing on the proposed policy. The board of education shall provide notice of such hearing, which shall include the time, date and place of the public hearing to be held on the proposed policy. Such notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district and shall also be posted on the school district's website.

(c) At such hearing, a representative of the board shall present the board's proposal for the policy and the board shall hear testimony regarding the proposed policy. Following the public hearing, after consideration of the testimony and evidence presented or submitted at such public hearing, the board shall determine whether to adopt or revise the proposed policy at a subsequent public meeting of the board.

(d) The policy adopted pursuant to subsection (a) shall be published on the school district's website.

(e) The provisions of this section shall not apply to any school located on a military installation, as defined in K.S.A. 72-8268, and amendments thereto.

(f) This section shall take effect and be in force from and after July 1, 2023.

Sec. 10. On and after July 1, 2022, K.S.A. 19-5005 is hereby amended to read as follows: 19-5005. (a) All revenue received by the county treasurer pursuant to this act shall be appropriated by the county to the Johnson county education research triangle authority. The authority shall remit such funds for expenditure in equal shares by designated officials for the Edwards campus of the university of Kansas, the Johnson county location of Kansas state university and the university of Kansas medical center's Johnson county locations. All such funds shall be spent for building construction, academic and research program development and growth, faculty and staff recruitment and retention, and operations and maintenance in support of:

(1) The undergraduate and graduate programs at the Edwards campus of the university of Kansas;

(2) the research and education programs in animal health and food safety and

security at the Johnson county location of Kansas state university; ~~and~~

(3) other undergraduate and graduate programs, subject to the approval of Kansas state university, the university of Kansas and the Johnson county education research triangle authority board of directors and which shall not include pre-baccalaureate programs, lower-division courses or courses for students attending high school, at the Johnson county location of Kansas state university; and

(4) the medical education and life sciences and cancer research programs at the university of Kansas medical center's Johnson county locations.

(b) All such expenditures shall be in compliance with the purposes of this act and shall be certified as such to the authority and to the Kansas state board of regents by appropriate officials at the university of Kansas, Kansas state university and the university of Kansas medical center. Such expenditures shall also comply with the policies of the Kansas state board of regents and applicable state and federal laws.

(c) ~~No~~ ~~Not~~ more than ~~two percent~~ 2% of funds so collected in any fiscal year shall be used for the administrative expenses of the authority or its board of directors.

(d) The authority shall have no authority to issue bonds or to exercise the power of eminent domain.

(e) The authority shall issue an annual report to the board of regents, the legislature and the board of commissioners of Johnson county.

(f) The authority shall be subject to legislative post audit and audit by the board of commissioners of the Johnson county internal auditor.

(g) Meetings of the board of directors of the authority shall be subject to the Kansas open meetings act and records of the authority and the board shall be subject to the Kansas open records act.

(h) Unless state general fund appropriations for the university of Kansas, Kansas state university, and the university of Kansas medical center are reduced by action of the legislature or the governor, state general fund support of such institutions shall not be reduced below the level of support in effect on the effective date of this act.

(i) The Kansas board of regents shall remain responsible for the governance of these institutions, including approval of any academic programs and the regulation thereof, and shall be responsible to the authority for institutional compliance with the purposes of this act.

Sec. 11. On and after July 1, 2022, K.S.A. 38-2223 is hereby amended to read as follows: 38-2223. (a) *Persons making reports.* (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

(A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry, persons engaged in postgraduate training programs approved by the state board of healing arts, licensed professional or practical nurses and chief administrative officers of medical care facilities;

(B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed behavioral analysts, licensed assistant behavioral analysts, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators ~~or~~ and other employees of an educational institution ~~which that~~ the child is attending and any member of the board of directors of the Kansas state high school activities association referenced in K.S.A. 72-7114, and amendments thereto, and any person who is employed by or is an officer of such association;

(D) persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child;

~~(D)~~(E) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections officers, case managers appointed under K.S.A. 2021 Supp. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 2021 Supp. 23-3502, and amendments thereto; and

~~(E)~~(F) any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance.

(2) In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).

(b) *Form of report.* (1) The report may be made orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse or neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.

(2) When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.

(c) *To whom made.* Reports made pursuant to this section shall be made to the secretary, except as follows:

(1) When the Kansas department for children and families is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to K.S.A. 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.

(2) Reports of child abuse or neglect occurring in an institution operated by the Kansas department of corrections shall be made to the attorney general or the secretary of corrections. Reports of child abuse or neglect occurring in an institution operated by the Kansas department for aging and disability services shall be made to the appropriate law enforcement agency. All other reports of child abuse or neglect by persons employed by the Kansas department for aging and disability services or the Kansas department for children and families, or of children of persons employed by either

department, shall be made to the appropriate law enforcement agency.

(d) *Death of child.* Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) *Violations.* (1) Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report.

(2) Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.

(3) Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

(f) *Immunity from liability.* Anyone who, without malice, participates in the making of a report to the secretary or a law enforcement agency relating to a suspicion a child may be a child in need of care or who participates in any activity or investigation relating to the report or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might otherwise be incurred or imposed.

Sec. 12. On and after July 1, 2022, K.S.A. 2021 Supp. 72-1163 is hereby amended to read as follows: 72-1163. (a) (1) Each year the board of education of a school district shall conduct an assessment of the educational needs of each attendance center in the district. Such assessment shall be published on the school district's website. Information obtained from such ~~needs assessment~~ needs assessment shall be used by the board when ~~preparing~~ approving the budget of the school district to ensure improvement in student academic performance. In the minutes of the meeting at which the board approves its annual budget, the board shall include that such needs assessment was provided to the board, the board evaluated such assessment and how the board used such assessment in the approval of the school district's budget.

(2) Each year, the board of education of a school district shall review state assessment results and, as part of such review, shall document the following:

(A) The barriers that must be overcome to have all students achieve proficiency above level 2 for grade level academic expectations on such assessments;

(B) any budget actions, including, but not limited to, recommendations on reallocation of resources that should be taken to address and remove such barriers; and

(C) the amount of time the board estimates it will take for all students to achieve proficiency above level 2 for grade level academic expectations on the state assessments if such budget actions are implemented.

(3) The budget of the school district shall allocate sufficient moneys in a manner reasonably calculated such that all students may achieve the goal set forth in K.S.A. 72-3218(c), and amendments thereto. The board also shall prepare a summary of the budget for the school district. The budgets and summary shall be in the form prescribed by the director pursuant to K.S.A. 79-2926, and amendments thereto.

(b) The budgets ~~and~~, the summary of the proposed budget, the needs assessment and the state assessment documentation shall be on file at the administrative offices of the school district and available on the school district's website. ~~Copies of such budgets and summary shall be available upon request.~~

(c) The notice required to be published by K.S.A. 79-2929, and amendments thereto, shall include a statement that the budgets ~~and~~, the summary of the proposed budget, the needs assessment and state assessment documentation is on file at the administrative offices of the district and ~~that copies of such budgets and summary are available upon request available on the school district's website.~~

Sec. 13. On and after July 1, 2023, K.S.A. 72-13,101 is hereby amended to read as follows: 72-13,101. (a) In accordance with the provisions of this section, the boards of education of any two or more unified school districts may make and enter into agreements providing for the attendance of ~~pupils~~ students residing in one school district at school in kindergarten or any of the grades one through 12 maintained by any such other school district. The boards of education may also provide by agreement for the combination of enrollments for kindergarten or one or more grades, courses or units of instruction.

(b) Prior to entering into any agreement under authority of this section, the board of education shall adopt a resolution declaring that it has made a determination that such an agreement should be made and that the making and entering into of such an agreement would be in the best interests of the educational system of the school district. Any such agreement is subject to the following conditions:

- (1) The agreement may be for any term not exceeding a term of five years.
- (2) The agreement shall be subject to change or termination by the legislature.
- (3) Within the limitations provided by law, the agreement may be changed or terminated by mutual agreement of the participating boards of education.
- (4) The agreement shall make provision for transportation of ~~pupils~~ students to and from the school attended on every school day, for payment or sharing of the costs and expenses of ~~pupil~~ student attendance at school, and for the authority and responsibility of the participating boards of education.

(c) Provision by agreements entered into under authority of this section for the attendance of ~~pupils~~ students at school in a school district of nonresidence of such ~~pupils~~ students shall be deemed to be in compliance with the kindergarten, grade, course and units of instruction requirements of law.

(d) The board of education of any school district ~~which that~~ enters into an agreement under authority of this section for the attendance of ~~pupils~~ students at school in another school district may discontinue kindergarten or any or all of the grades, courses and units of instruction specified in the agreement for attendance of ~~pupils~~ students enrolled in kindergarten or any such grades, courses and units of instruction at school in such other school district. Upon discontinuing kindergarten or any grade, course or unit of instruction under authority of this subsection, the board of education may close any school building or buildings operated or used for attendance by ~~pupils~~ students enrolled in such discontinued kindergarten, grades, courses or units of instruction. The closing of any school building under authority of this subsection shall require a majority vote of the members of the board of education and shall require no other procedure or approval.

(e) ~~Pupils~~ Students attending school in a school district of nonresidence of such ~~pupils~~ students in accordance with an agreement made and entered into under authority of this section shall be counted as regularly enrolled in and attending school in the school district of residence of such pupils for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments

thereto.

(f) ~~Pupils-Students~~ who satisfactorily complete grade 12 while in attendance at school in a school district of nonresidence of such ~~pupils students~~ in accordance with the provisions of an agreement entered into under authority of this section shall be certified as having graduated from the school district of residence of such ~~pupils students~~ unless otherwise provided for by the agreement.

(g) Students who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under the authority of this section shall not be charged for attendance at school. The costs of providing for the attendance of such students at school shall be paid by the school district of residence of the students in accordance with the provisions of the agreement.

Sec. 14. On and after July 1, 2022, K.S.A. 72-3120 is hereby amended to read as follows: 72-3120. (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma ~~or~~ a general educational development ~~(GED)~~ credential or a high school equivalency credential, shall require such child to be regularly enrolled in and attend continuously each school year;

(1) A public school for the duration of the school term provided for in K.S.A. 72-3115, and amendments thereto; ~~or~~

(2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located. ~~If the child is 16 or 17 years of age, the parent or person acting as parent, by written consent, or the court, pursuant to a court order, may allow the child to be exempt from the compulsory attendance requirements of this section; or~~

(3) a combination of a public school and a private, denominational or parochial school for the periods of time referred to in paragraphs (1) and (2).

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if:

(1) The child is regularly enrolled in and attending a program recognized by the local board of education as an approved alternative educational program;

(2) the parent or person acting as parent provides written consent to allow the child to be exempt from the compulsory attendance requirements of this section and the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out; and a listing of educational alternatives that are available for the child; ~~or~~

(3) the child is regularly enrolled in a school as required by subsection (a) and is concurrently enrolled in a postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto. ~~The provisions of this clause (3) shall be applicable to children from and after July 1, 1997, and shall relate back to such date; or~~

(4) the child is subject to a court order that allows or requires the child to be

exempt from the compulsory attendance requirements.

(c) Any child who is under the age of seven years, but who is enrolled in school, ~~is~~ shall be subject to the compulsory attendance requirements of this section. Any such child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.

(d) Any child who is determined to be an exceptional child, except for an exceptional child who is determined to be a gifted child, under the provisions of the special education for exceptional children act ~~is~~ shall be subject to the compulsory attendance requirements of such act and ~~is~~ exempt from the compulsory attendance requirements of this section.

(e) Any child who has been admitted to, and is attending, the Kansas academy of mathematics and science, as provided in K.S.A. 72-3903 et seq., and amendments thereto, ~~is~~ shall be exempt from the compulsory attendance requirements of this section.

(f) No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

(g) When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches, either individually or in cooperation with another recognized church or religious denomination, a regularly supervised program of instruction, ~~which that~~ is approved by the state board of education, for children of compulsory school attendance age who have successfully completed the eighth grade, participation in such a program of instruction by any such children whose parents or persons acting as parents are members of the sponsoring church or religious denomination shall be regarded as acceptable school attendance within the meaning of this act. Approval of such programs shall be granted by the state board of education, for two-year periods, upon application from recognized churches and religious denominations, under the following conditions:

(1) Each participating child shall be engaged, during each day on which attendance is legally required in the public schools in the school district in which the child resides, in at least five hours of learning activities appropriate to the adult occupation that the child is likely to assume in later years;

(2) acceptable learning activities, for the purposes of this subsection, shall include ~~parent (or person acting as parent) supervised projects supervised by a parent or person acting as parent~~ in agriculture and homemaking, work-study programs in cooperation with local business and industry; and correspondence courses from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(3) at least 15 hours per week of classroom work under the supervision of an instructor shall be provided, at which time students shall be required to file written reports of the learning activities they have pursued since the time of the last class meeting, indicating the length of time spent on each one, and the instructor shall examine and evaluate such reports, approve plans for further learning activities; and provide necessary assignments and instruction;

(4) regular attendance reports shall be filed as required by law; and students shall be reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities;

(5) the instructor shall keep complete records concerning instruction provided, assignments made; and work pursued by the students, and these records shall be filed on the first day of each month with the state board of education and the board of education of the school district in which the child resides;

(6) the instructor shall be capable of performing competently the functions entrusted thereto; and

(7) in applying for approval under this subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards ~~therefor which shall be~~ specified by the state board of education.

If the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

(h) (1) Each board of education of a school district shall allow any child to enroll part-time in the school district to allow the student to attend any courses, programs or services offered by the school district if the child:

(A) Is also enrolled in a nonaccredited private elementary or secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or in any other private, denominational or parochial school pursuant to the provisions of subsection (a);

(B) requests to enroll part-time in the school district; and

(C) meets the age of eligibility requirements for school attendance pursuant to K.S.A. 72-3118, and amendments thereto.

(2) Each board of education of a school district shall adopt a policy regarding the part-time enrollment of students pursuant to this subsection and shall publish such policy on the school district's website. The board of education of a school district shall make a good faith attempt to accommodate scheduling requests of students enrolling in the school district pursuant to this subsection but shall not be required to make adjustments to accommodate every such request.

(i) As used in this section:

(1) "Educational alternatives" means an alternative learning plan for the student that identifies educational programs that are located in the area where the student resides; and are designed to aid the student in obtaining a high school diploma, general educational development credential or other certification of completion, such as a career technical education industry certification. Such alternative learning plans may include extended learning opportunities such as independent study, private instruction, performing groups, internships, community service, apprenticeships and online coursework.

(2) "Parent" and "person acting as parent" ~~have the meanings respectively ascribed thereto~~ mean the same as such terms are defined in K.S.A. 72-3122, and amendments

thereto.

(3) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.

Sec. 15. On and after July 1, 2023, K.S.A. 72-3122 is hereby amended to read as follows: 72-3122. (a) Any child who has attained the age of eligibility for school attendance may attend school in the district ~~in which~~ where the child lives, if:

(1) the child lives with a resident of the district and the resident is the parent, or a person acting as parent, of the child; ~~or~~

(2) subject to the provisions of subsection (c), the child lives in the district as a result of placement therein by a district court or by the secretary for children and families; or

(3) the child is a homeless child.

(b) Any child who has attained the age of eligibility for school attendance may attend school in a school district ~~in which~~ where the child is not a resident ~~if the school district in which the child resides has entered into an agreement with such other school district in accordance with and under authority of K.S.A. 72-13,101, 72-3123 or 72-3125,~~ and amendments thereto.

~~(c) Any child who has attained the age of eligibility for school attendance and who lives at the Judge James V. Riddel boys ranch as a result of placement at such ranch by a district court or by the secretary for children and families shall be deemed a resident of unified school district No. 259, Sedgwick county, Kansas, and. Any such child may attend school, which shall be maintained for such child by the board of education of such school district as in the case of a child who is a bona fide resident of the district.~~

~~(d) As used in this section:~~

~~(1) "Parent" means and includes natural parents, adoptive parents, stepparents, and foster parents;~~

~~(2) "person acting as parent" means (A) a guardian or conservator, or (B) a person, other than a parent, who is liable by law to maintain, care for, or support the child, or who has actual care and control of the child and is contributing the major portion of the cost of support of the child, or who has actual care and control of the child with the written consent of a person who has legal custody of the child, or who has been granted custody of the child by a court of competent jurisdiction; and~~

~~(3) "homeless child" means a child who lacks a fixed, regular, and adequate nighttime residence and whose primary nighttime residence is: (A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.~~

Sec. 16. On and after July 1, 2023, K.S.A. 72-3123 is hereby amended to read as follows: 72-3123. (a) Beginning in school year 2024-2025, any child of school age pursuant to K.S.A. 72-3118, and amendments thereto, may attend a school operated by a school district where such child does not reside if such school district has open seats as determined pursuant to this section.

~~(b) The board of education of any school district is hereby authorized to permit pupils who are not residents of the school district shall permit nonresident students to~~

~~enroll in and attend the schools of the district. The board of education may permit such pupils to attend school without charge or, subject to the provisions of subsection (b), may charge such pupils for attendance at school to offset, totally or in part, the costs of providing for such attendance. Amounts received under this subsection by the board of education of a school district for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.~~

~~(b) Pupils who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, shall not be charged for attendance at school. The costs of providing for the attendance of such pupils at school shall be paid by the school district of residence of the pupils in accordance with the provisions of the agreement. if such school district has open seats as determined pursuant to this section.~~

~~(c) Each school district shall determine capacity in each school of the school district for the following school year as follows:~~

~~(1) For kindergarten and grades one through eight, the classroom student-teacher ratio in each grade level; and~~

~~(2) for grades nine through 12, the student-teacher ratio for each school building or program in each school building, including, but not limited to, advanced placement or international baccalaureate programs.~~

~~(d) (1) On or before May 1 of each year, each school board shall determine for each grade level in each school building of the school district for the next succeeding school year the:~~

~~(A) Capacity as determined pursuant to subsection (c);~~

~~(B) number of students expected to attend school in the school district; and~~

~~(C) number of open seats available to nonresident students.~~

~~(2) On or before June 1 of each year, each school district shall publish on such school district's website the number of open seats available to nonresident students in each grade level for each school building of the school district for the next succeeding school year.~~

~~(3) From June 1 through June 30, each school district shall accept applications from nonresident students. Applications shall be on a form and in a manner determined by the school district.~~

~~(4) If the number of applications for a grade level in a school building is less than the number of available seats for such grade level in such school building, the nonresident students shall be accepted for enrollment and attendance at such school district. If the number of applications for a grade level in a school building is greater than the number of available seats for such grade level in such school building, the school district shall randomly select nonresident students using a confidential lottery process. Such process shall be completed on or before July 15 of each year.~~

~~(5) The school district shall provide to the parent or person acting as parent of a nonresident student who was not accepted for or denied enrollment at such school district the reason for the nonacceptance or denial and an explanation of the nonresident student selection process.~~

~~(e) (1) Subject to capacity, school districts shall give priority to any sibling of a nonresident student who was accepted to enroll in and attend such school district.~~

Priority shall be given when the nonresident student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such sibling shall not be subject to the open seat lottery.

(2) Any child who is in the custody of the department for children and families and who is living in the home of a nonresident student who transfers may attend school in the receiving school district.

(f) A school district shall not:

(1) Charge tuition or fees to any nonresident student who transfers to such school district pursuant to this section except fees that are otherwise charged to every student enrolled in and attending school in the district; or

(2) accept or deny a nonresident student transfer based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measure of achievement, aptitude or athletic ability.

(g) A nonresident student who has been accepted for enrollment and attendance at a receiving school district shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is no longer in good standing. A receiving school district may deem a nonresident student as not in good standing in accordance with such school district's nonresident transfer policy.

(h) A student may always enroll at any time in the school district where such student resides.

(i) Except for a child in the custody of the department for children and families, a nonresident student shall not transfer more than once per school year to one or more receiving school districts pursuant to the provisions of this section.

(j) A receiving school district shall not be required to provide transportation to nonresident students. If space is available on school district transportation vehicles, a school district may provide nonresident students an in-district bus stop where transportation may be provided by such school district to and from such bus stop and the school for such nonresident students.

(k) Each school district board of education shall submit to the state department of education the number of nonresident student transfers approved and denied by such board and whether the denials were based on capacity or in accordance with the policy adopted pursuant to section 9, and amendments thereto. The state department of education shall collect and report such data on such department's website and make such data available to the legislative division of post audit.

(l) (1) Each year, the state department of education, as part of the department's enrollment audit, shall audit the nonresident student capacity and enrollment.

(2) In calendar year 2027, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit of nonresident student transfers pursuant to this section. Such audit shall be reported to the legislative post audit committee on or before January 15, 2028, and subsequently presented to the house standing committee on K-12 education budget and the senate standing committee on education, or any successor committees.

(m) Nothing in this section shall be construed to exempt any nonresident student who transfers to a receiving school district pursuant to this section from the policies and requirements of the activities association referred to in K.S.A. 72-7114, and amendments thereto.

(n) The provisions of this section shall not apply to any school located on a military installation as defined in K.S.A. 72-8268, and amendments thereto.

Sec. 17. On and after July 1, 2023, K.S.A. 72-3124 is hereby amended to read as follows: 72-3124. (a) ~~As used in this section:~~

~~(1) "School district" means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county or Wyandotte county.~~

~~(2) "Non-resident pupil" or "pupil" means a pupil who is enrolled and in attendance at a school located in a district in which such pupil is not a resident and who: (A) Lives 2½ or more miles from the attendance center the pupil would attend in the district in which the pupil resides and is not a resident of Johnson county, Sedgwick county, Shawnee county or Wyandotte county; or (B) is a member of the family of a pupil meeting the condition prescribed in subparagraph (A).~~

~~(3) "Member of the family" means a brother or sister of the whole or half blood or by adoption, a stepbrother or stepsister, and a foster brother or foster sister.~~

~~(b) The board of education of any school district may shall allow any pupil student who is not a resident of the district to enroll in and attend school in such district pursuant to K.S.A. 72-3123, and amendments thereto. The board of education of such district may furnish or provide transportation to any ~~non-resident pupil nonresident student~~ who is enrolled in and attending school in the district pursuant to this section. If the district agrees to furnish or provide transportation to a ~~non-resident pupil nonresident student~~, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a ~~non-resident pupil nonresident student~~, the receiving school district shall notify the board of education of the sending school district in which the pupil resides that transportation will be furnished or provided for such student.~~

~~(c) Pupils attending school in a school district in which the pupil does not reside pursuant to this section~~

~~(b) Nonresident students shall be counted as regularly enrolled in and attending school in the receiving school district where the pupil is enrolled for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, except computation of transportation weighting under such act, and for the purposes of the statutory provisions contained in article 64 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto. Such ~~non-resident pupil nonresident student~~ shall not be charged for the costs of attendance at school.~~

Sec. 18. On and after July 1, 2023, K.S.A. 72-3125 is hereby amended to read as follows: 72-3125. (a) ~~As used in this section:~~

~~(1) "Receiving school district" means a school district of nonresidence of a pupil who attends school in such school district.~~

~~(2) "Sending school district" means a school district of residence of a pupil who attends school in a school district not of the pupil's residence.~~

~~(b) The board of education of any school district may make and enter into contracts with the board of education of any receiving school district located in this state for the purpose of providing for the attendance of pupils students at school in the receiving school district.~~

~~(c)(b) The board of education of any school district may make and enter into~~

contracts with the governing authority of any accredited school district located in another state for the purpose of providing for the attendance of ~~pupils~~ students from this state at school in such other state or for the attendance of ~~pupils~~ students from such other state at school in this state.

~~(d)~~(c) Pupils~~Students~~ attending school in a receiving school district in accordance with a contract authorized by this section and made and entered into by such receiving school district with a sending school district located in this state shall be counted as regularly enrolled in and attending school in the sending school district for the purpose of computations under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto.

~~(e)~~(d) Any contract made and entered into under authority of this section is subject to the following conditions:

(1) The contract shall be for the benefit of ~~pupils~~ students who reside at inconvenient or unreasonable distances from the schools maintained by the sending school district or for ~~pupils~~ students who, for any other reason deemed sufficient by the board of education of the sending school district, should attend school in a receiving school district;

(2) the contract shall make provision for the payment of tuition by the sending school district to the receiving school district;

(3) if a sending school district is located in this state and the receiving school district is located in another state, the amount of tuition provided to be paid for the attendance of a ~~pupil~~ student or ~~pupils~~ students at school in the receiving school district shall not exceed  $\frac{1}{2}$  of the amount of the budget per ~~pupil~~ student of the sending school district under the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, for the current school year; and

(4) the contract shall make provision for transportation of ~~pupils~~ students to and from the school attended on every school day.

~~(f)~~(e) Amounts received pursuant to contracts made and entered into under authority of this section by a school district located in this state for enrollment and attendance of ~~pupils~~ students at school in regular educational programs shall be deposited in the general fund of the school district.

~~(g)~~(f) The provisions of subsection ~~(e)(3)~~ (d)(3) do not apply to unified school district No. 107, Rock Hills.

~~(h)~~(g) The provisions of this section do not apply to contracts made and entered into under authority of the special education for exceptional children act.

~~(i)~~(h) The provisions of this section are deemed to be alternative to the provisions of K.S.A. 72-13,101, and amendments thereto, and no procedure or authorization under K.S.A. 72-13,101, and amendments thereto, shall be limited by the provisions of this section.

Sec. 19. On and after July 1, 2022, K.S.A. 72-3713 is hereby amended to read as follows: 72-3713. (a) Virtual schools shall be under the general supervision of the state board. The state board may adopt any rules and regulations relating to virtual schools ~~which that~~ the state board deems necessary to administer and enforce the virtual school act.

(b) For purposes of accreditation by the state board, the four-year adjusted cohort graduation rate for a virtual school shall be determined by only including those students enrolled in such virtual school who had earned sufficient credits to be expected to

graduate in the same school year as such student's cohort at the time such student first enrolled in such virtual school. The virtual school's four-year adjusted cohort graduation rate shall be determined in addition to the graduation rates determined for the school district that operates the virtual school and any other high schools operated by the school district.

(c) No virtual school shall offer or provide any financial incentive for a student to enroll in a virtual school.

(d) As used in this section, "financial incentive" means any monetary payment or award that is intended to encourage, entice or motivate a student to enroll in a virtual school.

Sec. 20. On and after July 1, 2022, K.S.A. 72-3715 is hereby amended to read as follows: 72-3715. (a) In order to be included in the full-time equivalent enrollment of a virtual school, a student shall be in attendance at the virtual school on:

- (1) A single school day on or before September 19 of ~~each the~~ school year; and
- (2) on a single school day on or after September 20, but before October 4 of ~~each the~~ school year.

(b) A school district ~~which that~~ offers a virtual school shall determine the full-time equivalent enrollment of each student enrolled in the virtual school on September 20 of ~~each the~~ school year as follows:

- (1) Determine the number of hours the student was in attendance on a single school day on or before September 19 of ~~each the~~ school year;
- (2) determine the number of hours the student was in attendance on a single school day on or after September 20; but before October 4 of ~~each the~~ school year;
- (3) add the numbers obtained under subsections (b)(1) and (b)(2);
- (4) divide the sum obtained under subsection (b)(3) by 12. The quotient is the full-time equivalent enrollment of the student.

(c) The school days on which a district determines the full-time equivalent enrollment of a student under subsections (b)(1) and (2) shall be the school days on which the student has the highest number of hours of attendance at the virtual school. No more than six hours of attendance may be counted in a single school day. Attendance may be shown by a student's on-line activity or entries in the student's virtual school journal or log of activities.

(d) Subject to the availability of appropriations and within the limits of any such appropriations, each school year a school district ~~which that~~ offers a virtual school shall receive virtual school state aid. The state board of education shall determine the amount of virtual school state aid a school district is to receive as follows:

(1) Determine the number of students enrolled in virtual school on a full-time basis, excluding those students who are over 19 years of age and those students who are 19 years of age or younger who qualify for virtual school state aid pursuant to paragraph (4), and multiply the total number of such students by ~~\$5,000~~ \$5,600;

(2) determine the full-time equivalent enrollment of students enrolled in virtual school on a part-time basis, excluding those ~~pupils~~ students who are over 19 years of age and those students who are 19 years of age or younger who qualify for virtual school state aid pursuant to paragraph (4), and multiply the total full-time equivalent enrollment of such students by ~~\$1,700~~ \$2,800;

(3) for students enrolled in a virtual school who are over 19 years of age, determine the number of one-hour credit courses such students have passed, not to exceed six

credit courses per school year, and multiply the total number of such courses by \$709; ~~and~~

(4) for students who are 19 years of age or younger who enroll in a virtual school as a dropout diploma completion virtual student, determine the number of one-hour credit courses such students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by \$709; and

(5) add the amounts calculated under subsections (d)(1) through (d)(4). The resulting sum is the amount of virtual school state aid the school district shall receive.

~~(e) (1) There is hereby established in every school district a fund which shall be called the virtual school fund, which. Such~~ fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to virtual schools offered by a school district may be paid from the virtual school fund. The cost of an advance placement course provided to a student by a virtual school shall be paid by the virtual school. Moneys deposited in or otherwise transferred to the virtual school fund shall only be expended for those costs directly attributable to the provision of virtual instruction.

(2) Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.

(3) In preparing the budget of such school district, the amounts credited to and the amount on hand in the virtual school fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(f) For the purposes of this section, a student enrolled in a virtual school who is not a resident of the state of Kansas shall not be counted in the full-time equivalent enrollment of the virtual school. The virtual school shall record the permanent address of any student enrolled in such virtual school.

(g) ~~For purposes of~~ As used in this section:

(1) "Dropout diploma completion virtual student" means any student who is 19 years of age or younger who has:

(A) A ratio of earned credits to expected credits for the student's cohort year of less than 75% when enrolling in a virtual school;

(B) (i) dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the current school year and the student is not reasonably anticipated to recommence enrollment or attendance at any school of a school district during the current school year;

(ii) dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the preceding school year, the student did not finish such preceding school year and the student is not reasonably anticipated to recommence enrollment or attendance at any school of a school district during the current school year; or

(iii) been exempted from compulsory student attendance by written consent of the parent pursuant to K.S.A. 72-3120, and amendments thereto; and

(C) not been counted in the enrollment of a virtual school as a full-time or part-time virtual student during the school year in which such student enrolls as a dropout

diploma completion virtual student.

(2) "Full-time" means attendance in a virtual school for no less than six hours as determined pursuant to subsection (b).

~~(2)~~(3) "Part-time" means attendance in a virtual school for less than six hours as determined pursuant to subsection (b).

Sec. 21. On and after July 1, 2022, K.S.A. 2021 Supp. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) Resides in Kansas; and

(2) (A) (i) Is eligible for free or reduced-price meals under the national school lunch act; and

(ii) (a) was enrolled in kindergarten or any of the grades one through eight in any public school in the previous school year in which an educational scholarship is first sought for the child; or

(b) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is ~~under the age of six years~~ seven years of age or under; or

(B) has received an educational scholarship under the program and has not graduated from high school or reached the age of 21 years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 72-4351 through 72-4357, and amendments thereto.

(g) "Public school" means any school operated by a unified school district under the laws of this state.

(h) "Qualified school" means any nonpublic school that:

(1) Provides education to elementary or secondary students;

(2) is accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure;

(3) has notified the state board of its intention to participate in the program; and

(4) complies with the requirements of the program.

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" means the same as in K.S.A. 72-5132, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.";

Also on page 1, in line 10, before "K.S.A." by inserting "On and after July 1, 2022,";

On page 9, in line 4, before "K.S.A." by inserting "On and after July 1, 2022,"; following line 43, by inserting:

"Sec. 24. On and after July 1, 2022, K.S.A. 2021 Supp. 72-5178 is hereby amended to read as follows: 72-5178. (a) On or before January 15 of each year, the state department of education shall prepare and ~~submit a~~ digitally update on the website of the state department of education the performance accountability ~~report reports~~ and a longitudinal achievement ~~report for reports upon~~ all students enrolled in any public school or accredited nonpublic school in the state, each school district, each school operated by a school district and each accredited nonpublic school ~~to the governor and to the legislature.~~

(b) Each performance accountability report shall be prepared in a single-page format containing the information that is required to be reported under the federal elementary and secondary education act, as amended by the federal every student succeeds act, public law 114-95, or any successor federal acts, and the college and career readiness metrics developed and implemented by the state board. The report shall use the categories for achievement identified under the federal every student succeeds act, public law 114-95, or any successor achievement categories. All categories and metrics included in the report shall be clearly defined.

(c) Each longitudinal achievement report shall provide the achievement rates on the state assessments for English language arts, math and science for all students and each student subgroup and the change in achievement rate year-over-year starting with the school year in which the state board first implemented new achievement standards on such state assessments.

(d) On or before January 15 of each year, the state department of education shall prepare written academic achievement reports to provide a summary of student achievement in this state and shall submit such reports to the governor and the legislature. Such written academic achievement reports shall:

(1) Provide a statewide summary of the performance accountability reports and longitudinal achievement reports prepared pursuant to this section. Such summary report shall provide:

(A) Achievement data from the English language arts assessments and math assessments over the preceding five years for all students and student subgroups to show whether there are statewide trends in academic improvement or learning loss among all students and student subgroups;

(B) a comparison to any other evaluation metric used by the state board of education to evaluate student achievement such as college and career readiness measurements or graduation rates;

(C) a comparison to other educational assessments that measure academic performance such as the national assessment of educational progress;

(D) an analysis of the trends in student achievement outcomes and a review of conditions that are impacting recent student achievement outcomes;

(E) a review of the academic interventions that school districts are using to improve student performance, whether the state board of education has any specific recommendations regarding academic interventions to improve academic achievement

and an estimation of the academic achievement gains that can be expected from such interventions; and

(F) a summary of the performance levels and the scale and cut scores for the statewide assessments and how such information should be used to draw conclusions about student achievement; and

(2) provide a student-focused longitudinal achievement report that provides information on the academic achievement of certain student cohort groups to show the achievement gains or learning losses that are occurring for such students. Such report shall begin with the students who are entering grade three and grade eight in school year 2022-2023. The report shall summarize the longitudinal achievement of such students over a three-year period and shall be repeated every three years for the students entering such grade levels. The longitudinal report shall provide:

(A) A summary of the improvement or learning loss that is occurring within such student cohort groups over such three-year period for all such students and the student subgroups;

(B) an analysis of the evaluations and metrics that are used to measure the year-over-year achievement of such student cohort groups;

(C) a review of the academic interventions that school districts are using to improve student performance within such student cohort groups, whether the state board of education has any specific recommendations regarding academic interventions to improve academic achievement and an estimate of the academic achievement gains that can be expected from such interventions; and

(D) the achievement results from the English language arts assessments and math assessments for such student cohort groups and any other assessment data pertaining to such student cohort groups, including, but not limited to, the national assessment for educational progress, the ACT college entrance exam and the pre-ACT assessment.

(d) All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2021 Supp. 72-1181, and amendments thereto.;

On page 10, in line 1, before "K.S.A." by inserting "On and after July 1, 2022,;"

On page 11, in line 26, before "K.S.A." by inserting "On and after July 1, 2022,;"

On page 12, in line 28, after the second comma by inserting "but prior to July 1, 2022,;" in line 29, by striking "Except as provided in subsection (b)(8),"; in line 33, by striking "except as provided in subsection (b)(8),";

On page 13, in line 5, by striking "51%" and inserting "75%"; in line 9, after "2015" by inserting ", but prior to July 1, 2022,;" in line 12, after "(3)" by inserting "For general obligation bonds approved for issuance at an election held on or after July 1, 2022, the state board of education shall:

(A) Except as provided in subsection (b)(9), determine the amount of the AVPP of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(3);

(B) except as provided in subsection (b)(9), prepare a schedule of dollar amounts using the amount of the AVPP of the school district with the lowest AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts;

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 51%;

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2022; and

(E) multiply the amount determined under subsection (b)(3)(D) by the applicable state aid percentage factor.

(4)";  
Also on page 13, in line 17, by striking "(4)" and inserting "(5)"; in line 19, after "(b)(2)(E)" by inserting "or (b)(3)(E)";

On page 14, in line 11, by striking "(b)(5)" and inserting "(b)(6)"; in line 13, by striking "(b)(6)" and inserting "(b)(7)"; also in line 13, by striking "(b)(8)" and inserting "(b)(9)"; in line 14, by striking "(b)(3)" and inserting "(b)(4)"; in line 16, by striking "(b)(4)" and inserting "(b)(5)"; in line 31, after "(b)(2)(D)" by inserting "and (b)(3)(D)"; in line 43, by striking "(b)(2)(B)" and inserting "(b)(3)(B)";

On page 15, in line 15, by striking "June 30, 2021,"; in line 16, by striking "and"; also in line 16, after the third comma by inserting "and June 30, 2024,"; in line 40, by striking "(b)(4)(D)" and inserting "(b)(5)(D)";

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

Also on page 15, following line 40, by inserting:

"Sec. 27. On and after July 1, 2022, K.S.A. 72-6316 is hereby amended to read as follows: 72-6316. ~~No(a) A nonacademic test, questionnaire, survey or examination containing any questions about the student's personal and private attitudes, values, beliefs or practices on issues such as sex, family life, morality or religion, or any questions about the student's parents' or guardians' beliefs and practices on issues such as sex, family life, morality or religion, of the student or the student's parents, guardians, family members, associates, friends or peers that is administered during the school day shall not~~ be administered to any student enrolled in kindergarten or grades one through 12, unless the parent or guardian of the student;

(1) Is notified in writing not more than four months in advance of the administration of such test, questionnaire, survey or examination that this such test, questionnaire, survey or examination is to be administered and the parent or guardian of the student. Such notification shall include:

(A) A copy of the test, questionnaire, survey or examination that is to be administered;

(B) information on how the parent or guardian may provide written consent to authorize the student to take such test, questionnaire, survey or examination;

(C) the name of the company or entity that produces or provides the test, questionnaire, survey or examination to the school; and

(D) whether the school will receive or maintain the resulting data and an

explanation of how the school intends to use and maintain such data; and

(2) gives written permission for consent through a written or electronic signature to authorize the student to take this the test, questionnaire, survey or examination or, in the event of an immediate need, gives verbal consent. This section shall not prohibit school counselors from providing counseling services to a student, including the administration of tests and forms which are part of a counselor's student counseling services. Any information obtained through such tests or counseling services shall not be stored on any personal mobile electronic device which is not owned by the school district, including but not limited to, laptops, tablets, phones, flash drives, external hard drives or virtual servers. Such written consent may only be accepted after a parent or guardian has received the notification required pursuant to paragraph (1) and had an opportunity to review the information contained in such notification. Written consent shall be provided separately for each individual test, questionnaire, survey or examination that is to be administered.

(b) Notwithstanding a parent or guardian's consent for a student to take any such test, questionnaire, survey or examination, a student shall have the right to refuse to take any such test, questionnaire, survey or examination at any time without limitation. Prior to the administration of any such test, questionnaire, survey or examination, each student shall be informed that such student has the right to refuse to take such test, questionnaire, survey or examination and that the student will not suffer any adverse consequences based on such refusal.

(c) Prior to the administration of any such test, questionnaire, survey or examination, a school district shall post and maintain a copy of such test, questionnaire, survey or examination on the school district website.

(d) No personally identifiable student data shall be collected through any such test, questionnaire, survey or examination.

(e) Except as provided in subsection (f), the provisions of this section shall apply to any test, questionnaire, survey or examination described in subsection (a) that is administered or proposed to be administered to any student by any employee of a school district, including, but not limited to, any administrator, teacher, counselor, social worker, psychologist or nurse.

(f) Notwithstanding the provisions of this section, if any school district employee becomes aware that a student may be at risk of suicide by a credible report from the student, the student's peers or another school district employee, the school personnel who are designated by the school to administer a suicide risk assessment or screening tool may administer such risk assessment or screening tool in accordance with the provisions of this subsection to determine whether the student could be at risk for suicide. Such designated school personnel may include, but is not limited to, any administrator, teacher, counselor, social worker, psychologist or nurse. Prior to the administration of any such risk assessment or screening tool, the designated school personnel shall verbally notify the parent or guardian before the administration of such risk assessment or screening tool and obtain the consent of the parent or guardian. If the designated school personnel is unable to verbally notify the parent or guardian of the student and obtain consent after reasonable attempts to do so, the designated school personnel may administer the risk assessment or screening tool without such consent. If a risk assessment or screening tool is administered without the parent or guardian's consent, as soon as contact with the parent or guardian is made, the designated school

personnel shall notify the parent or guardian of the administration of such assessment or screening tool and provide to the parent or guardian all information obtained from the risk assessment or screening tool administered to the student.

Sec. 28. K.S.A. 2021 Supp. 74-32,271 is hereby amended to read as follows: 74-32,271. (a) K.S.A. 2021 Supp. 74-32,271 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 or technical college established under the laws of this state and with a recognized service area;

(B) the Washburn institute of technology; or

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

(2) "Military servicemember" means the same as defined in K.S.A. 2021 Supp. 48-3406, and amendments thereto.

(3) "Part-time student" means a student who is enrolled for six credit hours or more in a the fall, summer or spring semester and is not enrolled as a full-time student.

(4) "Promise eligible program" means any two-year associate degree program or career and technical education certificate or stand-alone program offered by an eligible postsecondary educational institution that is:

(A) Approved by the state board of regents;

(B) high wage, high demand or critical need; and

(C) identified as a "promise eligible program" by the state board of regents pursuant to K.S.A. 2021 Supp. 74-32,272, and amendments thereto, or designated as a "promise eligible program" within a field of study designated by an eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto.

Sec. 29. K.S.A. 2021 Supp. 74-32,272 is hereby amended to read as follows: 74-32,272. (a) There is hereby established the Kansas promise scholarship program. The state board of regents shall implement and administer the program.

(b) On or before March 1, ~~2022~~ 2023, the state board of regents shall adopt rules and regulations to implement and administer the Kansas promise scholarship program. Such rules and regulations shall establish:

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

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

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

(4) the terms, conditions and requirements that shall be incorporated into each

Kansas promise scholarship agreement, which shall not be more stringent than the requirements for Kansas promise scholarship agreements provided in this act;

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

(6) criteria for determining whether a student who received a Kansas promise scholarship fulfilled the residency, employment and repayment requirements included in a Kansas promise scholarship agreement as provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto;~~and~~

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

(8) that no eligible postsecondary educational institution may:

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

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

(c) The state board of regents shall:

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

(A) Within a field of study designated by the eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto; and

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

(i) Information technology and security;

(ii) mental and physical healthcare;

(iii) advanced manufacturing and building trades; or

(iv) early childhood education and development;~~or~~

~~(B) designated by the eligible postsecondary educational institution pursuant to K.S.A. 2021 Supp. 74-32,273, and amendments thereto;~~

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

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

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

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

(6) enforce Kansas promise scholarship agreements;

(7) collect any moneys repaid by students pursuant to K.S.A. 2021 Supp. 74-32,276, and amendments thereto;

(8) determine whether students who received a Kansas promise scholarship fulfills

fulfill the residency, employment and repayment requirements provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto; and

~~(6)(9)~~ beginning in January 2022, annually evaluate the Kansas promise scholarship program and prepare and submit a report to the senate standing committee on education and the house of representatives standing committee on education. Such report shall include, but not be limited to, the total program cost for each promise eligible program at each eligible postsecondary educational institution, the amount of scholarship moneys awarded that went to each promise eligible program, the number of credit hours paid for with scholarship moneys, the amount of scholarship moneys expected to be awarded to each institution for each semester, the number of scholarships awarded, the total amount of scholarship moneys awarded, the amount of scholarship moneys provided for tuition, fees, books and supplies, measures postsecondary educational institutions have taken in working with private business and industry in the state to determine appropriate fields of study and a review of the employment of scholarship recipients who have completed the Kansas promise scholarship program, including, but not limited to, employment fields and geographic location of such employment.

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

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

(B) an articulation agreement with a Kansas four-year postsecondary educational institution and is part of an established degree pathway that allows a student to transfer at least 60 credit hours from the eligible postsecondary educational institution to a four-year postsecondary educational institution for the completion of an additional 60 credit hours toward a bachelor's degree.

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

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

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

Sec. 30. K.S.A. 2021 Supp. 74-32,273 is hereby amended to read as follows: 74-32,273. (a) ~~Subject to subsection (b)~~ In addition to the fields of study provided in

K.S.A. 2021 Supp. 74-32,272, and amendments thereto, an eligible postsecondary educational institution may designate an additional field of study for awarding a Kansas promise scholarship to meet local employment needs if:

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

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

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

(A) Agriculture;

(B) food and natural resources;

(C) education and training;

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

(E) distribution and logistics.

(b) , an eligible postsecondary educational institution may designate one additional promise eligible program if the additional program is a two-year associate degree program or a career and technical education certificate or stand-alone program that corresponds to a high wage, high demand or critical need occupation.

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

(1) Information technology and security;

(2) mental and physical healthcare;

(3) advanced manufacturing and building trades; or

(4) early childhood education and development.

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

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

Sec. 31. K.S.A. 2021 Supp. 74-32,274 is hereby amended to read as follows: 74-32,274. (a) (1) Subject to appropriations, the amount of a Kansas promise scholarship for a student for each ~~semester academic year~~ shall be the aggregate amount of tuition, required fees and the cost of books and required materials for the promise eligible program at the eligible postsecondary educational institution for the academic year in which the student is enrolled and receiving the scholarship minus the aggregate amount of all other aid awarded to such student for such ~~semester~~. ~~Aid includes any grant, scholarship or financial assistance awards that do not require repayment academic year.~~

(2) If a student is enrolled in a promise eligible program offered by a ~~four-year~~ an eligible private postsecondary educational institution described in K.S.A. 2021 Supp. 74-32,271(b)(1)(C), and amendments thereto, the aggregate amount of tuition,

mandatory fees and the cost of books and materials for such program shall be the average cost of tuition, mandatory fees and the cost of books and materials for such promise eligible program when offered by an eligible public postsecondary educational institution ~~that is not a four-year institution described in K.S.A. 2021 Supp. 74-32,271(b)(1)(A) or (B), and amendments thereto.~~

(b) ~~Except as otherwise provided in this subsection, Kansas promise scholarships shall only be awarded to an eligible student whose family household income equals \$100,000 or less for a family of one or two, \$150,000 or less for a family of three and, for household sizes above three, a household income that is equal to or less than the family of three amount plus \$4,800 for each additional family member. If scholarship moneys remain in the Kansas promise scholarship program fund during the award year after awarding all other scholarships pursuant to this section, Kansas promise scholarships may be awarded to eligible students whose family household income exceeds such amounts.~~

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

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

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

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

(d) For each fiscal years 2022 and 2023 year, the appropriation made for the Kansas promise scholarship program shall not exceed \$10,000,000. For fiscal year 2024 and each fiscal year thereafter, the appropriation shall not exceed 150% of the amount disbursed in promise scholarships for the immediately preceding fiscal year.

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

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

Sec. 32. K.S.A. 2021 Supp. 74-32,275 is hereby amended to read as follows: 74-32,275. (a) To be eligible for a Kansas promise scholarship, a student shall:

(1) Be a United States citizen;

(2) be a Kansas resident;

(~~2~~)(3) (A) have graduated from an accredited Kansas public or private secondary

school within the preceding 12 months;

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

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

(D) ~~be 21 years of age or older and, upon application for a scholarship, have been a resident of Kansas for three or more consecutive years as evidenced by the date of issuance on a Kansas-issued identification card or through Kansas voter registration records or Kansas income tax documentation; or~~

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

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

~~(3)~~(4) complete the required scholarship application on such forms and in such manner as established by the state board of regents;

~~(4)~~(5) enter into a Kansas promise scholarship agreement pursuant to K.S.A. 2021 Supp. 74-32,276, and amendments thereto;

~~(5)~~(6) complete the free application for federal student aid for the academic year in which the student applies to receive a Kansas promise scholarship. Such submitted application shall be determined to be valid and free of error codes in order to calculate the amount of scholarship to be awarded; and

~~(6)~~(7) enroll in an eligible postsecondary educational institution in a promise eligible program.

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

~~(1)~~(A) Maintain satisfactory academic progress ~~toward completion of in the courses of the promise eligible program for which the student received a Kansas promise scholarship;~~ and

~~(2)~~(B) satisfy the requirements of a Kansas promise scholarship agreement as provided in K.S.A. 2021 Supp. 74-32,276, and amendments thereto.

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

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

Sec. 33. K.S.A. 2021 Supp. 74-32,276 is hereby amended to read as follows: 74-32,276. (a) As a condition to receiving a Kansas promise scholarship, an eligible student

shall enter into a Kansas promise scholarship agreement with the state board of regents. The eligible postsecondary educational institution making the scholarship award to such student shall counsel each eligible student on the requirements and conditions of the promise scholarship agreement. Such agreement shall require ~~such~~ any student who receives a Kansas promise scholarship to:

(1) Enroll as a full-time or part-time student at the eligible postsecondary educational institution from which the student is receiving a Kansas promise scholarship and engage in and complete the required promise eligible program within ~~30~~ 36 months of the date the scholarship was first awarded;

(2) within six months after graduation from the promise eligible program:

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

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

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

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

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

(2) For any Kansas promise scholarship awarded on or after July 1, 2021, the state board of regents shall be the sole entity responsible for collecting or recouping any Kansas promise scholarship funds required to be repaid by a student who fails to satisfy the requirements of a Kansas promise scholarship agreement pursuant to this section.

(3) The state board of regents is authorized to turn any repayment account arising

under this act to a designated loan servicer or collection agency to collect on the state board's behalf, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this subsection.

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

(A) Determining whether or not a student satisfied the requirements of this act and the Kansas promise scholarship agreement; and

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

(5) Eligible postsecondary educational institutions shall:

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

(B) notify the state board of regents when a student who received a Kansas promise scholarship:

(i) Completes the program of study for which the student received the scholarship or has exhausted scholarship benefits; and

(ii) exceeds the 36-month program completion requirement provided in this section. This requirement shall apply to any Kansas promise scholarship awarded on or after July 1, 2021.

(6) For any Kansas promise scholarship awarded on or after July 1, 2021, eligible postsecondary educational institutions shall not be considered a contractor of the state nor shall such institutions be required to participate in tracking, collecting or recouping any funds required to be repaid by a student who fails to satisfy the requirements of a Kansas promise scholarship agreement pursuant to this section.

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

(d) A scholarship recipient satisfies the requirements of the Kansas promise scholarship program if such recipient:

(1) Completes the requirements of the scholarship agreement;

(2) commences service as a military servicemember after receiving a Kansas promise scholarship;

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

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

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

Sec. 34. On and after July 1, 2022, K.S.A. 2021 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) This section shall be known and may be cited as the Kansas hero's scholarship act.

(b) As used in this section:

(1) "Accident" means an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily,

accompanied by a manifestation of force. An "accident" shall be identifiable by the time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift. The "accident" shall be the prevailing factor in causing the injury.

(2) "Covered person" means a public safety officer or Kansas resident in military service to whom this section applies.

(3) "Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.

~~(2)~~(4) "Emergency medical service provider" means the same as defined in K.S.A. 65-6112, and amendments thereto.

(5) "Fees" mean those charges required by an institution to be paid by every student as a condition of enrollment. "Fees" do not include all other charges associated with the student's academic program or living costs.

~~(3)~~(6) "Firefighter" means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.

(7) "Injured or disabled" means that the covered person, because of the injury or disability, has been rendered incapable of performing the duties of the following:

(A) The position being performed at the time the injury or disability was sustained; and

(B) any position that is at or above the pay level of the position the covered person was in at the time the injury or disability was sustained, if the covered person is a paid employee.

(8) "Injury" and "disability" mean any lesion or change in the physical structure of the body causing damage or harm thereto that is not transitory or minor. "Injury" and "disability" shall occur only by accident, intentional act of violence or repetitive trauma.

(9) (A) "Intentional act of violence" means one or a combination of the following:

(i) A deliberate act by a third party that results in inflicting harm on a covered person while such person is performing those duties; or

(ii) a deliberate act by a covered person in the reasonable performance of duties as a covered person that results in the infliction of harm on the covered person.

(B) An "intentional act of violence" shall be identifiable by the time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift. The "intentional act of violence" shall be the prevailing factor in causing the injury.

(C) "Intentional act of violence" does not include repetitive trauma in any form.

~~(4)~~(10) "Kansas educational institution" means and includes community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.

~~(5)~~(11) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or

other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

~~(6)~~(12) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.

(13) "Nature of the employment" means that, to the occupation, trade or employment in which the covered person was engaged, there is attached a particular and peculiar hazard of the injury or disability that distinguishes the performance of job duties from other occupations and employments and that creates a hazard of such injury or disability in excess of the hazard of the injury or disability in general.

~~(7)~~(14) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.

(15) "Public safety employee" means any employee of a law enforcement office, sheriff's department, municipal fire department, volunteer and non-volunteer fire protection association, emergency medical services provider or correctional institution of the department of corrections.

~~(8)~~(16) "Public safety officer" means a law enforcement officer, a firefighter, an emergency medical service provider or a public safety employee.

(17) (A) "Repetitive trauma" means the cause of an injury that occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury shall be demonstrated by diagnostic or clinical tests. The "repetitive trauma" shall be the prevailing factor in causing the injury.

(B) For purposes of the educational benefit conferred by this section, "repetitive trauma" includes only an injury arising out of the performing of duties and resulting from the nature of the employment in which a covered person was engaged and that was actually contracted while so engaged. The injury shall appear to have had its origin in a special risk of the injury connected with the particular type of employment and to have resulted from that source as a reasonable consequence of the risk. Ordinary injuries of life and conditions to which the general public is or could be exposed outside of the particular employment, and hazards of injuries and conditions attending employment in general, shall not qualify as "repetitive trauma."

~~(9)~~(18) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.

~~(10)~~(19) "Spouse" means the spouse of a ~~deceased~~ public safety officer or ~~deceased~~ member of the military service who has not remarried.

~~(11)~~(20) "State board" means the state board of regents.

~~(12) "Public safety employee" means any employee of a law enforcement office, sheriff's department, municipal fire department, volunteer and non-volunteer fire protection association, emergency medical services provider or correctional institution of the department of corrections.~~

~~(b)~~(c) (1) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for:

(A) Any eligible dependent or spouse of a public safety officer who:

- (i) Was injured or disabled while performing duties as a public safety officer; or
- (ii) died as the result of injury sustained while performing duties as a public safety

officer;

(B) any dependent or spouse of any resident of Kansas who:

(i) Died or was injured or disabled on or after September 11, 2001, while, and as a result of, serving in military service; or

(ii) is entitled to compensation for a service-connected disability of at least 80% because of a public statute administered by the department of veterans affairs or a military department as a result of injuries or accidents sustained in combat after September 11, 2001; and

(C) any prisoner of war.

(2) Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

~~(d)~~ Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. In any fiscal year, such reimbursement shall not exceed a total of ~~\$350,000~~ \$500,000. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount that such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

~~(d)~~(e) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.";

Also on page 15, by striking all in lines 41 and 42; following line 42, by inserting:

"Sec. 35. K.S.A. 2021 Supp. 74-32,271, 74-32,272, 74-32,273, 74-32,274, 74-32,275 and 74-32,276 are hereby repealed.

Sec. 36. On and after July 1, 2022, K.S.A. 19-5005, 38-2223, 72-3120, 72-3713, 72-3715, 72-5135, 72-5461 and 72-6316 and K.S.A. 2021 Supp. 72-1163, 72-4352, 72-5132, 72-5178, 72-5462 and 75-4364 are hereby repealed.

Sec. 37. On and after July 1, 2023, K.S.A. 72-13,101, 72-3122, 72-3123, 72-3124 and 72-3125 are hereby repealed.";

On page 16, in line 1, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the first semicolon by inserting "making and concerning appropriations for fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for the state department of education; establishing the legislature's intention to focus on academic achievement; enacting the every child can read act to support literacy proficiency by third grade; authorizing the state board of education and school districts to allow students to earn course credit through alternative educational opportunities outside the traditional classroom; making members of or persons employed by the Kansas state high school activities association mandatory reporters of child abuse and neglect; requiring the board of education of each school district to consider the district building needs assessment and state academic assessments when approving the budget of the school district; requiring school districts to allow for part-time enrollment of certain students; allowing students to transfer to and attend school in any school district in the state; requiring school districts to set transfer capacity and adopt certain transfer policies; establishing an alternative method for calculating virtual school graduation rates; prohibiting virtual schools from offering or providing any financial incentives to attract a student to enroll; increasing virtual school state aid; authorizing virtual school state aid for students who are credit deficient; amending the tax credit for low income students scholarship program to allow students who are seven years of age or under to participate in the program without the need for prior enrollment in a public school"; in line 2, after the semicolon by inserting "requiring the state department of education to provide an annual written report on academic achievement outcomes;"; in line 5, after the semicolon by inserting "relating to the Kansas promise scholarship act; responsibilities of the state board of regents and postsecondary educational institutions relating thereto; authorizing designation of additional eligible programs and fields of study; increasing the limitation on reimbursements to Kansas educational institutions for educational benefits for spouses and dependents of deceased, injured or disabled public safety officers and employees and certain deceased, injured or disabled military personnel and prisoners of war; establishing requirements for the administration of certain nonacademic tests, questionnaires, surveys and examinations; authorizing additional research and education programs under the Johnson county education research triangle authority act;"; also in line 5, by striking all after "amending"; in line 6, by striking all before the second "and" and inserting "K.S.A. 19-5005, 38-2223, 72-13,101, 72-3120, 72-3122, 72-3123, 72-3124, 72-3125, 72-3713, 72-3715, 72-5135, 72-5461 and 72-6316 and K.S.A. 2021 Supp. 72-1163, 72-4352, 72-5132, 72-5178, 72-5462, 74-32,271, 74-32,272, 74-32,273, 74-32,274, 74-32,275, 74-32,276 and 75-4364";

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

MOLLY BAUMGARDNER

RENEE ERICKSON

*Conferees on part of Senate*

KRISTEY WILLIAMS

KYLE HOFFMAN

*Conferees on part of House*

During debate, Rep. Highberger challenged consideration under Joint Rule 3(f) regarding the number of bills that may be contained in a conference committee report. The bill was ruled to be in order.

Also, Rep. Highberger challenged consideration under Joint Rule 3(f) regarding the requirement that included bills have passed at least one chamber during the current biennium. The bill was ruled to be in order.

On motion of Rep. Williams, the conference committee report on **S Sub for HB 2567** was adopted.

On roll call, the vote was: Yeas 75; Nays 45; Present but not voting: 0; Absent or not voting: 5.

Yeas: Anderson, Arnberger, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, W. Carpenter, Clark, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Esau, Estes, Fairchild, Finch, Francis, French, Garber, Hawkins, Highland, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Minnix, Moser, Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Sanders, Seiwert, Smith, A., Smith, C., Smith, E., Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, K. Williams.

Nays: Alcalá, Amyx, Awerkamp, Baker, Ballard, Burroughs, Byers, Carlin, Carlson, Carmichael, Clayton, Clifford, Coleman, Curtis, Eplee, Featherston, Finney, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Osman, Ousley, Poskin, Probst, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schmidt, Schreiber, Stogsdill, Weigel, Wheeler, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Helmer, Poetter, Sutton, Vaughn, Victors.

#### **MESSAGE FROM THE SENATE**

The Senate adopts the Conference Committee report to agree to disagree on **SB 331**, and has appointed Senators Tyson, Peck and Holland as Second conferees on the part of the Senate.

The Senate adopts the Conference Committee report on **SB 421**.

On motion of Rep. Hawkins, the House recessed until 7:30 p.m.

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#### EVENING SESSION

The House met pursuant to recess with Speaker Ryckman in the chair.

On motion of Rep. Hawkins, the House recessed until 8:15 p.m.

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#### NIGHT SESSION

The House met pursuant to recess with Speaker Ryckman in the chair.

**MESSAGES FROM THE SENATE**

Announcing passage of **HB 2495**, as amended by **S Sub for HB 2495**.

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

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Hawkins, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H Sub for SB 19, HB 2510, HB 2106, S Sub for HB 2495**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 19** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 19, as follows:

On page 1, in line 16, by striking "Crisis-receiving and" and inserting "Crisis"; in line 17, after "services" by inserting "of up to 72 hours";

On page 2, in line 34, by striking "crisis-receiving and" and inserting "crisis";

On page 3, in line 16, by striking all after "fund"; by striking all in line 17; in line 18, by striking all before the semicolon and inserting "payment for crisis stabilization services provided to an individual in direct response to a hotline center call if such individual is uninsured or such services are not covered by such individual's insurance"; in line 31, by striking "crisis-receiving and" and inserting "crisis";

On page 4, in line 3, by striking "crisis-receiving and" and inserting "crisis";

On page 5, in line 6, after "(c)" by inserting "(1)"; in line 8, by striking "(1)" and inserting "(A)"; in line 11 by striking "(2)" and inserting "(B)"; following line 17, by inserting:

"(2) Moneys credited to the fund shall not be used to pay expenses that are attributed to persons or entities who are domiciled outside of this state.";

Also on page 5, in line 31, by striking all after the period; by striking all in line 32;

On page 6, in line 36, by striking "15" and inserting "11"; in line 38, by striking "13" and inserting "Nine"; in line 39, by striking "Two members" and inserting "One member";

On page 7, in line 6, by striking all after "(vii)"; by striking all in line 7; in line 8, by striking "(viii)"; in line 10, by striking "two members" and inserting "one member"; in line 12, by striking "two members" and inserting "one member"; in line 25, by striking all after "(D)"; in line 26, by striking "(E)"; in line 28, after the semicolon by inserting "and"; by striking all in lines 29 through 32; in line 33 by striking "(I)" and inserting "(F)"; in line 37, by striking "13" and inserting "nine"; in line 38 by striking "five" and inserting "three"; in line 39, by striking "five" and inserting "three";

On page 8, following line 30, by inserting:

"(h) The provisions of this section shall expire on July 1, 2026.";

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

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

BRENDA LANDWEHR

JOHN EPLEE

SUSAN RUIZ

*Conferees on part of House*

RICHARD HILDERBRAND

BEVERLY GOSSAGE

PAT PETTEY

*Conferees on part of Senate*

On motion of Rep. Landwehr, the conference committee report on **H Sub for SB 19** was adopted.

On roll call, the vote was: Yeas 112; Nays 6; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcala, Amyx, Anderson, Arnberger, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Byers, Carlin, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Gartner, Haswood, Hawkins, Henderson, Highberger, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Hoye, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Meyer, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Osman, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Averkamp, Burris, Garber, Helgerson, Jacobs, Rhiley.

Present but not voting: None.

Absent or not voting: Burroughs, Helmer, Highland, Poetter, Sutton, Vaughn, Victors.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 331** submits the following report:

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

On page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 28; following line 28, by inserting:

"New Section 1. (a) No person or retailer doing business in Kansas in any sales, service or lease transaction with a consumer may impose a surcharge on a consumer who elects to use a credit card as payment unless such person or retailer complies with the following requirements:

(1) A notice shall be posted that explains the imposition of the surcharge, the amount of the surcharge and which credit cards are subject to the surcharge;

(2) such notice shall be clearly and conspicuously posted at the point of entry and

the point of sale;

(3) if the sales, service or lease transaction is processed through a website or mobile device, the person or retailer shall post such notice on the home page and the point of sale webpage; and

(4) the notice required by this section shall be prominently and conspicuously posted at the required locations in a minimum size of 16-point font.

(b) All entities accepting credit cards for payment shall be subject to the notice requirements of subsection (a). No such entity may impose a surcharge on a person or card holder who elects to use a credit card as payment unless such entity complies with such requirements.

Sec. 2. K.S.A. 2021 Supp. 12-16,125 is hereby amended to read as follows: 12-16,125. A city may accept credit or debit cards for the payment of taxes, utility fees or other exactions. The city may establish the type of credit or debit card the city will accept. The city may set a fee to be added to each credit card transaction equal to the charge paid by the city for the use of the credit card by the person. If the city imposes a fee for payments made by credit card, the city shall provide notice of such fee to the person making payment by credit card.

~~Any transaction involving payment by credit card pursuant to this section shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.~~

Sec. 3. K.S.A. 2021 Supp. 19-122 is hereby amended to read as follows: 19-122. ~~(a)~~ Any county may accept credit or debit cards for the payment of any taxes, utility fees or other exactions. The county may establish the type of credit or debit card the county will accept. The county may set a fee to be added to each credit card transaction equal to the charge paid by the county for the use of the credit card by the person. If the county imposes a fee for payments made by credit card, the county shall provide notice of such fee to the person making payment by credit card.

~~(b) Any transaction involving payment by credit card pursuant to this section shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.~~

Sec. 4. K.S.A. 72-1176 is hereby amended to read as follows: 72-1176. The board of education of any school district, pursuant to a policy developed and adopted by the board, may provide for the acceptance of payment in the form of a credit or debit card of fees, tuition or other charges imposed by the school district. The policy may provide for imposition of an additional fee to recover the actual amount of any costs incurred by the school district by reason of the method of payment used. The policy also may provide for establishment by the school district of secure internet sockets that will allow payment by a credit or debit card via the internet. ~~Any transactions involving payment by credit card pursuant to this section shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.~~

Sec. 5. K.S.A. 2021 Supp. 75-30,100 is hereby amended to read as follows: 75-30,100. (a) Any state agency that imposes or collects fees, tuition or other charges shall accept payment thereof in the form of a personal, certified or cashier's check or money order. A state agency may accept payment by credit card, debit card or other method designated by the agency. A state agency may impose an additional fee to recover the actual amount of any cost incurred by reason of the method of payment used by the payee.

(b) In addition to the methods specified in subsection (a), after June 30, 2001, a state agency shall accept payment of fees, tuition or other charges in the form of a credit card or debit card.

~~(c) Any transactions involving payment by credit card or debit card pursuant to this section shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto.~~

~~(d)~~—The provisions of this section shall not apply to any fees, fines or charges imposed by the secretary of corrections on offenders under the jurisdiction of the secretary of corrections or juvenile offenders placed in juvenile correctional facilities under the jurisdiction of the secretary of corrections.

~~(e) Any municipal university, community college, technical college or vocational educational school, as defined by K.S.A. 74-3201b, and amendments thereto, or not-for-profit private postsecondary educational institution that was granted approval to confer academic or honorary degrees by the Kansas state board of education under the provisions of K.S.A. 17-6105, prior to its repeal, or is otherwise exempt from the Kansas private and out-of-state postsecondary educational institution act pursuant to K.S.A. 74-32,164, and amendments thereto, accepting payment of fees, tuition or other charges in the form of a credit card or debit card shall not be subject to the provisions of K.S.A. 16a-2-403, and amendments thereto."~~

Also on page 2, in line 29, by striking "40-2c01 is" and inserting "72-1176 and K.S.A. 2021 Supp. 12-16,125, 16a-2-403, 19-122 and 75-30,100 are"; in line 31, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "financial institutions; relating to payments made with credit and debit cards; eliminating the prohibition of a surcharge for use of such cards; requiring notice of surcharge for use of credit cards; amending K.S.A. 72-1176 and K.S.A. 2021 Supp. 12-16,125, 19-122 and 75-30,100 and repealing the existing sections; also repealing K.S.A. 2021 Supp. 16a-2-403";

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

ADAM SMITH

LES MASON

JIM GARTNER

*Conferees on part of House*

CARYN TYSON

VIRGIL PECK

*Conferees on part of Senate*

On motion of Rep. Smith, A., the conference committee report on **SB 331** was adopted.

On roll call, the vote was: Yeas 91; Nays 26; Present but not voting: 0; Absent or not voting: 8.

Yeas: Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Borjon, Burris, Carlson, W. Carpenter, Clark, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgerson, Highberger, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Humphries, Jacobs, S. Johnson,

T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Mason, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Owens, F. Patton, Penn, Poskin, Proctor, Proehl, Rahjes, Ralph, Rhiley, Ryckman, Samsel, Sanders, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams, Wolfe Moore, Woodard.

Nays: Alcalá, Amyx, Blex, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Featherston, Henderson, Hoyer, Huebert, Lynn, Meyer, Miller, Osman, Ousley, Probst, Resman, Ruiz, S., Sawyer, Stogsdill, Weigel, Winn, Xu.

Present but not voting: None.

Absent or not voting: Burroughs, Helmer, Highland, Poetter, Ruiz, L., Sutton, Vaughn, Victors.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House 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 9 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 4, and inserting the following:

"Section 1. (a) For the fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2022 and shall constitute the omnibus reconciliation spending limit bill for the 2022 regular session of the legislature for purposes of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2.

### KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 9(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$178,073 to \$198,073.

(b) On July 1, 2022, the expenditure limitation established for the fiscal year

ending June 30, 2023, by section 9(b) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$172,840 to \$180,840.

Sec. 3.

BOARD OF NURSING

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 15(b) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from \$3,043,871 to \$3,084,471.

Sec. 4.

STATE BOARD OF PHARMACY

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 17(c) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from \$3,152,132 to \$3,273,406.

Sec. 5.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 18(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby increased from \$1,197,838 to \$1,397,838.

Sec. 6.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2022, by section 19(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby increased from \$339,745 to \$349,001.

Sec. 7.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Legislative research department –	
operations (425-00-1000-0103).....	\$81,842
Office of revisor of statutes –	
operations (579-00-1000-0103).....	\$163,684

Sec. 8.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Legislative information system (428-00-1000-0300).....\$5,097,000

(b) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2023 as authorized by section 24 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to create an interim study committee on Sedgwick county regional mental health bed expansion: *Provided*, That such committee shall consist of 11 members as follows: (1) The members of the legislative budget committee; (2) the chairperson and vice chairperson of the 2021 special committee on Kansas mental health modernization and reform; (3) a member of the minority party of the house of representatives appointed by the legislative coordinating council; and (4) a member of the senate appointed by the legislative coordinating council: *Provided further*, That such committee shall develop a plan for providing a facility with acute inpatient psychiatric adult beds and adult forensic beds in the Sedgwick county regional area: *And provided further*, That such facility shall not exceed 50 total beds: *And provided further*, That such committee shall define the terms of such facility and the operation agreement of such facility: *And provided further*, That such interim committee shall report any recommendations regarding such facility to the state finance council on or before October 1, 2022.

Sec. 9.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2022, 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:

Nursing facilities support fund.....\$15,000,000

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by section 28 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to consult with the director of the budget who shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the purposes of nursing facilities support, may be expended at the discretion of the state in compliance with the office of

management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided*, That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *Provided further*, That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2022 to be used for the purposes of this subsection, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to \$15,000,000 as available from such funds to the the nursing facilities support fund of the above agency: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 10.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Court appointed special advocates.....\$225,000

(b) Expenditures shall be made from the American rescue plan – state fiscal relief federal fund (252-00-3756) for the fiscal year ending June 30, 2023, pursuant to the authority in 42 U.S.C. § 802(c)(1) or other relevant authority, to provide government services, for the following specified purposes:

Colby CC project grant.....\$1,843,594

*Provided*, That all moneys from the Colby CC project grant account shall be for the career and technical education agricultural center: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Seward County CC project grant.....\$1,843,594

*Provided*, That all moneys from the Seward County CC project grant account shall be for the professional truck driver program and diesel technology lab: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Coffeyville CC project grant.....\$425,987

*Provided*, That all moneys from the Coffeyville CC project grant account shall be for the construction, electrical, fire science and welding technology programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or

private industry partner.

Butler County CC project grant.....\$572,268

*Provided*, That all moneys from the Butler County CC project grant account shall be for the culinary arts and hospitality and management programs: *Provided further*; That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Barton CC project grant.....\$1,843,594

*Provided*, That all moneys from the Barton CC project grant account shall be for the agriculture, farm machine and transportation technology complex: *Provided further*; That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

North central Kansas technical college project grant.....\$1,843,594

*Provided*, That all moneys from the North central Kansas technical college project grant account shall be for the carpentry and commercial drivers' license programs: *Provided further*; That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Northwest Kansas technical college project grant.....\$600,104

*Provided*, That all moneys from the Northwest Kansas technical college project grant account shall be for the cybersecurity and cryptosecurity programs: *Provided further*; That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Washburn institute of technology project grant.....\$1,843,594

*Provided*, That all moneys from the Washburn institute of technology project grant account shall be for the manufacturing training center: *Provided further*; That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Wichita state technical college project grant.....\$1,843,594

*Provided*, That all moneys from the Wichita state technical college project grant account shall be for the smart manufacturing, industry training 4.0 and associate degree nursing programs: *Provided further*; That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Flint hills technical college project grant.....\$500,000

*Provided*, That all moneys from the Flint hills technical college project grant account shall be for welding equipment: *Provided further*; That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a

\$1-for-\$1 basis from either the college or private industry partner.

Salina technical college project grant.....\$1,843,594

*Provided*, That all moneys from the Salina technical college project grant account shall be for the automation and maintenance programs: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Manhattan technical college project grant.....\$1,843,594

*Provided*, That all moneys from the Manhattan technical college project grant account shall be for the biomanufacturing program expansion: *Provided further*, That all expenditures from such account shall require a local grant match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either the college or private industry partner.

Fort Hays state university project grant.....\$5,000,000

*Provided*, That all moneys from the Fort Hays state university project grant account shall be for the Gross coliseum improvements:.

Emporia state university project grant.....\$5,000,000

*Provided*, That all moneys from the Emporia state university project grant account shall be for the nursing program relocation and staffing:.

Pittsburg state university project grant.....\$5,000,000

*Provided*, That all moneys from the Pittsburg state university project grant account shall be for the expansion of the Tyler research development park and projects in block 22:.

Washburn university project grant.....\$3,000,000

*Provided*, That all moneys from the Washburn university project grant account shall be for the center for integrated health studies:.

Animal nourishment facility economic development infrastructure.....\$5,000,000

*Provided*, That expenditures from the animal nourishment facility economic development infrastructure account shall be used by the above agency for the purpose of infrastructure for an animal nourishment facility for a city in Kansas with a population greater than 24,000 and less than 24,500 as of the 2020 census.

Southeast Kansas economic development infrastructure.....\$5,000,000

Provided, That expenditures from the southeast Kansas economic development infrastructure account shall be used by the above agency for the purpose of infrastructure for a city in southeast Kansas with a population greater than 20,000 and less than 21,000 as of the 2020 census.

Northeast Kansas economic development.....\$3,100,000

Provided, That expenditures from the northeast Kansas economic development account shall be used by the above agency for the purpose of the refurbishment of a building for housing for a city in northeast Kansas with a population greater than 12,200 and less than 12,700 as of the 2020 census.

Port authority transload facility economic development.....\$2,500,000

Provided, That expenditures from the port authority transload facility economic development account shall be used by the above agency for the purpose of establishing a transload facility for a county in Kansas with a population greater than 4,000 and less than 4,300 as of the 2020 census and such county has been awarded a building a stronger economy grant in fiscal year 2022.

Economic expansion rural housing grant.....\$20,000,000

Provided, That the expenditures from the economic expansion rural housing grant account shall be used by the above agency for the purpose of providing grants to housing projects intended to accommodate expansion due to recent economic development in a Kansas county with a population greater than 40,000 and less than 60,000 as of the 2020 census: Provided further; That the recent economic development will create over 500 new jobs and the housing project includes over \$50,000,000 in capital investments: And provided further; That all moneys in the economic expansion rural housing grant account expended for fiscal year 2023 shall be matched by nonstate moneys on a \$1-to-\$1 basis.

Nutritional program grant.....\$1,500,000

Provided, That the above agency shall consult with the Kansas department for aging and disability services to distribute such funding.

(c) During the fiscal year ending June 30, 2023, the expenditures in subsection (b) from the American rescue plan – state fiscal relief federal fund shall not be subject to the provisions of section 28(d) of 2022 House Substitute for Substitute for Senate Bill No. 267.

(d) During the fiscal year ending June 30, 2023, the provisions of section 196 of 2022 House Substitute for Substitute for Senate Bill No. 267 shall not apply to expenditures from the American rescue plan – state fiscal relief federal fund of the governor’s department. Such expenditures are subject to the provisions of subsection (b).

(e) On July 1, 2022, the appropriation of all moneys credited to and available in the

community colleges, technical colleges and Washburn project grant account of the American rescue plan – state fiscal relief federal fund for the fiscal year ending June 30, 2022, by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267 is hereby lapsed. On July 1, 2022, the community colleges, technical colleges and Washburn project grant account is hereby abolished.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2023, the following:

Affordable housing redevelopment.....\$1,000,000

*Provided*, That expenditures from the affordable housing redevelopment account shall be used by the above agency for the purpose of the redevelopment of a hotel into affordable apartments for moderate-income individuals for a city in central Kansas with a population greater than 4,350 and less than 4,450 as of the 2020 census.

(g) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, 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:

White collar crime fund.....No limit

(h) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made from the private and independent college project grant account of the American rescue plan – state fiscal relief federal fund (252-00-3756) of the governor's department for fiscal year 2023 as authorized by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures of \$200,000 shall be made from such account for fiscal year 2023 for the Benedictine college engineering program: *Provided, however*; That such expenditures shall be made only upon certification by the chief executive officer of Benedictine college to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$1 of state moneys basis: *Provided further*; That such private money matches shall not be existing college funds and shall be new moneys.

(i) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 28(f) of 2022 House Substitute for Substitute for Senate Bill No. 267 on the Pratt CC program grant account of the American rescue plan – state fiscal relief federal fund (252-00-3756) of the governor's department is hereby decreased from \$788,445 to \$778,445.

Sec. 11.

SECRETARY OF STATE

(a) During the fiscal year ending June 30, 2023, notwithstanding the provisions of chapter 61 of the 2021 Session Laws of Kansas, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2023 as authorized by section 32 of 2022 House Substitute for

Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by such agency from such moneys for the above agency to continue to require an annual filing of the written business entity information report by the business entities required to file such report.

Sec. 12.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- STAR bonds food sales tax revenue replacement fund.....No limit
- Distinctive license plate royalty fund.....No limit

(b) Prior to June 30, 2023, the governing body of each city and county that has established a STAR bond project district as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, prior to December 31, 2022, in consultation with the secretary of revenue, shall certify to the director of accounts and reports the amount equal to the amount of sales tax revenue realized from sales within such district.

Sec. 13.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- STAR bonds food sales tax revenue replacement fund.....No limit

(b) On July 1, 2023, and January 1, 2024, the governing body of each such city or county shall certify to the director of accounts and reports an amount equal to the amount by which revenues realized from such sales taxes imposed in such STAR bond project district are reduced for the preceding six-month period due to legislative changes in the state sales tax for food and food ingredients. Prior to September 1, 2023, and March 1, 2024, the director of accounts and reports shall certify to the state treasurer each amount certified by the governing bodies of cities or counties under this subsection for the preceding six months and shall transfer from the state general fund to the STAR bonds food sales tax revenue replacement fund the aggregate of all amounts so certified. Prior to October 15, 2023, and April 15, 2024, the state treasurer shall pay from the STAR bonds food sales tax revenue replacement fund to the city bond fund in the amount certified to the director of accounts and reports for each city or county for the preceding six months.

Sec. 14.

INSURANCE DEPARTMENT

(a) On the effective date of this act, the pharmacy benefits manager registration fund (331-00-2665-2665) of the insurance department is hereby redesignated as the pharmacy benefits manager licensure fund of the insurance department.

Sec. 15.

HEALTH CARE STABILIZATION  
FUND BOARD OF GOVERNORS

(a) Notwithstanding the provisions of K.S.A. 40-3401, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds of the above agency for fiscal year 2023 as authorized by section 36 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2023 to deem a maternity center as a "healthcare provider" for the purposes of the healthcare provider insurance availability act, K.S.A. 40-3401 et seq., and amendments thereto, if such maternity center: (1) Has been granted accreditation by a national organization recognized by the board of governors and whose accreditation standards are approved by the board; or (2) is a maternity center as defined in K.S.A. 65-503, and amendments thereto.

Sec. 16.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Judiciary operations (677-00-1000).....\$17,328,850

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, 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:

Specialty court resources fund.....No limit

Sec. 17.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Debt service refunding –  
2015A (173-00-1000-0463).....\$160,460,850

*Provided*, That expenditures from the debt service refunding – 2015A account shall be made by the above agency solely for the purposes of debt service payments and legally defeasing or cash redeeming the 2015A state of Kansas projects revenue bonds

redeeming at their first optional redemption date of May 1, 2023.

National bio and agro-defense facility –  
debt service (173-00-1000-0460).....\$171,765,300

*Provided*, That expenditures from the national bio and agro-defense facility – debt service account shall be made by the above agency solely for the purposes of debt service payments and legally defeasing or cash redeeming the 2015G national bio and agro-defense facility project revenue bonds redeeming at their first optional redemption date of April 1, 2023.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$250,000,000 from the state general fund to the budget stabilization fund (173-00-1600-1600); *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state general fund to the budget stabilization fund as prescribed by law.

Sec. 18.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Salary adjustments.....\$150,000

*Provided*, That expenditures shall be made by the above agency from this account in fiscal year 2023 to increase by the amount of 5% the salaries and wages, and associated fringe benefits, for office of facilities and property management custodial staff for buildings in the capitol complex.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas suffragist memorial fund.....No limit

Kansas gold star families memorial fund.....No limit

(c) On July 1, 2022, the director of accounts and reports shall transfer \$10,000,000 from the state general fund to the health benefits administration clearing fund – remit admin service org (173-00-7746-7746) of the department of administration.

Sec. 19.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas historic site fund.....No limit

Gage park improvement authority sales tax fund.....No limit  
Sec. 20.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 67(b) of chapter 98 of the 2021 Session Laws of Kansas to be transferred from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) during the fiscal year ending June 30, 2022, is hereby increased from \$69,590,000 to \$70,740,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, 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:

Sports wagering receipts fund.....No limit  
Privilege fee repayment fund.....No limit

Sec. 21.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,000,000 from the state general fund to the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto: *Provided*, That the above agency, with the approval of the state finance council, shall expend such moneys for the purpose of preparing land for an economic development project in accordance with this subsection to fulfill the purposes of the attracting powerful economic expansion act established by House Substitute for Senate Bill No. 347: *Provided further*, That the state finance council acting on this matter is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto: *Provided, however*, That if the state finance council does not approve an agreement with a qualified firm or qualified supplier pursuant to section 2 of House Substitute for Senate Bill No. 347, then, on June 30, 2022, the director of accounts and reports shall transfer \$4,000,000 from the job creation program fund to the state general fund: *And provided further*, That, upon transferring such moneys to the state general fund, the director of accounts and reports shall certify to the director of the budget and the director of legislative research that such transfer has occurred.

Sec. 22.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Kansas semiquincentennial commission support.....\$73,500

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission for the United States semiquincentennial gifts and donations fund.....	No limit
Attracting professional sports to Kansas fund.....	No limit
Attracting powerful economic expansion payroll incentive fund.....	No limit
Attracting powerful economic expansion new employee training and education fund.....	No limit
Attracting powerful economic expansion Kansas residency incentive fund.....	No limit

(c) During the fiscal year ending June 30, 2023, the secretary of commerce shall certify to the director of accounts and reports if the state finance council has approved an agreement with a qualified firm or qualified supplier pursuant to section 2 of House Substitute for Senate Bill No. 347: *Provided*, That upon receipt of such certification, the director of accounts and reports shall transfer an aggregate amount of not more than \$19,000,000 from the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto, to the attracting powerful economic expansion payroll incentive fund, the attracting powerful economic expansion new employee training and education fund and the attracting powerful economic expansion Kansas residency incentive fund of the above agency: *Provided further*, That the secretary of commerce shall certify to the director of accounts and reports the appropriate amount to be transferred to each such special revenue fund to fulfill the purposes of the attracting powerful economic expansion act established by House Substitute for Senate Bill No. 347 and shall transmit a copy of such certification to the director of the budget and the director of legislative research.

Sec. 23.

KANSAS COMMISSION ON  
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures – Kansas soldiers' home (694-00-1000-0403).....	\$105,000
Operating expenditures – Kansas veterans' home (694-00-1000-0503).....	\$105,000

Sec. 24.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Specialty health care access programs (264-00-1000).....\$750,000

*Provided*, That of the amount appropriated for the specialty health care access programs account, \$250,000 shall be distributed to each of the following programs: Project access of Wichita, health access of Shawnee county, and Wy Jo care of Wyandotte and Johnson counties.

Child abuse review and evaluation program.....\$757,000

*Provided*, That expenditures shall be made from the child abuse review and evaluation program account to train healthcare providers to recognize signs of child abuse and reimburse reviews and examinations conducted by such trained healthcare providers: *Provided further*; That on or before January 9, 2023, the above agency shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on services provided and the location of services provided by the program.

Any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2022, is hereby reappropriated for fiscal year 2023.

(b) During the fiscal year ending June 30, 2023, expenditures shall be made by the above agency from the infant and toddler program (264-00-1000-0570) account of the state general fund in the amount of \$6,000,000 for the purposes of aid to local units and other assistance: *Provided, however*; That such moneys shall not be expended for administrative costs incurred by the above agency.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, 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:

HIV care formula grant federal fund (264-00-3328-3311).....No limit

Sec. 25.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) On the effective date of this act, of the \$759,750,000 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 80(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$21,989,024 is hereby lapsed.

(b) During the fiscal year ending June 30, 2022, the above agency shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2022 by section 80 of chapter 98 of the 2021 Session Laws of Kansas, section 40 of chapter 116 of the 2021 Session Laws of Kansas, section 69 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature to impose any limitation on funding, including, but not limited to, a maximum amount that may be paid for services, for the prospective payment system established pursuant to K.S.A. 39-2019, and amendments thereto, under the medical assistance program for certified community

behavioral health clinics other than limitations imposed by the United States centers for medicare and medicaid services.

Sec. 26.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Other medical assistance (264-00-1000-3026).....\$34,249,128

(b) During the fiscal year ending June 30, 2023, the above agency shall not expend any moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by section 70 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature to impose any limitation on funding, including, but not limited to, a maximum amount that may be paid for services, for the prospective payment system established pursuant to K.S.A. 39-2019, and amendments thereto, under the medical assistance program for certified community behavioral health clinics other than limitations imposed by the United States centers for medicare and medicaid services.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, 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:

Ryan White title II – federal fund (264-00-3328-3310).....No limit

Sec. 27.

KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

KanCare caseloads (039-00-1000-0610).....\$16,000,000

Larned state hospital – operating  
expenditures (410-00-1000-0103).....\$5,500,000

Sec. 28.

KANSAS DEPARTMENT FOR  
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

KanCare caseloads (039-00-1000-0610).....\$30,015,118

Non-KanCare caseloads (039-00-1000-0611).....\$2,340,230

State operations (039-00-1000-0801) .....\$3,190,000  
 988 suicide prevention and mental health crisis hotline.....\$10,000,000

*Provided however,* That, on July 1, 2022, if House Substitute for Senate Bill No. 19, or other legislation that establishes a 988 suicide prevention and mental health crisis hotline fund and transfers moneys to such special revenue fund, has been passed by the legislature during the 2022 regular session and enacted into law, then, of the moneys appropriated in the 988 suicide prevention and mental health crisis hotline account, the sum of \$10,000,000 is hereby lapsed.

Community services and programs (039-00-1000-0520).....\$500,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, 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:

988 suicide prevention and mental health crisis hotline fund.....No limit

(c) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from the regional beds funding account (039-00-1000-3003) of the state general fund of the above agency for fiscal year 2023, as authorized by section 74(a) of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, subject to the provisions of this subsection, expenditures shall be made by the above agency from the regional beds funding account for fiscal year 2023, in an amount not to exceed \$15,000,000, for the purpose of expanding regional mental health bed access in the Sedgwick county regional area: *Provided, however,* That such expenditures shall be subject to approval by the state finance council: *Provided further,* That the state finance council is hereby authorized to approve such expenditures: *And provided further,* That state finance council action on this matter is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto: *And provided further,* That prior to any state finance council action, the interim legislative study committee on Sedgwick county regional area mental health bed expansion shall provide recommendations to the state finance council on or before October 1, 2022: *And provided further,* That the state finance council shall consider the recommendations from such interim study committee in determining whether to authorize expenditures for the purpose of expanding regional mental health bed access.

Sec. 29.

KANSAS DEPARTMENT FOR  
CHILDREN AND FAMILIES

(a) On the effective date of this act, of the \$220,433,685 appropriated for the above agency for the fiscal year ending June 30, 2022, by section 87(a) of chapter 98 of the 2021 Session Laws of Kansas from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of \$6,600,000 is hereby lapsed.

Sec. 30.

KANSAS DEPARTMENT FOR  
CHILDREN AND FAMILIES

(a) On the effective date of this act, of the \$235,276,149 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 76(a) of House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the youth services aid and assistance account (629-00-1000-7020), the sum of \$5,350,000 is hereby lapsed.

(b) During the fiscal year ending June 30, 2023, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2023 as authorized by section 76 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency to collaborate with community partners and stakeholders to jointly develop a plan for implementation of a set of performance-based contracts to provide an array of evidence-based prevention and early intervention services for families who are at risk for an out-of-home placement or have a child in out-of-home care and for children who are awaiting adoption: *Provided*, That such plan shall describe the services that are required to be delivered under any such contract in order to assure that providers have the ability to provide adequate, appropriate and relevant evidence-based services to individual families, the outcome measures that will be used to evaluate the effectiveness of provider performance under such contracts, how families will be referred to contracted providers, including the protocols for continued communication or coordination between providers and the above agency in order to assure child safety and well-being and to promote such family's engagement and the optimum balance of shared responsibility for child protection and child welfare between the above agency and such providers, including a description of the core functions to be performed by each: *Provided further*, That in developing such plan, the above agency shall consider the capacity for regionwide delivery of an array of evidence-based prevention and early intervention services to children and families, paying particular attention to the willingness and ability of community and stakeholders to collaborate in the development of the implementation plan by January 31, 2023, and whether there are any existing and available multidisciplinary or multisystem work groups engaged in performance improvement or reform efforts: *And provided further*, That the above agency shall report to the governor, the house of representatives committee on children and seniors and the senate committee on public health and welfare by January 31, 2023, with a plan to begin implementation on July 1, 2023.

Sec. 31.

KANSAS DEPARTMENT FOR  
CHILDREN AND FAMILIES

(a) During the fiscal year ending June 30, 2024, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2024 as authorized by this or other appropriation act of the 2022

or 2023 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2024 to provide, not later than January 31, 2024, to the governor and the legislature a status update and recommendations for continued progress on the plan to implement performance-based contract criteria as described in section 29(b): *And provided further*; That the above agency shall submit a proposal to the legislature and the governor on or before January 31, 2024, for the reinvestment of savings from reduced foster care caseloads into evidence-based prevention and early intervention programs designed to prevent the need for or reduce the duration of out-of-home placements: *And provided further*; That such proposal shall include sufficient detail regarding accounting, budgeting and allocation of resources or other procedures for legislative consideration and approval.

Sec. 32.

KANSAS STATE UNIVERSITY  
VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Veterinary training program for rural Kansas (368-00-1000-5013).....\$250,000

Sec. 33.

UNIVERSITY OF KANSAS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the geological survey account (682-00-100-0023) of the state general fund for fiscal year 2023, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2023 for seismic surveys in an amount not less than \$100,000.

Sec. 34.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, 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:

Cancer research and public  
information trust (683-00-2925-2925).....No limit

Sec. 35.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, 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:

Digital transformation program fund.....\$10,000,000

*Provided*, That all moneys in the digital transformation program fund expended for fiscal year 2023 shall be matched by nonstate moneys on a \$1-to-\$1 basis.

(b) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2023 by section 103 of 2022 House Substitute for Substitute for Senate Bill No. 267, this or any other appropriation act of the 2022 regular session of the legislature, expenditures shall be made by the above agency from such moneys to consult with the director of the budget who shall determine the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the digital transformation program, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *Provided*, That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *Provided further*, That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2023 to be used for such program, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount equal to \$10,000,000 as available from such funds to the digital transformation program fund of Wichita state university for the purpose of providing such program: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 36.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Postsecondary education operating grant (including official hospitality) (561-00-1000-0770).....\$12,500,000  
Computer science preservice educator grant.....\$1,000,000

*Provided*, That expenditures shall be made by the above agency from the computer science preservice educator grant account for fiscal year 2023 to promote the advancement of computer science preservice teacher preparation in Kansas and to award scholarships to licensed and preservice teachers pursuant to the provisions of 2022 Substitute for House Bill No. 2466: *Provided further*, That, if 2022 Substitute for House Bill No. 2466 is not passed by the legislature during the 2022 regular session and enacted into law, then on July 1, 2022, the \$1,000,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, by this section in the computer science preservice educator grant account is hereby lapsed.

(b) On the effective date of this act, the provisions of the proviso for the postsecondary education operating grant (including official hospitality) account (561-00-1000-0770) of the state board of regents in section 109(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 are hereby declared to be null and void and shall have no force and effect.

Sec. 37.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Community corrections (521-00-1000-0220).....	\$841,113
Treatment and programs –	
offender programs (521-00-1000-0151).....	\$1,132,216
Facility operations (521-00-1000-0303).....	\$850,000

(b) On July 1, 2022, of the \$47,829,331 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 112(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the operating expenditures account (521-00-1000-0603), the sum of \$71,313 is hereby lapsed.

Sec. 38.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2022, the following:

Operating expenditures (034-00-1000-0053).....	
.....	\$37,160

Sec. 39.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (034-00-1000-0053).....	
	\$147,055

Sec. 40.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, 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:

Elevator safety fee fund.....	No limit
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(b) On the effective date of this act, the expenditure limitation established for the

fiscal year ending June 30, 2023, by section 116(a) of House Substitute for Substitute for Senate Bill No. 267 on the fire marshal fee fund (234-00-2330-2000) of the state fire marshal is hereby increased from \$6,015,655 to \$6,205,639.

Sec. 41.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,600,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the aircraft fund – on budget (280-00-2368-2360) of the Kansas highway patrol: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state highway fund to the aircraft fund – on budget as prescribed by law: *Provided further*; That expenditures from the above transfer shall be made by the above agency to purchase two additional forward-looking infrared radars.

Sec. 42.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2023, 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:

DUI-IID designation fund.....No limit

(b) On July 1, 2022, the director of accounts and reports shall transfer all moneys in the \_\_\_\_\_ DUI-IID designation fund (565-00-2380-2370) of the department of revenue to the DUI-IID designation fund of the above agency. On July 1, 2022, all liabilities of the DUI-IID designation fund of the department of revenue are hereby transferred to and imposed on the DUI-IID designation fund of the above agency and the DUI-IID designation fund of the department of revenue is hereby abolished.

Sec. 43.

ATTORNEY GENERAL – KANSAS  
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency (a) from the state general fund for the fiscal year ending June 30, 2022, the following:

Forensic science laboratory early  
payment of bonds.....\$41,487,988

Sec. 44.

ATTORNEY GENERAL – KANSAS  
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency (a) from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (083-00-1000-0083).....\$85,371

(b) On July 1, 2022, the \$4,322,800 appropriated for the above agency for the fiscal year ending June 30, 2023, by section 164(a) of 2022 House Substitute for Substitute for Senate Bill No. 267 from the state general fund in the KBI – debt service account (083-00-1000-0820) is hereby lapsed.

Sec. 45.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Operating expenditures (626-00-1000-0303).....\$74,628

Sec. 46.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

Dairy industry expansion needs assessment.....\$350,000

Sec. 47.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, for the capital improvement project or projects specified, the following:

Bison arena renovation.....\$10,000,000

State fair facilities upgrades.....\$4,450,000

Sec. 48.

DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2022, the expenditure limitation established for the fiscal year ending June 30, 2023, by section 136(b) of House Substitute for Substitute for Senate Bill No. 267 on the agency operations account (276-00-4100-0403) of the state highway fund (276-00-4100-4100) of the department of transportation is hereby increased from \$305,591,473 to \$305,622,993.

Sec. 49.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2023, the following:

State employee pay increase.....\$800,000

(b) On the effective date of this act, the provisions of section 140(h)(3)(E) of House

Substitute for Substitute for Senate Bill No. 267 are hereby declared to be null and void and shall have no force and effect.

(c) Section 140(g) of House Substitute for Substitute for Senate Bill No. 267 shall not apply to employees of the office of administrative hearings and the Kansas sentencing commission who received an agency salary enhancement in fiscal year 2022, are anticipated to receive an agency salary enhancement in fiscal year 2023 or may receive such salary enhancements in both fiscal years.

(d) Section 140(h)(3)(F) of House Substitute for Substitute for Senate Bill No. 267 shall not apply to employees of the state fire marshal or state board of indigents' defense services.

Sec. 50. Notwithstanding the provisions of K.S.A. 46-2102, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2023, any state agency named in chapter 98 of the 2021 Session Laws of Kansas, 2022 House Substitute for Substitute for Senate Bill No. 267, this or other appropriation act of the 2022 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2023 to advise and consult with the joint committee on information technology prior to releasing any request for proposal for an information technology project, as defined in K.S.A. 75-7201, and amendments thereto.

Sec. 51. K.S.A. 2021 Supp. 76-1959 is hereby amended to read as follows: 76-1959. (a) (1) Except as provided in paragraph (2), for the purpose of financing a capital improvement project relating to construction of a state veterans home facility located in northeast Kansas, including, but not limited to, Douglas, Jefferson, Leavenworth, Shawnee and Wyandotte counties, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in a total amount not to exceed \$10,500,000, plus all amounts required for costs of bond issuance, costs of insurance or credit enhancement, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds.

(2) During state fiscal years 2022 and 2023, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in a total amount not to exceed \$17,200,000, plus all amounts required for costs of bond issuance, costs of insurance or credit enhancement, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds.

(b) The proceeds from the sale of any bonds, other than refunding bonds, issued pursuant to this section, after payment of any costs related to the issuance of such bonds, shall be paid by the Kansas development finance authority to the department of administration to be applied to the payment of costs of the capital improvement project authorized pursuant to this section as requested by the secretary of administration and by resolution of the Kansas development finance authority and shall constitute the state's required 35% match for the United States department of veterans affairs state veterans home construction grant program under 38 U.S.C. §§ 8131 through 8138, as in effect on July 1, 2021.

(c) On and after July 1, 2021, prior to the issuance of any bonds pursuant to this section, the capital improvement project described in subsection (a) is hereby approved for the department of administration 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 shall be approved by the Kansas development finance authority in accordance with K.S.A. 74-8901 et seq., amendments thereto, and the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given when the legislature is in session.

(d) The department of administration shall only make expenditures from the moneys received from the issuance of any bonds pursuant to this section for those purposes set forth in subsection (a) for such capital improvement project.

(e) The debt service for any such bonds issued pursuant to this section shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

(f) The date of maturity on bonds issued pursuant to this section shall not be fixed for a period of time that exceeds 20 years from the date of issuance.

(g) The state hereby pledges and covenants with the holders of any bonds issued pursuant to the provisions of this section, that the state will not limit or alter the rights or powers vested in the Kansas development finance authority by this section, nor limit or alter the rights or powers of the authority, or the department of administration, in any matter that would jeopardize the interest of the holders, or any trustee of such holders, or inhibit or prevent performance or fulfillment by the Kansas development finance authority or the department of administration with respect to the terms of any agreement made with the holders of the bonds or agreements made pursuant to this section, except that the failure of the legislature to appropriate moneys for debt service on any bonds issued pursuant to this section shall not be deemed a violation of this pledge and covenant. The department of administration is hereby specifically authorized to include this pledge and covenant in any agreement with the Kansas development finance authority. The Kansas development finance authority is hereby specifically authorized to include this pledge and covenant in any bond resolution, trust indenture or agreement for the benefit of the holders of the bonds.

(h) Neither the state nor the department of administration shall have the power to pledge the full faith and credit or taxing power of the state for debt service on any bonds issued pursuant to this section, and any payment by the department of administration for such purpose shall be subject to and dependent on appropriations by the legislature. Any obligation of the state or the department of administration for payment of debt service on bonds issued pursuant to this section shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(i) Subject to the provisions of appropriation acts, the secretary of administration shall enter into pledge agreements with the Kansas development finance authority to pledge moneys for the payment of bonds issued pursuant to this section, which pledge shall be subject to the appropriation of moneys therefor.

provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

*Sec. 53. Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

*Sec. 54.* If any fund or account name described by words and the numerical accounting code that follows such fund or account name do not match, it shall be conclusively presumed that the legislature intended that the fund or account name described by words is the correct fund or account name, and such fund or account name described by words shall control over a contradictory or incorrect numerical accounting code.

*Sec. 55.* K.S.A. 2021 Supp. 76-1959 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 5; in line 6, by striking "sections" and inserting "making and concerning appropriations for the fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2021 Supp. 76-1959 and repealing the existing section"

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

RICK BILLINGER

J.R. CLAEYS

TOM HAWK

*Conferees on part of Senate*

TROY WAYMASTER

KYLE HOFFMAN

KATHY WOLFE MOORE

*Conferees on part of House*

On motion of Rep. Waymaster, the conference committee report on **HB 2510** was adopted.

On roll call, the vote was: Yeas 95; Nays 22; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcalá, Amyx, Anderson, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Carlin, Carlson, W. Carpenter, Clark, Clayton, Clifford, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Dodson, M., Ellis, Eplee, Estes, Featherston, Finch, Francis, French, Gartner, Hawkins, Highberger, Hoffman, Hoheisel, Howe, Howell, Howerton, Hoye, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr,

Long, Lynn, Mason, Meyer, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Orr, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Tarwater, Thomas, Thompson, Toplikar, Turner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Wolfe Moore, Woodard, Xu.

Nays: Arnberger, Awerkamp, Baker, Burris, Byers, Carmichael, Delperdang, Donohoe, Esau, Fairchild, Finney, Garber, Haswood, Helgerson, Henderson, Houser, Jacobs, Lee-Hahn, Ohaebosim, Osman, Waggoner, Winn.

Present but not voting: None.

Absent or not voting: Burroughs, Helmer, Highland, Poetter, Ruiz, L., Sutton, Vaughn, Victors.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote No on **HB 2510**. This Omnibus spending bill just kept getting bigger and bigger. It has many admirable parts, in paying off certain debts, in raising state employee wages, in supporting the State Fair and more. But our track record as a legislature is to avoid spending restraints. Inflation is up 15% in the last four years, but our SGF spending is up 31%. That is not sustainable. The House should have focused more on tax relief and less on spending growth. Kansas families deserve better. — PAUL WAGGONER

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2106** 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 15 through 34;

By striking all on pages 2 through 13;

On page 14, by striking all in lines 1 through 14; following line 14, by inserting:

"New Section 1. (a) There is hereby levied and there shall be collected and paid a tax upon the gross receipts from the sale of food and food ingredients. The rate of tax shall be as follows:

(1) Commencing on January 1, 2023, at the rate of 4%;

(2) commencing on January 1, 2024, at the rate of 2%; and

(3) commencing on January 1, 2025, and thereafter, at the rate of 0%.

(b) The provisions of this section shall not apply to prepared food unless sold without eating utensils provided by the seller and described below:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries);

(2) (A) food sold in an unheated state by weight or volume as a single item; or

(B) only meat or seafood sold in an unheated state by weight or volume as a single item;

(3) bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas; or

(4) food sold that ordinarily requires additional cooking, as opposed to just reheating, by the consumer prior to consumption.

(c) The provisions of this section shall be a part of and supplemental to the Kansas retailers' sales tax act.

Sec. 2. K.S.A. 2021 Supp. 12-189a is hereby amended to read as follows: 12-189a. The following sales shall be subject to the taxes levied and collected by all cities and counties under the provisions of K.S.A. 12-187 et seq., and amendments thereto:

(a) All sales of natural gas, electricity, heat and water delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises and all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes for agricultural use, except that effective January 1, 2006, the provisions of this subsection shall expire for sales of water pursuant to this subsection;

(b) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises; ~~and~~

(c) all sales of intrastate telephone and telegraph services for noncommercial use; ~~and~~

(d) all sales of food and food ingredients.

Sec. 3. K.S.A. 13-13a39 is hereby amended to read as follows: 13-13a39. ~~The following~~ Sales subject to the countywide and city retailers' sales tax pursuant to K.S.A. 12-189a, and amendments thereto, shall also be subject to the taxes levied by Washburn University of Topeka under the provisions of K.S.A. 13-13a38, and amendments thereto:

~~(a) All sales of natural gas, electricity, heat and water delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises and all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes for agricultural use;~~

~~(b) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises; and~~

~~(c) all sales of intrastate telephone and telegraph services for noncommercial use.~~

Sec. 4. K.S.A. 79-32,271 is hereby amended to read as follows: 79-32,271. (a) For any taxable year commencing after December 31, 2014, and ending prior to January 1, 2025, a credit shall be allowed against the tax imposed by the Kansas income tax act on the Kansas taxable income of an individual income taxpayer who purchased food in this state, had federal adjusted gross income for the tax year that did not exceed \$30,615, and meets the qualifications in subsections (b) and (c).

(b) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer and the taxpayer's spouse if married filing jointly, must be domiciled in this state. For purposes of this credit, "domicile" shall not include any correctional facility, or portion thereof, as defined in K.S.A. 75-5202, and amendments thereto, any juvenile correctional facility, or portion thereof, as defined in K.S.A. 38-2302, and amendments thereto, any correctional facility of the federal bureau

of prisons located in the state of Kansas, or any city or county jail facility in the state of Kansas.

(c) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer or the taxpayer's spouse if married filing jointly, must be either: (1) A person having a disability, regardless of age; (2) a person without a disability who is 55 years of age or older; or (3) a person without a disability who is younger than 55 years of age who claims an exemption for one or more dependent children under 18 years of age.

(d) The amount of the credit shall be \$125 for every exemption claimed on the taxpayer's federal income tax return, except that no exemption shall be counted for a dependent unless the dependent is a child under 18 years of age.

(e) The credit allowed under this provision shall be applied against the taxpayer's income tax liability after all other credits allowed under the income tax act. It shall not be refundable and may not be carried forward.

(f) (1) Every taxpayer claiming the credit shall supply the division in support of a claim, reasonable proof of domicile, age and disability.

(2) A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability as defined in subsection (g).

(g) "Disability" means: (1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of this paragraph, with respect to any individual, "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; and "physical or mental impairment" means an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time. For purposes of this paragraph, "blindness" means central visual acuity of  $\frac{20}{200}$  or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of  $\frac{20}{200}$  or less.

(h) 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 section.

Sec. 5. K.S.A. 2021 Supp. 79-3602 is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers' sales tax act:

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

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

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

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

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

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

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

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

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

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

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

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the 12<sup>th</sup> grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the higher learning commission, the state board of education, or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit

trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

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

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

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

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

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

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

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

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

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

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

(q) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization that

makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include:

(1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property that has been repossessed by any such entity; and

(2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

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

(1) Lease or rental does not include:

(A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

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

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

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

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

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

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

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

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

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

(w) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least \$500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance

agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

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

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

(z) "Persons" means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

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

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

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

(dd) "Property which is consumed" means tangible personal property that is essential or necessary to and that is used in the actual process of and consumed, depleted or dissipated within one year in:

(1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property;

(2) the providing of services;  
(3) the irrigation of crops, for sale in the regular course of business; or  
(4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, that qualifies as property that is consumed:

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

(B) electricity, gas and water; and

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

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

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

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

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

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

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

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

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

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

(B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;

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

delivery and installation charges;

(D) delivery charges; and

(E) installation charges.

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

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

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

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

(D) one of the following criteria is met:

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

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

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

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

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

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

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

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

(E) commencing on July 1, 2018, and ending on June 30, 2024, cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale.

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

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

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

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

computer software.

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

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

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

(tt) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes:

(1) A drug facts panel; or

(2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. Over-the-counter drugs do not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and sun tan lotions and screens.

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

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

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

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

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

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

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

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a

purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

- (2) installation or maintenance of wiring or equipment on a customer's premises;
- (3) tangible personal property;
- (4) advertising, including, but not limited to, directory advertising;
- (5) billing and collection services provided to third parties;
- (6) internet access service;
- (7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;
- (8) ancillary services; or
- (9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

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

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

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

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

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

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

(hhh) "Cereal malt beverage" shall have the same meaning as such term is defined in K.S.A. 41-2701, and amendments thereto, except that for the purposes of the Kansas retailers sales tax act and for no other purpose, such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

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

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

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

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

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

(A) Antimicrobial agents;

(B) fluoride;

(C) carbonation;

(D) vitamins, minerals and electrolytes;

(E) oxygen;

(F) preservatives; or

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

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

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

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

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

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

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

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

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

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

(2) "Prepared food" does not include:

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

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

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

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

fruit juice by volume.

Sec. 6. K.S.A. 2021 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 6.5%. On and after ~~July~~ January 1, 2021, 16.154% 2023, 17% and on and after January 1, 2025, 18% of the ~~6.5% rate tax rate~~ imposed pursuant to this section and the rate provided in section 1, and amendments thereto, shall be levied for the state highway fund, the state highway fund purposes and those purposes specified in K.S.A. 68-416, and amendments thereto, and all revenue collected and received from such tax levy shall be deposited in the state highway fund.

Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project.

Such tax shall be imposed upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 79-3673, and amendments thereto; (3) any value-added nonvoice data service; (4) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (5) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for all sales of propane gas, LP gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing

amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501, and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto, but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Ninth*, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for

participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to K.S.A. 79-201 *Eighth* and *Ninth*, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of paragraph (3), immediate family member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to K.S.A. 79-5105(a), (b)(1) and (b)(2), and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of tax paid as provided by this act. All such refunds shall be paid from the sales tax refund fund, upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate,

except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" ~~shall mean~~ means the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" ~~shall mean~~ means only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" ~~shall mean~~ means a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(4) "residence" ~~shall mean~~ means only those enclosures within which individuals customarily live;

(5) "utility structure" ~~shall mean~~ means transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) "windstorm" ~~shall mean~~ means straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid wireless calling service as defined in K.S.A. 79-3673, and amendments thereto;

(v) all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 75-5171 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section; ~~and~~

(w) all sales of charitable raffle tickets in accordance with K.S.A. 75-5171 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section; and

(x) commencing on January 1, 2023, and thereafter, the state rate on the gross receipts from the sale of food and food ingredients shall be as set forth in section 1, and amendments thereto.

Sec. 7. K.S.A. 79-3620 is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsections (c), (d) and (e), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

~~(c) (1) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(2) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(3) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(4) On July 1, 2013, the state treasurer shall credit 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(5) On July January 1, 2015 2023, the state treasurer shall credit 16.226% 17% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.5% rates provided in K.S.A. 79-3603, and~~

amendments thereto, and section 1, and amendments thereto, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

~~(6)(2)~~ On ~~July~~ January 1, 2016 2025, and thereafter, the state treasurer shall credit ~~16.154%~~ 18% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the ~~rate of 6.5%~~ rates provided in K.S.A. 79-3603, and amendments thereto, and section 1, and amendments thereto, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 2021 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under K.S.A. 79-3710(d), and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by K.S.A. 79-3603(c), and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to K.S.A. 79-3710(e), and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191<sup>st</sup> Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183<sup>rd</sup> Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the

transfer, storage and distribution of freight through railway and trucking operations.

Sec. 8. K.S.A. 2021 Supp. 79-3703 is hereby amended to read as follows: 79-3703.

(a) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 6.5%.

(b) ~~Commencing on January 1, 2023, and thereafter, the state rate on the amount equal to the consideration paid by the taxpayer from the sale of food and food ingredients as provided in K.S.A. 79-3603, and amendments thereto, shall be as set forth in section 1, and amendments thereto.~~

(c) ~~On and after July January 1, 2021, 16.154% at 2023, 17% and on and after January 1, 2025, 18% of the 6.5% rate tax rate imposed pursuant to this section and the rate provided in section 1, and amendments thereto, shall be levied for the state highway fund, the state highway fund purposes and those purposes specified in K.S.A. 68-416, and amendments thereto, and all revenue collected and received from such tax levy shall be deposited in the state highway fund.~~

(d) Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project.

(e) All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 9. K.S.A. 79-3710 is hereby amended to read as follows: 79-3710. (a) All revenue collected or received by the director under the provisions of this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c), (d) and (e), to the credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

~~(c) (1) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(2) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(3) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(4) On July 1, 2013, the state treasurer shall credit 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(5) On July January 1, 2015 2023, the state treasurer shall credit 16.226% 17% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.5% rates provided in K.S.A. 79-3703, and amendments thereto, and section 1, and amendments thereto, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(6)(2) On July January 1, 2016 2025, and thereafter, the state treasurer shall credit 16.154% 18% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.5% rates provided in K.S.A. 79-3703, and amendments thereto, and section 1, and amendments thereto, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by K.S.A. 79-3620(d), and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under K.S.A. 79-3620(d), and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

This subsection shall not apply to a project designated as a special bond project as defined in K.S.A. 12-1770a(z), and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by K.S.A. 79-3603(c), and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to K.S.A. 79-3620(e), and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions

contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by K.S.A. 12-1770a(oo), and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191<sup>st</sup> Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183<sup>rd</sup> Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.";

Also on page 14, in line 15, by striking "79-3221 and 79-32,117" and inserting "13-13a39, 79-32,271, 79-3620 and 79-3710 and K.S.A. 2021 Supp. 12-189a, 79-3602, 79-3603 and 79-3703"; in line 16, after "effect" by inserting "on and after January 1, 2023,"; in line 17, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "income"; also in line 1, by striking all after the first semicolon; by striking all in lines 2 through 9 and inserting "reducing the rate of sales and compensating use tax imposed on sales of food and food ingredients; relating to income tax; discontinuing the food sales tax credit,"; in line 10, by striking "79-3221 and 79-32,117" and inserting "13-13a39, 79-32,271, 79-3620 and 79-3710 and K.S.A. 2021 Supp. 12-189a, 79-3602, 79-3603 and 79-3703";

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

ADAM SMITH

LES MASON

*Conferees on part of House*

CARYN TYSON

VIRGIL PECK

*Conferees on part of Senate*

On motion of Rep. A. Smith to adopt the conference committee report on **HB 2106**, Rep. Carmichael offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed.

Roll call was demanded on the substitute motion of Rep. Carmichael.

On roll call, the vote was: Yeas 39; Nays 75; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alcalá, Amyx, Ballard, Byers, Carlin, Carmichael, Clayton, Coleman, Curtis, Fairchild, Featherston, Finney, Garber, Gartner, Haswood, Helgerson, Henderson, Highberger, Houser, Hoye, Kuether, Lee-Hahn, Meyer, Miller, Neighbor, Ohaebosim, Osman, Ousley, Poskin, Probst, Rhiley, Ruiz, S., Sawyer, Schmidt, Stogsdill, Weigel, Winn, Wolfe Moore, Xu.

Nays: Anderson, Arnberger, Baker, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, W. Carpenter, Clark, Clifford, Collins, Concannon, Corbet, Croft, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Finch, Francis, French, Hawkins, Hoffman, Hoheisel, Howe, Howell, Howerton, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Long, Lynn, Mason, Minnix, Moser,

Murphy, Neelly, Newland, Orr, Owens, F. Patton, Penn, Proctor, Proehl, Rahjes, Ralph, Resman, Ryckman, Samsel, Sanders, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Awerkamp, Burroughs, Helmer, Highland, Jacobs, Poetter, Ruiz, L., Sutton, Vaughn, Victors, Woodard.

The submotion did not prevail and the question reverted back to the original motion of Rep. A. Smith to adopt the conference committee report.

On motion of Rep. A. Smith, the conference committee report on **HB 2106** was adopted.

On roll call, the vote was: Yeas 114; Nays 3; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergquist, Blex, Borjon, Burris, Byers, Carlin, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Haswood, Hawkins, Helgerson, Henderson, Highberger, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Hoye, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Landwehr, Lee-Hahn, Long, Lynn, Mason, Meyer, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Osman, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Bergkamp, Gartner, Kuether.

Present but not voting: None.

Absent or not voting: Burroughs, Helmer, Highland, Poetter, Ruiz, L., Sutton, Vaughn, Victors.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes on **HB 2106** because I guess crumbs are better than nothing. By passing this bill we are blowing a chance to keep hundreds of thousands of Kansans shopping in Kansas. We are blowing a chance to incentivize 1.2 million Missourians to come across State line and shop and spend their money in Kansas. We are also blowing an opportunity to keep hundreds of millions of dollars in the pockets of Kansans all across the state. Money which they could spend on other products and services. I will bite my cheek and vote yes on this bill but it is maddening and disappointing that this body is happy to settle for a bunt when we could have hit a home run! – JERRY STOGSDILL

MR. SPEAKER: I reluctantly yes on **HB 2106**. I wish this was an immediate cut to 0%. I wish we responsibly used the \$3.1 billion in excess revenue. And I wish we listened to our constituents, in every corner of the state, who asked for tax relief this year. Unfortunately this body has moved forward with a watered down version of what we could have – and should have – put forward: a 0% state sales tax on food, beginning July 1, 2022. We need to revisit this tax rate for a more aggressive decrease. With this expectation, I vote yes on **HB 2106**. – TOM SAWYER, PAM CURTIS, KATHY WOLFE MOORE, JO

ELLA HOYE, BARBARA BALLARD, STEPHANIE CLAYTON, VALDENIA WINN, LINDA FEATHERSTON, MARI-LYNN POSKIN, STEPHANIE BYERS, SUSAN RUIZ, MIKE AMYX, CINDY NEIGHBOR, GAIL FINNEY, BRODERICK HENDERSON, CHUCK SCHMIDT, VIRGIL WEIGEL, SYDNEY CARLIN, JOHN CARMICHAEL

MR. SPEAKER: I vote yes on **HB 2106**. This body wasted 108 days and spent nearly all \$ 3.1 billion in excess revenue. Instead of helping 2.9 million Kansans who would benefit from direct tax relief, this body played politics with Kansans' money. There has been so much opining this year about the stresses of inflation and gas prices, yet when push came to shove, partisan games won. This bill is nothing but a package of political junk to provide cover until a Republican Governor is in office. I vote Yes on **HB 2106**. We need a 0% tax on food now. — JASON PROBST, HEATHER MEYER, DAN OSMAN, RUI XU, CHRISTINA HASWOOD

MR. SPEAKER: I VOTE NO ON **HB 2106**. Kansas has record-breaking excess revenue We can afford an immediate elimination of the state sales tax on food. **HB 2106** is cumbersome to small businesses and will result in miniscule benefits to Kansas families during a time they need tax relief. While I support the principle of a food tax cut, this is a poor plan. We can do better. We owe it to our constituents, who have asked us all session for direct tax relief—not partial cuts stretched over three years. I cannot support **HB 2106**. — ANNIE KUETHER

MR. SPEAKER: I vote yes on **HB 2106**. I am proud to vote yes on this legislation today. It's past time for Kansas to lower and eliminate the sales tax on food. Kansas families are already being hit hard enough with rising inflation and a high cost of living. This move is important not only today, but is also essential for ensuring the future of our state.— LEO DELPERDANG, BARB WASINGER, SUSAN HUMPHRIES, TOM KESSLER, TIM JOHNSON, AVERY ANDERSON, PATRICK PENN

### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Patton, the House concurred in Senate amendments to **S Sub for HB 2495**, AN ACT concerning law enforcement; relating to criminal history record information; requiring the retention of fingerprint information; participation in the rap back program; limiting access to fingerprints and records relating to fingerprints; relating to privacy rights on real property; imposing restrictions on surveillance by employees of the Kansas department of wildlife and parks; expanding the jurisdiction and powers of law enforcement officers; relating to search and seizure; extending the time within which a search warrant may be executed; clarifying information exchange in investigations of child abuse between the Kansas department for children and families and law enforcement agencies; directing the department to release certain information to law enforcement agencies; amending K.S.A. 38-2210, 38-2211, 38-2212 and 72-6146 and K.S.A. 2021 Supp. 22-2401a and 22-2506 and repealing the existing sections; also repealing section 1 of 2022 House Bill No. 2299 and section 2 of 2022 House Bill No. 2299 and K.S.A. 38-2210, as amended by section 5 of 2022 House Bill No. 2299, 38-2211, as amended by section 6 of 2022 House Bill No. 2299, 38-2212, as amended by section 7 of 2022 House Bill No. 2299, and 72-6146, as amended by section 8 of 2022 House Bill No. 2299, and K.S.A. 2021 Supp. 22-2401a, as amended by section 3 of 2022 House Bill No. 2299, and 22-2506, as amended by section 4 of 2022 House Bill No. 2299.

On roll call, the vote was: Yeas 116; Nays 1; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Borjon, Burris, Byers, Carlin, Carlson, Carmichael, W. Carpenter, Clark, Clayton, Clifford, Coleman, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, M., Donohoe, Ellis, Eplee, Esau, Estes, Fairchild, Featherston, Finch, Finney, Francis, French, Garber, Gartner, Haswood, Hawkins, Helgeson, Henderson, Highberger, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Hoyer, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kelly, Kessler, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Meyer, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Osman, Ousley, Owens, F. Patton, Penn, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Blex.

Present but not voting: None.

Absent or not voting: Burroughs, Helmer, Highland, Poetter, Ruiz, L., Sutton, Vaughn, Victors.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 34** submits the following report:

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

On page 1, by striking all in lines 8 through 36;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 33; following line 33, by inserting:

"New Section 1. (a) Notwithstanding any provision of law to the contrary, a governmental entity or public official shall not order or otherwise require any individual to wear a face mask as a response to a contagious or infectious disease.

(b) A governmental entity or public official may recommend that any individual wear a face mask as a response to a contagious or infectious disease.

(c) The provisions of this section shall not apply to a governmental entity that is a medical care facility as defined in K.S.A. 65-425, and amendments thereto, or an adult care home as defined in K.S.A. 39-923, and amendments thereto.

New Sec. 2. (a) (1) Notwithstanding any provision of law to the contrary, a governmental entity or public official shall not:

(A) Issue a COVID-19 vaccination passport to any individual without such individual's consent;

(B) require any individual to use a COVID-19 vaccination passport within this state for any purpose; or

(C) deny housing to any individual or refuse access by any individual to a place accessible to the general public, or separate any individual from others in a place

accessible to the general public, including entry, education, travel and services within this state, based on such individual's COVID-19 vaccination status.

(2) Nothing in this section shall prohibit a governmental entity or public official from instituting COVID-19 screening protocols in accordance with state and federal law to protect the public health.

(b) The provisions of this section shall not apply to a governmental entity that is a medical care facility as defined in K.S.A. 65-425, and amendments thereto, or an adult care home as defined in K.S.A. 39-923, and amendments thereto.

(c) As used in this section:

(1) "COVID-19 vaccination passport" means written or electronic documentation of an individual's COVID-19 vaccination status; and

(2) "screening protocol" means a non-invasive method to determine whether an individual has symptoms or other risk factors for developing COVID-19, including, but not limited to, temperature checks, self-reporting of exposure, self-reported vaccination status and questionnaires.

Sec. 3. K.S.A. 2021 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 shall restrict the authority of the governor to do so by executive orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation of this act, the governor may issue executive orders 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 K.S.A. 48-924(b), and amendments thereto, or as provided in K.S.A. 2021 Supp. 48-924b, and amendments thereto. The chairperson of the legislative coordinating council shall call a meeting of the council to occur within 24 hours of the issuance of an executive order issued pursuant to this section for the purposes of reviewing such order. Such executive orders shall be null and void after the period of a state of disaster emergency has ended. Such executive orders may be revoked at any time by concurrent resolution of the legislature or, when the legislature is not in session or is adjourned during session for three or more days, such orders may be revoked by the legislative coordinating council with the affirmative vote of five members thereof.

(c) Except as provided in K.S.A. 2021 Supp. 48-924b, and amendments thereto, during a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, 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 under the provisions of the Kansas emergency management act or any other law to:

(1) Limit or otherwise restrict the sale, purchase, transfer, ownership, storage, carrying or transporting of firearms or ammunition, or any component or combination thereof, including any components or combination thereof used in the manufacture of firearms or ammunition, or seize or authorize the seizure of any firearms or ammunition, or any component or combination thereto, except as otherwise permitted by state or federal law pursuant to subsection (c)(8) or any other executive authority;

~~(e) The governor shall not have the power under the provisions of the Kansas emergency management act or the provisions of any other law to~~

(2) alter or modify any provisions of the election laws of the state including, but not limited to, the method by which elections are conducted or the timing of such elections;  
or

(3) order or otherwise require any individual to wear a face mask as a response to a contagious or infectious disease.

(f) The governor shall exercise the powers conferred by subsection (c) by issuance of executive orders under subsection (b). Each executive 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 executive order was issued. The adjutant general, subject to the direction of the governor, shall administer such executive orders.

(g) (1) Any party aggrieved by an executive order issued pursuant to this section that has the effect of substantially burdening or inhibiting the gathering or movement of individuals or the operation of any religious, civic, business or commercial activity, whether for-profit or not-for-profit, may file a civil action in the district court of the county in which such party resides or in the district court of Shawnee county, Kansas, within 30 days after the issuance of such executive order. Notwithstanding any order issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds such executive order is narrowly tailored to respond to the state of disaster emergency and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition within seven days without unreasonable delay after the hearing is conducted. ~~If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.~~

(2) Relief under this section shall not include a stay or injunction concerning the contested executive order that applies beyond the county in which the petition was filed.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

(h) (1) 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 the following findings and include such findings in the order:

(A) The board has consulted with the local health officer or other local health officials regarding the governor's executive order;

(B) following such consultation, implementation of the full scope of the provisions in the governor's executive order are not necessary to protect the public health and safety of the county; and

(C) all other relevant findings to support the board's decision.

(2) If the board of county commissioners of a county issues an order pursuant to paragraph (1), such order shall operate in the county in lieu of the governor's executive order.

Sec. 4. K.S.A. 2021 Supp. 48-932 is hereby amended to read as follows: 48-932.

(a) A state of local disaster emergency may be declared by the chairperson 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 days or renewed, except with the consent of the board of county commissioners of such county or the governing body of such city. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed with the county clerk or city clerk. Any such declaration may be reviewed, amended or revoked by the board of county commissioners or the governing body of the city, respectively, at a meeting of such governing body.

(b) In the event of the absence of the chairperson of the board of county

commissioners from the county or the incapacity of such chairperson, 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).

(e)(1) A governmental entity or public official shall not have the power under the provisions of the Kansas emergency management act or any other law to order or otherwise require any individual to wear a face mask as a response to a contagious or infectious disease.

(2) The provisions of this subsection shall not apply to a governmental entity that is a medical care facility as defined in K.S.A. 65-425, and amendments thereto, or an adult care home as defined in K.S.A. 39-923, and amendments thereto.

(f)(1) Any party aggrieved by an action taken by a local unit of government pursuant to this section that has the effect of substantially burdening or inhibiting the gathering or movement of individuals or the operation of any religious, civic, business or commercial activity, whether for-profit or not-for-profit, may file a civil action in the district court of the county in which such action was taken within 30 days after such action is taken. Notwithstanding any order issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds such action is narrowly tailored to respond to the state of local disaster emergency and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition ~~within seven days~~ without unreasonable delay after the hearing is conducted. ~~If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.~~

(2) Relief under this section shall not include a stay or injunction concerning the contested action that applies beyond the county in which the action was taken.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

Sec. 5. K.S.A. 65-129b is hereby amended to read as follows: 65-129b. (a) Notwithstanding the provisions of K.S.A. 65-119, 65-122, 65-123, 65-126 and 65-128,

and amendments thereto, and any rules or regulations adopted thereunder, in investigating actual or potential exposures to an infectious or contagious disease that is potentially life-threatening, the local health officer or the secretary:

(1)-(A) May issue an order requiring an individual who the local health officer or the secretary has reason to believe has been exposed to an infectious or contagious disease to seek appropriate and necessary evaluation and treatment;

~~(B)~~(2) when the local health officer or the secretary determines that it is medically necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to an infectious or contagious disease, may order an individual or group of individuals to go to and remain in places of isolation or quarantine until the local health officer or the secretary determines that the individual no longer poses a substantial risk of transmitting the disease or condition to the public;

~~(C)~~(3) if a competent individual of 18 years of age or older or an emancipated minor refuses vaccination, medical examination, treatment or testing under this section, may require the individual to go to and remain in a place of isolation or quarantine until the local health officer or the secretary determines that the individual no longer poses a substantial risk of transmitting the disease or condition to the public; and

~~(D)~~(4) if, on behalf of a minor child or ward, a parent or guardian refuses vaccination, medical examination, treatment or testing under this section, may require the minor child or ward to go to and remain in a place of isolation or quarantine and must allow the parent or guardian to accompany the minor child or ward until the local health officer or the secretary determines that the minor child or ward no longer poses a substantial risk of transmitting the disease or condition to the public; and

~~(2) may order any sheriff, deputy sheriff or other law enforcement officer of the state or any subdivision to assist in the execution or enforcement of any order issued under this section.~~

Sec. 6. K.S.A. 2021 Supp. 65-201 is hereby amended to read as follows: 65-201.

(a) The board of county commissioners of each county shall act as the county board of health for the county. Each county board 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. The appointing authority of city-county, county or multicounty health units with less than 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) (1) Except as provided in paragraph (2), any order issued by the local health officer, including orders issued as a result of an executive order of the governor, may be reviewed, amended or revoked by the board of county commissioners of the county affected by such order at a meeting of the board. Any order reviewed or amended by the board shall include an expiration date set by the board and may be amended or revoked at an earlier date by a majority vote of the board.

(2) If a local health officer determines it is necessary to issue an order ~~mandating the wearing of face masks~~, limiting the size of gatherings of individuals, curtailing the

operation of business, controlling the movement of the population of the county or limiting religious gatherings, the local health officer shall propose such an order to the board of county commissioners. At the next regularly scheduled meeting of the board or at a special meeting of the board, the board shall review such proposed order and may take any action related to the proposed order the board determines is necessary. The order shall become effective if approved by the board or, if the board is unable to meet, if approved by the chairperson of the board or the vice chairperson of the board in the chairperson's absence or disability.

(c) The board of county commissioners in any county having a population of less than 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.

(d) (1) Any party aggrieved by an order issued pursuant to subsection (b)(2) may file a civil action in the district court of the county in which the order was issued within 30 days after such order is issued. Notwithstanding any order issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto, the court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds such order is narrowly tailored to the purpose stated in the order and uses the least restrictive means to achieve such purpose. The court shall issue an order on such petition within seven days without unnecessary delay after the hearing is conducted. ~~If the court does not issue an order on such petition within seven days, the relief requested in the petition shall be granted.~~

(2) Relief under this section shall not include a stay or injunction concerning the contested action that applies beyond the county in which the action was taken.

(3) The supreme court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under this subsection, including, but not limited to, rules for consolidation of similar hearings.

Sec. 7. K.S.A. 72-6262 is hereby amended to read as follows: 72-6262. (a) ~~(1)~~ In each school year, every pupil student enrolling or enrolled in any school for the first time in this state, and each child enrolling or enrolled for the first time in a preschool or day care program operated by a school, and such other ~~pupils students~~ as may be designated by the secretary, prior to admission to and attendance at school, shall present to the appropriate school board certification from a physician or local health department that the pupil student has received such tests and inoculations as are deemed necessary by the secretary by such means as are approved by the secretary. ~~Pupils Students~~ who have not completed the required inoculations may enroll or remain enrolled while completing the required inoculations if a physician or local health department certifies that the pupil student has received the most recent appropriate inoculations in all required series. Failure to timely complete all required series shall be deemed non-compliance.

(2) A test or inoculation shall not be deemed necessary by the secretary if such test or inoculation has not received full approval by the federal food and drug administration for the age of the student to whom the requirement applies.

(b) As an alternative to the certification required under subsection (a), a ~~pupil student~~ shall present:

(1) An annual written statement signed by a licensed physician stating the physical condition of the child to be such that the tests or inoculations would seriously endanger

the life or health of the child; or

(2) a written statement signed by one parent or guardian that the child is an adherent of a religious denomination whose religious teachings are opposed to such tests or inoculations.

(c) On or before May 15 of each school year, the school board of every school affected by this act shall notify the parents or guardians of all known ~~pupils~~ students who are enrolled or who will be enrolling in the school of the provisions this act and any policy regarding the implementation of the provisions of this act adopted by the school board.

(d) If a ~~pupil~~ student transfers from one school to another, the school from which the ~~pupil~~ student transfers shall forward with the ~~pupil's~~ student's transcript the certification or statement showing evidence of compliance with the requirements of this act to the school to which the ~~pupil~~ student transfers.

Sec. 8. K.S.A. 65-129b and 72-6262 and K.S.A. 2021 Supp. 48-925, 48-932 and 65-201 are hereby repealed.";

Also on page 7, in line 35, by striking "Kansas register" and inserting "statute book"; 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 4; in line 5, by striking all before the period and inserting "public health; prohibiting a governmental entity or public official from ordering or otherwise requiring any individual to wear a face mask as a response to a contagious or infectious disease; prohibiting a governmental entity or public official from issuing or requiring use of a COVID-19 vaccination passport or discriminating against any individual based upon COVID-19 vaccination status; limiting powers of the governor and other governmental entities under the Kansas emergency management act related to face masks; modifying judicial review provisions related to certain executive orders issued during a state of disaster emergency and certain actions taken by a local unit of government during a state of local disaster emergency; requiring court petitions challenging orders and similar actions by public officials relating to gathering limitations, business restrictions and religious gathering limitations to be ruled on without unreasonable delay; restricting the power of the secretary of health and environment and local health officers to order law enforcement to assist in execution or enforcement of orders related to isolation or quarantine; prohibiting the secretary of health and environment from requiring a test or inoculation for admission to and attendance at a school that has not received full approval by the federal food and drug administration for the student to whom the requirement applies; amending K.S.A. 65-129b and 72-6262 and K.S.A. 2021 Supp. 48-925, 48-932 and 65-201 and repealing the existing sections";

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

BRENDA LANDWEHR

JOHN EPLEE

SUSAN RUIZ

*Conferees on part of House*

RICHARD HILDERBRAND

BEVERLY GOSSAGE

PAT PETTEY

*Conferees on part of Senate*

On motion of Rep. Landwehr to adopt the conference committee report on **Sub SB 34**, Rep. Francis offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed.

The substitute motion of Rep. Francis did not prevail and the question reverted back to the original motion of Rep. Landwehr to adopt the conference committee report.

On motion of Rep. Landwehr, the conference committee report on **Sub SB 34** was adopted.

On roll call, the vote was: Yeas 64; Nays 53; Present but not voting: 0; Absent or not voting: 8.

Yeas: Anderson, Amberger, Awerkamp, Barker, Bergkamp, Bergquist, Blex, Burris, W. Carpenter, Clark, Collins, Corbet, Croft, Delperdang, Ellis, Esau, Estes, Fairchild, Finch, French, Garber, Hawkins, Hoffman, Hoheisel, Houser, Howe, Howell, Howerton, Huebert, Humphries, Jacobs, S. Johnson, T. Johnson, Kessler, Landwehr, Lee-Hahn, Long, Mason, Minnix, Moser, Murphy, Neelly, Owens, F. Patton, Penn, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Sanders, Seiwert, Smith, A., Smith, E., Tarwater, Thomas, Toplikar, Turner, Waggoner, Wasinger, Waymaster, K. Williams.

Nays: Alcala, Amyx, Baker, Ballard, Borjon, Byers, Carlin, Carlson, Carmichael, Clayton, Clifford, Coleman, Concannon, Curtis, Dodson, M., Donohoe, Eplee, Featherston, Finney, Francis, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoye, Kelly, Kuether, Lynn, Meyer, Miller, Neighbor, Newland, Ohaebosim, Orr, Osman, Ousley, Poskin, Probst, Ruiz, S., Samsel, Sawyer, Schmidt, Schreiber, Smith, C., Stogsdill, Thompson, Weigel, Wheeler, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Burroughs, Helmer, Highland, Poetter, Ruiz, L., Sutton, Vaughn, Victors.

#### EXPLANATION OF VOTE

MR. SPEAKER: I ambivalently cast a Yes vote on **SB 34**. The bill does limit face mask mandates in public spaces and for that should be applauded. It does limit vaccine requirements to only be possible if a vaccine has full FDA approval. And it does properly limit vaccine “passports” from governmental usage. But this bill is a far cry from what Kansans really want and that is protection from big corporations or institutions that use their power to crush Personal choice and freedom. Kansas can do better than **SB 34**. – PAUL WAGGONER

#### CONSIDERATION OF VETO

The Governors objection to **SB 199** having been read, the time arrived for reconsideration of **SB 199**, AN ACT concerning insurance; relating to health insurance; providing for short-term, limited-duration health plans; amending K.S.A. 40-2,193 and repealing the existing section..

There was no motion to reconsider. The Speaker ruled the bill had been reconsidered and the veto sustained.

#### CONSIDERATION OF VETO

The Governors objection to **SB 493** having been read, the time arrived for reconsideration of **SB 493**, AN ACT concerning cities and counties; prohibiting the

regulation of plastic and other containers designed for the consumption, transportation or protection of merchandise, food or beverages..

There was no motion to reconsider. The Speaker ruled the bill had been reconsidered and the veto sustained.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On emergency motion of Rep. Hawkins, **HCR 5037**, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. **HCR 5037**—  
by Representatives Ryckman, Hawkins and Sawyer

**HCR 5037**— A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2022 regular session of the legislature.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the legislature shall adjourn at the close of business of the daily session convened on April 28, 2022, and shall reconvene on May 23, 2022, to conduct all legislative matters and to review and respond to any final decision or order issued by the Kansas Supreme Court in the case of Rivera v. Schwab regarding the constitutionality of the reapportioned United States Congressional districts enacted in 2022 Substitute for Senate Bill No. 355; and

*Be it further resolved:* That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

*Be it further resolved:* That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

*Be it further resolved:* That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses in amounts prescribed under K.S.A. 75-3212, and amendments thereto.

## MESSAGE FROM THE SENATE

Announcing the Senate here with transmits certificate of action by the Senate on **S Sub for HB 2448**, AN ACT concerning public assistance; requiring able-bodied adults without dependents to complete an employment and training program in order to receive food assistance; amending K.S.A. 39-709 and repealing the existing section.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **S Sub for HB 2448**, the bill be passed. By a vote of 29 Yeas and 11 Nays, the motion having received the required two-thirds constitutional majority of the members elected or appointed to the Senate, voting in the affirmative, the bill passed.

The Senate adopts the Conference Committee report on **HB 2540**.

#### **REPORT ON ENGROSSED BILLS**

**HB 2237** reported correctly engrossed April 27, 2022.

**Sub HB 2466** reported correctly engrossed April 28, 2022.

#### **REPORT ON RE-ENGROSSED BILLS**

**S Sub for HB 2492** reported correctly re-engrossed April 28, 2022.

#### **REPORT ON RE-ENGROSSED RESOLUTIONS**

**HCR 5022** reported correctly re-engrossed April 27, 2022.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Monday, May 23, 2022.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

