

Journal of the House

FIFTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, May 23, 2022, 11:00 a.m.

I, SETH L. RUNDLE, Notary Public – State of Kansas, hereby certify that Blake Carpenter was appointed by the Governor, May 11th, 2022, to fill the vacancy created by the resignation of Leah Howell, State Representative for the 81st Legislative District, who was appointed to serve, due to Rep. Carpenter's leave of absence for military duty.

Representative-elect Carpenter came forward, took and subscribed, or affirmed his oath of office, administered by Notary Public – State of Kansas, SETH L. RUNDLE as follows:

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

I do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of

KANSAS STATE REPRESENTATIVE OF THE
81st Legislative District
so help me God.

BLAKE CARPENTER

Subscribed and Sworn to, or Affirmed, before me this 11th day of May, 2022.

SETH L. RUNDLE
Notary Public
State of Kansas

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

The roll was called with 121 members present.

Rep. Osman was excused on verified illness.

Reps. Carlson, Clayton and Ohaebosim were excused on excused absence by the Speaker.

Excused later: Rep. Kessler.

Present later: Reps. Carlson and Ohaebosim.

Prayer by Rep. Finch:

Almighty and loving God, creator of the universe and author of its laws, we humble ourselves before you and thank you for the blessings of life, liberty and the pursuit of happiness, that we are fortunate enough to be born in the greatest state in the greatest nation on the face of the earth by no result of our effort, but by your mercy and graciousness.

Please give us the strength to do right as you give us wisdom to see the right. Please open our ears to hear the better angels of our nature. May we all be good stewards of these offices, which are not ours, but the people's, and when our time is through may we leave it just a little better than we found it.

I lift up Mary Ryckman and pray for your comfort, healing, and peace for her and her family in this difficult time.

In your word Father, you gave to Moses a blessing to pass on to Aaron and his sons, I pray that blessing now over these leaders.

The Lord bless you
and keep you;
the Lord make his face shine on you
and be gracious to you;
the Lord turn his face toward you
and give you peace.
Amen.

The Pledge of Allegiance was led by Rep. Collins.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Hawkins, **HR 6029**, by Reps. Ryckman, Hawkins and Sawyer, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **6029**—A RESOLUTION providing for changes in seat assignments in the House of Representatives during the 2022 legislative session.

A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2022 regular session of the legislature shall occupy the same seats assigned pursuant to 2022 House Resolution No. 6021 with the following exception: Carpenter, B., seat No. 98.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. **HCR 5039**—
By Representative Sawyer

A PROPOSITION to amend article 10 of the constitution of the state of Kansas by adding a new section thereto; relating to reapportionment; prohibiting partisan and racial gerrymandering when reapportioning congressional and state legislative districts.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 10 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 4. Gerrymandering prohibited. The legislature shall not reapportion United States congressional districts, state senatorial districts or state representative districts with the intent to favor or disfavor a political party or with the intent or result of denying or abridging the equal opportunity of members of a particular race to participate in the political process or diminish such members' ability to elect a candidate of such members' choice."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would prohibit political and racial gerrymanders when the legislature draws new district boundaries for United States congressional districts or state legislative districts.

"A vote for this proposition would prohibit the use of political and racial gerrymanders by the legislature when drawing new district boundaries for United States congressional districts or state legislative districts.

"A vote against this proposition would make no change to the constitutional provisions regarding the drawing of new district boundaries."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

HOUSE CONCURRENT RESOLUTION No. **HCR 5040**—

By Representative Sawyer

A PROPOSITION to amend the constitution of the state of Kansas by revising article 10; requiring the reapportionment of congressional, state legislative and state board of education member districts; establishing a redistricting commission.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 10 of the constitution of the state of Kansas is hereby revised to read as follows:

**"Article 10.—APPORTIONMENT OF UNITED STATES
CONGRESSIONAL, STATE LEGISLATIVE AND STATE BOARD OF
EDUCATION MEMBER DISTRICTS"**

"§ 1. Reapportionment of districts required. At its regular session in 2032, and at its regular session every 10th year thereafter, the legislature shall by law reapportion the United States congressional districts, the state senatorial districts, the state representative districts and the state board of education member districts as provided by this article. Reapportionment of such districts shall be on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census.

"§ 2. Gerrymandering prohibited. The legislature shall not reapportion United States congressional districts, state senatorial districts or state representative districts with the intent to favor or disfavor a political party or with the intent or result of denying or abridging the equal opportunity of members of a particular race to participate in the political process or diminish such members' ability to elect a candidate of such members' choice.

"§ 3. Establishment of redistricting commission. (a) Not later than February 15 of each year ending in one, a redistricting commission shall be established to recommend to the legislature redistricting plans for United States congressional districts, state senatorial districts, state representative districts and state board of education member districts.

(b) The redistricting commission shall consist of the following members:

- (1) One shall be appointed by the majority leader of the senate;
- (2) one shall be appointed by the majority leader of the house of representatives;
- (3) one shall be appointed by the minority leader of the senate;
- (4) one shall be appointed by the minority leader of the house of representatives; and
- (5) within 30 days after the appointments described in paragraphs (1) through (4) have been made, but not later than March 15 of the year in which the commission is established, the four commission members so appointed shall select, by a vote of at least three members, the fifth commission member who shall be nonpartisan, who shall serve as chairperson.

(c) Any vacancy in the membership of the redistricting commission shall be filled in the same manner as the original appointment or selection.

- (d) No person, while a member of the commission, shall:
- (1) Hold any federal, state or local office; or
 - (2) be an employee of the Kansas legislature, state board of education or United States congress.

(e) No person who has been a member of the redistricting commission shall be eligible, within two years after being a member of the commission, to:

- (1) Be a member or employee of the Kansas legislature or state board of education; or
 - (2) hold any appointive state or federal office.
- (f) The legislature shall provide by law for payment of compensation

and expenses of members of the redistricting commission and for adequate staff, office space, equipment and materials for the commission.

(g) The terms of members of the redistricting commission shall expire on July 1 of each year ending in two, and the commission shall be inactive until reestablishment of the commission pursuant to this section.

"§ 4. Commission procedure and recommendations. (a) The redistricting commission shall establish rules and procedures as necessary to carry out the commission's functions. The rules and procedures shall include rules requiring formal submission to the commission of all communications with commission members. Ex parte communications with members of the commission in relation to the merits of matters before the commission shall be prohibited. Members of the commission shall report any violations of this prohibition to the attorney general and the legislature shall provide by law criminal penalties for such violations.

(b) The redistricting commission shall conduct public hearings throughout the state, including at least one public hearing in each of the 10 state board of education member districts.

(c) In recommending redistricting plans, the redistricting commission shall consider only the requirements of the constitution of the state of Kansas and the constitution of the United States, preservation of political subdivisions and preservation of communities of interest. The provisions of section 2 of this article shall apply to all plans drawn by the commission.

"§ 5. Legislative action; court review and action. (a) On or before the first day of the regular legislative session in each year ending in two, the redistricting commission shall introduce in the house of representatives a bill reapportioning the state representative districts and a bill reapportioning the United States congressional districts, and shall introduce in the senate a bill reapportioning the state senatorial districts and a bill reapportioning the state board of education member districts. The bills shall not be subject to amendment by either chamber of the legislature and each such bill shall be acted upon by each chamber within seven days after the bill is introduced in the chamber.

(b) If a bill introduced pursuant to subsection (a) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the supreme court enters a judgment that a bill introduced pursuant to subsection (a) is invalid, the redistricting commission, within 10 days after entry of the judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a). The bill shall not be subject to amendment by either chamber and shall be acted upon by each chamber within seven days after the bill is introduced in the chamber.

(c) If a bill introduced pursuant to subsection (b) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall

introduce another bill reapportioning such districts. If the supreme court enters a judgment that a bill introduced pursuant to subsection (b) is invalid, the redistricting commission, within 10 days after entry of the judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a).

(d) If either chamber of the legislature rejects a bill introduced pursuant to this section, or the governor vetoes the bill, the chamber that rejects the bill, or the governor in the case of a veto, shall transmit to the commission a letter stating the reasons why the bill was not enacted, and the commission shall take such reasons into consideration in introducing a bill pursuant to this section, subject to the requirements of section 4(c). Any such letter shall be signed by both the speaker of the house of representatives and the minority leader of the house of representatives or both the president of the senate and the minority leader of the senate.

(e) Reapportionment bills shall be published in the Kansas register immediately upon final passage and approval by the governor. The districts enacted shall be effective for the next following regular election of legislators and thereafter until again the districts are reapportioned, except that the senatorial districts shall be effective for the next following regular election at which all senators are elected and the state board of education member districts shall be effective for the next following regular election at which each such respective member is elected.

(f) Within 15 days after publication of any reapportionment bills enacted pursuant to this article, the attorney general shall petition the supreme court to determine the validity of the bill. The supreme court, in accordance with its rules, shall permit interested persons to present their views. Within 30 days after the filing of the petition, the supreme court shall enter its judgment. A judgment of the supreme court determining the bill to be valid shall be final until reapportionment of the districts is again required by this article.

"§ 6. Implementing legislation. The legislature may enact legislation, not in conflict with the provisions of this article, as reasonably necessary to implement such provisions."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would revise article 10 of the constitution of the state of Kansas regarding the drawing of new district boundaries for United States congressional, state legislative and state board of education member districts. The amendment would limit the legislature to only consider those reapportionment plans drawn by a five member redistricting commission. Plans drawn by the redistricting commission would be prohibited from using political or racial gerrymandering. All reapportionment plans enacted into law would be subject to a constitutional review by the Kansas supreme court.

"A vote for this proposition would change the reapportionment procedure to

limit the legislature to only consider those reapportionment plans drawn by a five-member redistricting commission. Plans drawn by the redistricting commission would be prohibited from using political or racial gerrymandering. All reapportionment plans enacted into law would be subject to a constitutional review by the Kansas supreme court.

"A vote against this proposition would continue the current procedures for reapportionment."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2022, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Taxation: **HB 2749**.

MESSAGES FROM THE GOVERNOR

HB 2237 approved on May 5, 2022.

Sub HB 2466 approved on May 9, 2022.

HB 2138, S Sub for HB 2492 approved on May 10, 2022.

HB 2106 approved on May 11, 2022.

S Sub for HB 2495 approved on May 12, 2022.

S Sub for HB 2567 approved on May 16, 2022.

MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2252**, AN ACT concerning elections; prohibiting the modification of election laws by agreement except as approved by the legislature; amending K.S.A. 25-125 and repealing the existing section. was received and read.

MESSAGE FROM THE GOVERNOR REGARDING VETO OF HOUSE BILL 2252

Elected officials must be able to perform their job duties effectively and efficiently. By prohibiting executive branch officers, including the Governor, Secretary of State, and Attorney General, from entering into agreements regarding the enforcement of election law, this bill prevents the executive branch from fulfilling its constitutional duties. House Bill 2252 represents an overreach by the legislative branch that defies the separation of powers – a principle fundamental to a working democracy. If passed, it would also lead to costly litigation at the expense of Kansas taxpayers.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto House Bill 2252.

Dated: May 13, 2022

LAURA KELLY
Governor of Kansas

MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2387**, AN ACT concerning the executive branch; relating to actions by state agencies and the governor; prohibiting the issuance of a request for proposal or entering into a new contract for the administration and provision of benefits under the medical assistance program; relating to the Kansas emergency management act; removing the authority of the governor to prohibit attending or conducting certain religious services and worship services; amending K.S.A. 2021 Supp. 48-925 and repealing the existing section. was received and read.

**MESSAGE FROM THE GOVERNOR
REGARDING THE VETO OF HOUSE BILL 2387**

Having a transparent, competitive bidding process is key to ensuring that our state contracts provide the most value to Kansas taxpayers while using the latest technology and best practices. This is not only good for the State of Kansas, but also for our current MCOs and the people they serve.

The language included in HB 2387 regarding the current MCO contracts is a product of closed-door dealings to push legislation that did not have a single proponent. There is little question that this effort is fraught with legal issues and jeopardizes our Medicaid program. HB 2387 prohibits the state Medicaid agency from pursuing the state's independent procurement process and, by doing so, functionally provides the current MCOs with a no-bid, multi-billion-dollar contract.

We must favor transparency and fair competition over attempts to re-insert corruption into the state contracting process.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto HB 2387.

Dated: May 13, 2022

LAURA KELLY
Governor of Kansas

MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2510**, AN ACT 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., was received and read.

Section 36(b)

**MESSAGE FROM THE GOVERNOR
REGARDING HOUSE BILL 2510**

House Bill 2510 represents additional progress toward fulfilling many of the priorities that I set forth in January and that have been made possible only through our bipartisan work together over the past four years. Building on House Substitute for Substitute for Senate Bill 267, this bill provides additional investments in higher education, economic development, mental health, senior services, and veterans while leaving sufficient funding to provide over \$1 billion in tax relief to Kansans through the legislation that I have signed to cut property taxes and axe the state's sales tax on groceries.

Some of the key investments in this legislation include improved access to mental healthcare, increased funding for senior nutrition, expanded training opportunities to prevent child abuse, and measures that build on our successful work to reduce the number of children who enter the foster care system. This bill includes additional investments in our regional universities and community and technical colleges, which are critical to our efforts to expand our workforce in the state of Kansas. And this budget ensures that all state employees will receive a pay increase of at least 5% this year in recognition of their service to the state.

Finally, due to our strong economic growth and unprecedented ending balances, this budget will allow us to pay off over \$1 billion in debt over the next year.

Therefore, pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return House Bill 2510 with my signature, except for the item enumerated below.

State Board of Regents—Proviso Allowing Universities to Raise Tuition

Section 36(b) has been vetoed in its entirety.

In my initial budget, I recommended \$45.7 million in operating grant funding to higher education with the understanding that universities would freeze tuition. In addition to that, I allocated \$23.9 million in funding for salaries. While the original operating grant funding has been reduced to an increase of \$37.5 million in the final passed budget, overall, higher education in the state of Kansas is set to receive \$1 billion this fiscal year. This is a historic investment that I am proud to support by approving the additional higher education funding included in HB 2510.

As a result of this significant infusion of new funding, I believe that the Regents institutions will be able to continue to hold tuition flat, making college more affordable for Kansans of all backgrounds. This is especially important if we, as a state, are going to provide the workforce needed to fully actualize the benefits and opportunities of our recent economic growth.

Dated: May 16, 2022

LAURA KELLY
Governor of Kansas

COMMUNICATIONS FROM STATE OFFICERS

From: S. Craig Neuenswander, Ed. D., Deputy Commissioner of Education; pursuant to K.S.A. 72-6312; Statewide Longitudinal Data System (SLDS) Report.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

CONSIDERATION OF VETO

On motion of Rep. Rep. Bergquist the House proceeded to reconsider **HB 2252** AN ACT concerning elections; prohibiting the modification of election laws by agreement except as approved by the legislature; amending K.S.A. 25-125 and repealing the existing section..

The Governor's objection to **HB 2252** having been read, (HJ Page 3254) the question being, shall the bill be passed not withstanding the Governor's veto?

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 84; Nays 37; Present but not voting: 0; Absent or not voting: 4.

Yeas: Anderson, Arnberger, Averkamp, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, B. Carpenter, 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, 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., Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

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

Present but not voting: None.

Absent or not voting: Carlson, Clayton, Ohaebosim, Osman.

CONSIDERATION OF VETO

On motion of Rep. Rep. Patton the House proceeded to reconsider **HB 2387** AN ACT concerning the executive branch; relating to actions by state agencies and the governor; prohibiting the issuance of a request for proposal or entering into a new contract for the administration and provision of benefits under the medical assistance program; relating to the Kansas emergency management act; removing the authority of the governor to prohibit attending or conducting certain religious services and worship services; amending K.S.A. 2021 Supp. 48-925 and repealing the existing section..

The Governor's objection to **HB 2387** having been read, (HJ Page 3255) the question being shall the bill be passed notwithstanding the Governor's veto?

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 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anderson, Arnberger, Averkamp, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, B. Carpenter, 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, 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., Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

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

Coleman, Curtis, Featherston, Finney, Gartner, Haswood, Helgerson, Henderson, Highberger, Hoye, Kuether, Meyer, Miller, Neighbor, Ohaebosim, Ousley, Poskin, Probst, Ruiz, L., Ruiz, S., Sawyer, Schmidt, Stogsdill, Vaughn, Victors, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Carlson, Clayton, Osman.

MR. SPEAKER: The Republican Legislature of 1901 passed a public health law providing that if a disease becomes epidemic, “the public and private schools shall be closed, and in extreme cases, church services suspended and public assemblages of people at shows, circuses, theaters, fairs or other gatherings prohibited.” They did not care less about their freedom than you or I do, but they understood that a virus doesn't care if you are in a church or a bar. By passing this CCR we are turning the clock back over 120 years and in the future, if this law stays on the books, people will die unnecessarily because of it. I vote no on **HB 2387**. BOOG HIGHBERGER

CONSIDERATION OF VETO

The Governor's line item objection to **HB 2510** having been read (HJ page 3255), the time arrived for reconsideration of **HB 2510**, AN ACT 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..

There was no motion to reconsider the line item. The Chair ruled the line items had been reconsidered and the veto sustained.

INTRODUCTION OF GUESTS

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

I would like to invite my colleagues from Lawrence to join me at the well please.

Almost a month ago, the House of Representatives celebrated the 2022 NCAA Men's Basketball National Champions. It was an exciting time, and we are so proud of our Jayhawks.

Today, we are proud to celebrate another Champion. It is an honor to recognize Kevin Willmott on the floor of the House of Representatives. He is an Academy Award Winning Film Director, Screenwriter and Professor of Film Studies at the University of Kansas. I would also like to recognize his daughter, Jody Willmott, and Dorothy Pennington, Professor of Communication Studies at the University of Kansas.

In 2019, Kevin won an Academy Award for the Best Adapted Screenplay for *BlacKkKlansman*, which he co-wrote with Spike Lee. Because of COVID precautions, it was difficult to schedule a visit to the Capitol.

Kevin grew up in Junction City, Kansas and received his Bachelor of Arts degree in Drama from Marymount College in Salina, Kansas. After graduation, he returned home and worked as a peace and civil rights activist, fighting for the rights of the poor, creating two Catholic Worker shelters for the homeless and forcing the integration of

several long-standing segregated institutions. He then went on to study film at New York University's Tisch School of the Arts, where he received several writing awards and his Master of Fine Arts in Dramatic Writing.

As a screenwriter Kevin co-wrote *Shields Green and the Gospel of John Brown* with Mitch Brian. The script was purchased by Chris Columbus' 1492 Productions for 20th Century Fox. He also co-wrote *Civilized Tribes* for Producer Robert Lawrence and 20th Century Fox. Producer and director Oliver Stone hired Kevin to co-write *Little Brown Brothers* about the Philippine Insurrection. He also adapted the book *Marching to Valhalla* by Michael Blake for Oliver Stone.

Released in 1999, *Ninth Street* is an independent feature film starring Martin Sheen and Isaac Hayes. It was written, produced, and co-directed by Kevin. He also played the role of "Huddie" - one of the film's main characters. *Ninth Street* is a comedy/drama based on Willmott's personal experiences growing up in the small town of Junction City, Kansas that sits adjacent to an army base. Set in 1968, the film reflects on the last days of one of the most notorious streets in the nation. It is distributed by Ideal on video and DVD.

Kevin won the Best Director award at the American Indian Film Festival for *The Only Good Indian* starring Wes Studi. It was selected for the 2009 Sundance Film Festival and has won numerous awards. It is currently playing on the Starz Network and is available on DVD.

The 2014's *Jayhawkers* followed the life of Wilt Chamberlain, Phog Allen and the 1956 Kansas Jayhawks basketball team.

Kevin lives in Lawrence, Kansas where he teaches film and media studies at the University of Kansas.

"The fact I grew up in Kansas is a big thing for me," Kevin said. "It's left its mark. People move away to live in New York, or LA or Chicago, but you still care about home."

Kevin said Kansas lets him relax and balance his crazy work schedule that jumps from teaching, to writing, to meeting with industry professionals.

"I love traveling, and I love visiting those places, and I love going there to do work," Kevin said, "But I like coming home where life's a lot easier."

The University helps with that too. It's always supported Kevin's film career, understanding his split work commitment, which has only reinforced his desire to stay in Kansas.

Though he has worked in Hollywood, mainly as a writer, he said he's an independent filmmaker when it comes to the movies he likes to make. His work incorporates the civil rights movement and exposes chapters of history that some people would prefer to sweep under the rug.

He said without the film community in Lawrence and Kansas City, he couldn't get his films done.

"We did these as a labor of love because people like the script and they wanted to make the film," he said.

"...The fun thing about making movies out here is I'm making them with my friends, and I'm expressing myself. I'm saying the things that I want to say about the world and

the things that are important to me.”

He said he “tells his students that if they’re not making films, producing things, and doing the writing, they can’t get better at it.” And he said, “it doesn’t matter how well your movie does or how many people see it.”

“It only matters that it exists. It matters that you shared it with the world,” he said. “It matters that you got to do the thing that you are trying to do. It gives meaning to your life, and it gives meaning to the lives of the people around you. And that, to me, is the beauty of making movies around here, and I hope to continue that.”

I have watched the Academy Awards for years and it was absolutely exciting to see a Kansas native on the stage and watch you and Spike Lee accept your Oscar.

I thank you very much for taking the time to come to the House of Representatives, so we could recognize you and the contributions you have made for the State of Kansas.

Congratulations, Kevin. I would like my colleagues to recognize your contributions.

Rep. Ballard presented Kevin Willmott a framed House certificate in honor of his awards.

(Quotes from KU Daily Kansan's article by Ryan Dinsdale)

INTRODUCTION OF GUESTS

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

I would like to introduce you to Bernie and Robyn Johnson, my brother and sister-in-law who have been named the North American Limousin Foundation Commercial Producer of the year. Each year the Foundation recognizes one commercial producer for the U.S. and Canada. Bernie and Robyn are the first Kansas producer to earn the designation.

They received the award during the Cattleman’s Congress in Oklahoma City earlier this year.

They have been previously recognized with the Heartland Limousin Association Commercial Producer of the year in 2012 and again won the state title in 2021.

Bernie has spent his life working around cattle. They are the fifth generation on the ranch near Assaria and still operate two of the original homesteads acquired in the late 1860’s. Their cattle breeds have evolved over the decades, transitioning from Hereford to Simmental cross, Limousin and now Lim-Flex. Bernie built facilities to help keep the herd healthy and make it efficient to handle them.

They also happen to be my brother and sister-in-law.

Please join me in congratulating the Johnsons.

Rep. Johnson presented his guests with a framed House certificate in honor of their achievements.

PERSONAL PRIVILEGE

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

When I boarded the Kansas House Express in 2011, I recall staring into the blinding headlight and asking, “what did I get myself into?”

Thank you to my wife and the voters of the 11th district for allowing me to return to

Topeka these past five re-elections. I have been very fortunate these past 12 years to be surrounded by great leaders, inspiring committee chairs, outstanding legislators and staff, new lifelong friends, and wonderful mentors, like the representative from Parsons I have been so lucky to sit next to for 12 years and office with for the last six, to guide me.

I am also grateful to have had the opportunity to work on some very meaningful pieces of legislation that have been beneficial to my district and to Kansas.

God willing, I will have the opportunity to cherish these memories and friendships for a number of years into the future.

Now, as I get ready to exit the House Express, I look into the headlight and it no longer seems quite so blinding, which leads me to wonder, “is it because I payed attention and absorbed some of the information that came my way, or have I just developed cataracts?”

Thank you for being part of these memories and may you be blessed with great memories whenever you decide to exit the Kansas House Express.

PERSONAL PRIVILEGE

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

I would like to invite my wife, Marsha to stand with me (she has served as my campaign manager and treasurer) because I would not be here without her at my side. Also, my four legislative “interns,” my grandchildren, Olivia, Sam, Marshall, and Logan are with us. I am glad they are here to experience this place.

It has been an amazing experience, one that was only possible with the help of my wife who told me to get off the couch, file and go knock on the doors. I won and two decades have gone by in a flash but it’s important to know when to listen to that still, small voice and step back and let someone else serve in this great institution. I may continue to serve in some way, God has plans, Jeremiah 29:11 “He knows the plans he has for us, to prosper and give us a future” and I believe he has good works for me to walk in.

So much of what we do is partisan, and I know I have been partisan and sometimes I have said things I regret. I joked that politics like baseball is a simple game, sometimes you win, sometimes you lose, sometimes it rains. Getting the computer science bill passed this year was good. Not getting the civics bill signed by the Governor last year was tough but I just talked with Commissioner of Education Randy Watson who told me about a pilot project they are starting to implement.

We must be vigilant about keeping our constitution in place and educating our young people about civics is vital. We must teach our children and grandchildren about the importance of serving and being involved.

I believe that God has good works for us all to do and not much of it has to do with legislation. The relationships that we have in the legislature are what I will cherish and remember. I want to lift up Jim Morrison in particular. We need to remember those who have gone before because we are all a part of a chain of continuing to provide representation for our districts. This place can be very humbling and if you don’t humble yourself God is very quick to humble you. I am amazed at those times when I

felt I wanted to give up, but God encouraged me and I tried to answer that call.

In closing, I feel so much gratitude. For my wonderful wife, my family, the many colleagues I have served with since 2001 in this house and thank you, Mr. Speaker, for your friendship.

Forgive one another, cut each other slack, because we serve together, ultimately our relationships are always more important than politics.

PERSONAL PRIVILEGE

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

Members of the Kansas House of Representatives. I come to you today to officially inform you that I will not be rejoining this elite group next year. There comes a time when a politician should know it is time to hang it up. That time for me is now. I had filed in April to run for one more term. However, we have had an outstanding candidate who wanted to run for my seat after finishing a very successful Navy career. And, after he stole my wife and treasurer to be his campaign treasurer, I can hardly run against him.

It truly has been an honor to represent the people of the 40th District for four years in this beautiful chamber. And, it has been an honor to serve with so many hard working and dedicated members of this body. I will not miss the work here, although I understand it's value. But, I will miss so many of the new friends that I made here. I wish you all the best in your future endeavors. God bless this Chamber and God Bless Kansas!

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report on **Sub SB 34**.

The Senate adopts the Conference Committee report on **SB 84**.

Announcing adoption of **HCR 5037**.

The Senate adopts the Conference Committee report on **HB 2136**.

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 2136**.

CONFERENCE COMMITTEE REPORT

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

By striking all on pages 2 through 14;

On page 15, by striking all in lines 1 through 23; following line 23, by inserting:

"New Section 1. The provisions of sections 1 through 13, and amendments thereto, shall be known and may be cited as the COVID-19 retail storefront property tax relief

act. The purpose of this act shall be to provide refunds to certain businesses impacted by COVID-19 related shutdowns and restrictions during tax years 2020 and 2021 based on a portion of property taxes accrued on retail storefront property.

New Sec. 2. As used in this act:

- (a) "Act" means the COVID-19 retail storefront property tax relief act.
- (b) (1) "Claimant" means a for-profit business, regardless of legal structure, who has filed a claim under the provisions of this act and who:
 - (A) Conducts a majority of its retail sales through customers' physical, on-site presence at a retail storefront property;
 - (B) was in operation on or prior to July 1, 2019, and filed a 2019 tax return;
 - (C) had at least \$10,000 in annual revenues, including gross sales and receipts, in 2019;
 - (D) received less gross revenue in 2020 or 2021, as applicable, compared to 2019;
 - (E) was in active operations as of March 1, 2020; and
 - (F) has not received more than a total of \$150,000 in prior COVID-19-related local, state or federal funding or any combination thereof.
- (2) "Claimant" shall not include:
 - (A) Grocery stores and pharmacies;
 - (B) hardware stores and home improvement businesses;
 - (C) retail liquor stores;
 - (D) manufacturers and food processors;
 - (E) schools, such as pre-kindergarten, kindergarten through grade 12, post-secondary, higher education, technical education and training;
 - (F) hospitals and healthcare providers, including, but not limited to, physicians, surgeons, psychologists and psychoanalysts, but not including personal services providers such as massage therapists and chiropractors;
 - (G) property management and real estate services, including owners or operators of short-term rental properties;
 - (H) professional services, including, but not limited to, accounting, insurance, legal, financial services and firms, information technology, engineering and architecture;
 - (I) agriculture and aquaculture producers, including farms, ranches and fisheries, but not including their retail storefronts used to conduct retail sales to customers;
 - (J) hosts or operators of a vacation or short-term rental unit;
 - (K) passive businesses, investment companies and investors who file a schedule E on their individual tax returns;
 - (L) financial businesses primarily engaged in the business of lending, such as banks, finance companies and factoring companies;

(M) cable companies, telephone companies, utilities and other similar businesses; and

(N) energy production, generation and distribution companies.

(3) When a retail storefront is occupied by two or more businesses and more than one of the businesses is able to qualify as a claimant, the businesses may determine between them as to whom the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue whose decision shall be final.

(c) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a retail storefront paid to a landlord, as expressly set out in the rental agreement, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arm's length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purpose of the claim.

(d) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's retail storefront in 2020 or 2021, as applicable, by the state of Kansas and the political and taxing subdivisions of the state. When a retail storefront is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a part of claimant's business, "property taxes accrued" is that part of property taxes levied on the retail storefront that reflects the ownership percentage of the claimant's business. For purposes of this act, property taxes are "levied" when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant owns its retail storefront part of a calendar year, "property taxes accrued" means only taxes levied on the retail storefront when both owned and occupied as a retail storefront by the claimant's business at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the business as its retail storefront in the year. When a business owns and occupies two or more different retail storefronts in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the business as its retail storefront during the year. Whenever a retail storefront is an integral part of a larger unit such as a multi-purpose or multi-retail storefront building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the retail storefront is of the total value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the retail storefront is a part.

(e) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2020 or 2021, as applicable, by a claimant solely for the right of occupancy of a retail storefront on which ad valorem property taxes were levied in full for that year. When a claimant occupies two or more different retail storefronts in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the claimant while occupied by the claimant as its retail storefront during the year.

(f) "Retail storefront" means the real property in this state, whether owned or rented, that is occupied by the claimant's business and where the claimant conducts retail sales through customers' physical, on-site presence. "Retail storefront" may consist of a part of a multi-purpose or multi-retail storefront building. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

New Sec. 3. (a) For tax years 2020 and 2021, a claimant shall be eligible for a claim for refund under this act if the claimant's eligible business operated at the retail storefront was operationally shut down or restricted by a COVID-19-related order or action imposed by the state, a local unit of government or a local health officer, including, but not limited to, by an executive order issued by the governor pursuant to K.S.A. 48-925, and amendments thereto, or any action taken by a local unit of government related to a state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, or a state of local disaster emergency declared pursuant to K.S.A. 48-932, and amendments thereto.

(b) The amount of refund under this act shall be equal to 33% of the COVID-19 qualifying sum. The COVID-19 qualifying sum shall be the sum of the COVID-19 ordered shutdown days gross rebate amount calculated pursuant to subsection (c) and the COVID-19 ordered restricted operations days gross rebate amount calculated pursuant to subsection (d).

(c) The COVID-19 ordered shutdown days gross rebate amount shall be the amount of the claimant's property taxes accrued or rent constituting property taxes accrued for the tax year divided by the applicable factor set forth in the following schedule:

Number of ordered shutdown days	Divide property taxes accrued or rent constituting property taxes accrued by:
91 or more	3
61 to 90	4
31 to 60	6
1 to 30	12

(d) The COVID-19 ordered restricted operations days gross rebate amount shall be the amount of the claimant's property taxes accrued or rent constituting property taxes accrued for the tax year divided by the applicable factor set forth in the following schedule:

Number of ordered operations days	Divide property taxes accrued or rent constituting property restricted taxes accrued by:
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211 or more	2
181 to 210	2.289
151 to 180	2.667
121 to 150	3.2
91 to 120	4
61 to 90	5.333
31 to 60	8
1 to 30	16

(e) For purposes of subsections (c) and (d), an eligible calendar day may be counted only once as either an ordered shutdown day or an ordered restricted operations day.

(f) A claimant with a qualifying business at a retail storefront that ceased operations after March 1, 2020, and before January 1, 2021, is eligible for a rebate only for tax year 2020.

(g) The maximum amount of a refund that may be claimed by a claimant in any single tax year pursuant to this act shall be \$5,000 per retail storefront.

New Sec. 4. A claimant may claim property tax relief under this act with respect to property taxes accrued or rent constituting property taxes accrued and, after audit by the director of taxation with respect to this act, the allowable amount of such claim shall be paid, except as otherwise provided in section 9, and amendments thereto, to the claimant from the American rescue plan-state fiscal relief-federal fund. Such payment shall be made upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation, but no warrant issued shall be drawn in an amount of less than \$5. No interest shall be allowed on any payment made to a claimant pursuant to this act.

New Sec. 5. Only one claimant per retail storefront per year shall be entitled to relief under this act.

New Sec. 6. For tax years 2020 and 2021, no claim shall be paid or allowed unless such claim is filed with and in the possession of the department of revenue on or before April 15, 2023, except that the director of taxation may extend the time for filing any claim or accept a claim filed after the filing deadline when good cause exists, if the claim has been filed within four years of the deadline.

New Sec. 7. (a) In administering this act, the director of taxation shall make available suitable forms with instructions for claimants.

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

New Sec. 8. (a) Every claimant under this act shall provide to the director of taxation, in support of a claim, reasonable proof of eligibility for the refund.

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

(c) Every claimant who is a retail storefront renter, or whose claim is based wholly or partly upon retail storefront rental at some time during the calendar year, shall supply to the division, in support of a claim, a statement prescribed by the director certifying the amount of gross rent paid and that ad valorem property taxes were levied in full for that year on the property, all or a part of which was rented by the claimant.

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

New Sec. 9. (a) The amount of any claim otherwise payable under this act may be applied by the director of taxation against any liability outstanding on the books of the department of revenue against the claimant in the year that the claim relates.

(b) If there are delinquent property taxes for tax year 2020 or 2021 on a retail storefront owned by the claimant, the refund shall be paid to the county treasurer of the county in which such retail storefront is located and applied to such delinquent property taxes.

New Sec. 10. If there are delinquent property taxes for a tax year commencing prior to January 1, 2020, on a retail storefront owned by the claimant, the claimant shall not be eligible for the refund pursuant to this act for such retail storefront.

New Sec. 11. In any case in which it is determined that a claim is or was excessive and was filed with fraudulent intent, the claim shall be disallowed in full, and, if the claim has been paid, the amount paid may be recovered by assessment as income taxes are assessed, and such assessment shall bear interest from the date of payment or credit of the claim, until recovered, at the rate of 1% per month. The claimant in such case and any person who assisted in the preparation or filing of such excessive claim or supplied information upon which such excessive claim was prepared, with fraudulent intent, shall be guilty of a class B misdemeanor. In any case in which it is determined that a claim is or was excessive and was negligently prepared, 10% of the corrected claim shall be disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed, and such assessment shall bear interest at the rate of 1% per month from the date of payment until recovered. In any case in which it is determined that a claim is or was excessive due to the fact that the claimant neglected to include certain income received during the year, the claim shall be corrected and the excess disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment

as income taxes are assessed.

New Sec. 12. A claim shall be disallowed if the director of taxation finds that the claimant received title to such claimant's retail storefront primarily for the purpose of receiving benefits under this act.

New Sec. 13. To the extent applicable, the provisions of K.S.A. 79-3226, and amendments thereto, shall apply to claims for refunds allowable pursuant to this act that may become in dispute.

Sec. 14. K.S.A. 2021 Supp. 12-187, as amended by section 28 of 2021 House Bill No. 2239, is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within such county that contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within such county that levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the

county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(G) The result of the election held on April 7, 2015, on the question submitted by the board of county commissioners of Bourbon county for the purpose of increasing its

retailers' sales tax by 0.4% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(H) The result of the election held on November 7, 2017, on the question submitted by the board of county commissioners of Finney county for the purpose of increasing its countywide retailers' sales tax by 0.3% is hereby declared valid, and the revenues of such tax shall be used by Finney county and the city of Garden City, Kansas, as agreed in an interlocal cooperation agreement between the city and county, and as detailed in the ballot question approved by voters. The tax imposed pursuant to this subparagraph shall be levied for a period of 15 years from the date it is first levied.

(I) The result of the election held on November 3, 2020, on the question submitted by the board of county commissioners of Cherokee county for the purpose of increasing its retailers' sales tax by 0.5% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing: (i) Ambulance services within the county; (ii) renovations and maintenance of county buildings and facilities; or (iii) any other projects within the county deemed necessary by the governing body of Cherokee county. The tax imposed pursuant to this subparagraph shall terminate prior to January 1, 2033.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of K.S.A. 68-2314(b)(5), and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to subsection (a)(2) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state

treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(7) (A) The board of county commissioners of Clay and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% in the case of Clay county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this subparagraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(B) The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to

this paragraph in the financing of such project.

(9) (A) The board of county commissioners of Cowley, Crawford and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% in the case of Crawford and Woodson county and at a rate of up to 0.25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after five years from the date such tax is first collected.

(B) The board of county commissioners of Russell county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected. On and after July 1, 2019, the countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for one additional period not to exceed 15 years upon the board of county commissioners of Wabaunsee county submitting such question to the electors at an election called and held thereon as provided by law. For any countywide retailers' sales tax that is extended or reenacted pursuant to this paragraph, such tax shall expire not later than 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this

subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(30) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, detention facility or other county administrative facility, specifically including mental health and for the operation thereof.

(31) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1%, in increments of 0.05%, and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements to the electors at an election called and held thereon.

(32) The board of county commissioners of Marion county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and the construction of public infrastructure improvements, including buildings, to the electors at an election called and held thereon.

(33) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of supporting emergency medical and ambulance services in the county to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional periods not exceeding 10 years per period upon the board of county commissioners of Wilson county submitting such question to the electors at an election called and held thereon for each additional period as provided by law. This paragraph shall not be construed to cause the expiration, repeal or termination of any existing city retailers' sales tax for health care services as defined in paragraph (5).

(34) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received for the purpose of joint law enforcement communications and solid waste disposal in Atchison county to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(c) The boards of county commissioners of any two or more contiguous counties,

upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within each of such counties that contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within each of such counties that levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Notwithstanding any provision of law to the contrary, including subsection (b) (5), any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) (1) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

(2) In addition to the requirements set forth in paragraph (1), the governing body of the county proposing to levy a countywide retailers' sales tax shall include as a part of the ballot proposition whether:

(A) The apportionment formula provided in K.S.A. 12-192, and amendments thereto, will apply to the revenue;

(B) an interlocal agreement was entered whereby the county will retain either all or part of the revenue; or

(C) pursuant to law, the county retains the revenue in its entirety.

Sec. 15. K.S.A. 2021 Supp. 12-189, as amended by section 29 of 2021 House Bill No. 2239, is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of 0.05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes, which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of 0.25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison or Thomas county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(3), and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of K.S.A. 12-187(b)(4), and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county, for the purposes of K.S.A. 12-187(b)(5), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of K.S.A. 12-187(b)(8), and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the

purposes of K.S.A. 12-187(b)(9), and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of K.S.A. 12-187(b)(10), and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto, may fix such rate at 1.75%;

(j) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(13), and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of K.S.A. 12-187(b)(14), and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of K.S.A. 12-187(b)(15), and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of K.S.A. 12-187(b)(16), and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of K.S.A. 12-187(b)(17), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus 0.25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of K.S.A. 12-187(b)(18), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;

(q) the board of county commissioners of Jefferson county, for the purpose of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of K.S.A. 12-187(b)(20), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county, for the purposes of K.S.A. 12-187(b)(21), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;

(t) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(22), and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county, for the purposes of K.S.A. 12-187(b)(23), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of K.S.A. 12-187(b)(24), and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix such rate at 1.5%;

(x) the board of county commissioners of Rawlins county, for the purposes of K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of K.S.A. 12-187(b)(26), and amendments thereto, may fix such rate at up to 1.5%;

(aa) the board of county commissioners of Kingman county, for the purposes of K.S.A. 12-187(b)(27), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;

(bb) the board of county commissioners of Edwards county, for the purposes of K.S.A. 12-187(b)(28), and amendments thereto, may fix such rate at 1.375%;

(cc) the board of county commissioners of Rooks county, for the purposes of K.S.A. 12-187(b)(29), and amendments thereto, may fix such rate at up to 1.5%;

(dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187(b)(3)(G) and (b)(31), and amendments thereto, may fix such rate at up to 2.0%;

(ee) the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(32), and amendments thereto, may fix such rate at 2.5%;

(ff) the board of county commissioners of Finney county, for the purposes of K.S.A. 12-187(b)(3)(H), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.3%;

(gg) the board of county commissioners of Cherokee county, for the purposes of K.S.A. 12-187(b)(3)(I), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.5%; ~~and~~

(hh) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(33), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%; and

(ii) the board of county commissioners of Atchison county, for the purposes of K.S.A. 12-187(b)(34), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. The director of taxation shall confirm that all provisions of law applicable to the authorization of local sales tax have been followed prior to causing the collection. If the director of taxation discovers that a city or county did not comply with

any provision of law applicable to the authorization of a local sales tax after collection has commenced, the director shall immediately notify the city or county and cease collection of such sales tax until such noncompliance is remedied. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in K.S.A. 12-187(b)(22), and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax that exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 16. K.S.A. 2021 Supp. 12-192, as amended by section 30 of 2021 House Bill No. 2239, is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner:

(1) $\frac{1}{2}$ of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; and

(2) $\frac{1}{2}$ of all revenue received by the director of taxation from such countywide

retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county.

All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of 0.75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner:

(A) The revenue received from the first 0.5% rate of tax shall be apportioned in the manner prescribed by subsection (a); and

(B) the revenue received from the rate of tax exceeding 0.5% shall be apportioned as follows:

(i) $\frac{1}{4}$ shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year;

(ii) $\frac{1}{4}$ shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county; and

(iii) $\frac{1}{2}$ shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be

included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(2), (3)(C), (3)(F), (3)(G), (3)(I), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28), (29), (30), (31), (32) ~~and~~, (33) ~~and~~ (34), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in K.S.A. 12-187(b)(5), and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(5), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(3) All revenue received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(26), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by K.S.A. 12-187(b)(26), and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and

amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 17. K.S.A. 2021 Supp. 79-3602, as amended by section 44 of 2021 House Bill No. 2239, 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 12th 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" 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) (i) prior to July 1, 2023, delivery charges; and
(ii) on and after July 1, 2023, delivery charges that are not separately stated on the invoice, bill of sale or similar document given to the purchaser; and

(E) installation charges.

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

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

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

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

(D) one of the following criteria is met:

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

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

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

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

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

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

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

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

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

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

(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.

Sec. 18. K.S.A. 79-3607 is hereby amended to read as follows: 79-3607. (a) Retailers shall make returns to the director at the times prescribed by this section in the manner prescribed by the director, including electronic filing, upon forms or format prescribed by the director stating: (1) The name and address of the retailer; (2) the total amount of gross sales of all tangible personal property and taxable services rendered by the retailer during the period for which the return is made; (3) the total amount received during the period for which the return is made on charge and time sales of tangible personal property made and taxable services rendered prior to the period for which the return is made; (4) deductions allowed by law from such total amount of gross sales and from total amount received during the period for which the return is made on such charge and time sales; (5) receipts during the period for which the return is made from the total amount of sales of tangible personal property and taxable services rendered during such period in the course of such business, after deductions allowed by law have been made; (6) receipts during the period for which the return is made from charge and time sales of tangible personal property made and taxable services rendered prior to such period in the course of such business, after deductions allowed by law have been made; (7) gross receipts during the period for which the return is made from sales of tangible personal property and taxable services rendered in the course of such business upon the basis of which the tax is imposed. The return shall include such other pertinent information as the director may require. In making such return, the retailer shall determine the market value of any consideration, other than money, received in connection with the sale of any tangible personal property in the course of the business and shall include such value in the return. Such value shall be subject to review and revision by the director as hereinafter provided. Refunds made by the retailer during the period for which the return is made on account of tangible personal property returned to the retailer shall be allowed as a deduction under paragraph (4) ~~of this section~~ in case the retailer has theretofore included the receipts from such sale in a return made by such retailer and paid taxes therein imposed by this act. The retailer shall, at the time of making such return, pay to the director the amount of tax herein imposed, except as otherwise provided in this section. The director may extend the time for making returns and paying the tax required by this act for any period not to exceed 60 days under such rules and regulations as the secretary of revenue may prescribe.

(b) ~~(1)~~ When the total tax for which any retailer is liable under this act, does not exceed the sum of \$400 in any calendar year, the retailer shall file an annual return on or before January 25 of the following year. When the total tax liability does not exceed \$4,000 in any calendar year, the retailer shall file returns quarterly on or before the 25th day of the month following the end of each calendar quarter. When the total tax liability

exceeds \$4,000 in any calendar year, the retailer shall file a return for each month on or before the 25th day of the following month. ~~When the total tax liability exceeds \$40,000 in any calendar year, the retailer shall be required to pay the sales tax liability for the first 15 days of each month to the director on or before the 25th day of that month. Any such payment shall accompany the return filed for the preceding month. A retailer will be considered to have complied with the requirements to pay the first 15 days' liability for any month if, on or before the 25th day of that month, the retailer paid 90% of the liability for that fifteen-day period, or 50% of such retailer's liability in the immediate preceding calendar year for the same month as the month in which the fifteen-day period occurs computed at the rate applicable in the month in which the fifteen-day period occurs, and, in either case, paid any underpayment with the payment required on or before the 25th day of the following month. Such retailers shall pay their sales tax liabilities for the remainder of each such month at the time of filing the return for such month. The provisions of this paragraph shall expire on December 31, 2023.~~

(2) On and after January 1, 2024, the retailer shall file:

(A) An annual return on or before January 25 of the following year when the total tax for which any retailer is liable under this act does not exceed the sum of \$1,000 in any calendar year;

(B) returns quarterly on or before the 25th day of the month following the end of each calendar quarter when the total tax liability does not exceed \$5,000 in any calendar year; or

(C) a return for each month on or before the 25th day of the following month when the total tax liability exceeds \$5,000 in any calendar year.

(3) Determinations of amounts of liability in a calendar year for purposes of determining filing requirements shall be made by the director upon the basis of amounts of liability by those retailers during the preceding calendar year or by estimates in cases of retailers having no previous sales tax histories. The director is hereby authorized to modify the filing schedule for any retailer when it is apparent that the original determination was inaccurate.

~~(b)(c)~~ All model 1, model 2 and model 3 sellers are required to file returns electronically. Any model 1, model 2 or model 3 seller may submit its sales and use tax returns in a simplified format approved by the director. Any seller that is registered under the agreement, which does not have a legal requirement to register in this state, and is not a model 1, model 2 or model 3 seller, may submit its sales and use tax returns as follows:

(1) Upon registration, the director shall provide to the seller the returns required;
 (2) seller shall file a return anytime within one year of the month of initial registration, and future returns are required on an annual basis in succeeding years; and

(3) in addition to the returns required in subsection ~~(b)(2)(c)(2)~~, sellers are required to submit returns in the month following any month in which they have accumulated state and local sales tax funds for this state in the amount of \$1,600 or more.

Sec. 19. K.S.A. 79-3607 and 79-3607, as amended by section 3 of chapter 83 of the 2021 Session Laws of Kansas, and K.S.A. 2021 Supp. 12-187, as amended by section 28 of 2021 House Bill No. 2239, 12-189, as amended by section 29 of 2021 House Bill No. 2239, 12-192, as amended by section 30 of 2021 House Bill No. 2239, and 79-3602, as amended by section 44 of 2021 House Bill No. 2239, are hereby repealed.";

Also on page 15, in line 25, 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 13; in line 14, by striking all before the period and inserting "taxation; relating to property tax; establishing the COVID-19 retail storefront property tax relief act to provide partial refunds to certain businesses impacted by COVID-19-related shutdowns and restrictions; relating to sales and compensating use tax; increasing thresholds for timing of returns and payments; discontinuing the first 15 days of the month remittance requirements for certain retailers; providing countywide retailers' sales tax authority for Atchison county; delaying implementation of exclusion of separately stated delivery charges from sales or selling price; amending K.S.A. 79-3607 and K.S.A. 2021 Supp. 12-187, as amended by section 28 of 2021 House Bill No. 2239, 12-189, as amended by section 29 of 2021 House Bill No. 2239, 12-192, as amended by section 30 of 2021 House Bill No. 2239, and 79-3602, as amended by section 44 of 2021 House Bill No. 2239, and repealing the existing sections; also repealing K.S.A. 79-3607, as amended by section 3 of chapter 83 of the 2021 Session Laws of Kansas";

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

CARYN TYSON

VIRGIL PECK

Conferees on part of Senate

ADAM SMITH

LES MASON

Conferees on part of House

On motion of Rep. A. Smith to adopt the conference committee report on **HB 2136**, Rep. Sawyer 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. Sawyer.

On roll call, the vote was: Yeas 37; Nays 84; Present but not voting: 0; Absent or not voting: 4.

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

Nays: Anderson, Arnberger, Awerkamp, Baker, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Carlson, B. Carpenter, 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, Howerton, Huebert, Humphries, Jacobs, T. Johnson, Kelly, 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., Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Waggoner, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Clayton, S. Johnson, Kessler, Osman.

The motion 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 2136** was adopted.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Awerkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, B. Carpenter, W. Carpenter, Clark, 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, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Houser, Howe, Howerton, Hoye, Huebert, Humphries, Jacobs, T. Johnson, Kelly, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Meyer, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Carmichael.

Present but not voting: None.

Absent or not voting: Clayton, S. Johnson, Kessler, Osman.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2540** 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 6 through 26; following line 26, by inserting:

"Section 1. K.S.A. 2021 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2021 Supp. 21-5701 through 21-5717, and amendments thereto:

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

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

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

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

(C) with respect to a particular individual, such individual represents or intends the

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

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

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

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

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

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

(e)(1) "Drug" means:

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

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

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

(D) substances intended for use as a component of any article specified in paragraph (1), (2) or (3) subparagraph (A), (B) or (C).

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

(f) "Drug paraphernalia" means all equipment and materials of any kind that are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" shall include, but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) smoking and carburetion masks;

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

(F) miniature cocaine spoons and cocaine vials;

(G) chamber smoking pipes;

(H) carburetor smoking pipes;

(I) electric smoking pipes;

(J) air-driven smoking pipes;

(K) chillums;

(L) bongs;

(M) ice pipes or chillers;

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

(O) wired cigarette papers; or

(P) cocaine freebase kits.

"Drug paraphernalia" shall not include any products, chemicals or materials described in K.S.A. 2021 Supp. 21-5709(a), and amendments thereto.

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

(h) "Isomer" means all enantiomers and diastereomers.

(i) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacture" does not include:

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

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

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

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

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

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

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

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

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

~~(4)~~(5) industrial hemp as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.

(k) "Minor" means a person under 18 years of age.

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

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

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

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof that is chemically

equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine.

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

(n) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

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

(p) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(q) "Possession" means having joint or exclusive control over an item with knowledge of and intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

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

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

Sec. 2. K.S.A. 2021 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States

department of justice, or its successor agency.

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

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

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

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

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

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

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

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

(h) "Counterfeit substance" means a controlled substance that, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

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

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p)(1) "Drug" means:

~~(1)(A)~~ Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

~~(2)(B)~~ substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals;

~~(3)(C)~~ substances (other than food) intended to affect the structure or any function of the body of human or animals; and

~~(4)(D)~~ substances intended for use as a component of any article specified in paragraph (1), (2) or (3) subparagraph (A), (B) or (C).

~~¶(2)~~ "Drug" does not include devices or their components, parts or accessories.

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

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any

packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

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

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

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

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

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

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

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

~~(4)~~(5) industrial hemp as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

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

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

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

(3) opium poppy and poppy straw;

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

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

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

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

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States that is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized recordkeeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

Sec. 3. K.S.A. 2021 Supp. 65-4105 is hereby amended to read as follows: 65-4105.
(a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code

that has been assigned to it.

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

(1)	Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....	9821
(2)	Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).....	9815
(3)	Acetylmethadol.....	9601
(4)	Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; acryloylfentanyl).....	9811
(5)	AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide).....	9551
(6)	Allylprodine.....	9602
(7)	Alphacetylmethadol..... (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)	9603
(8)	Alphameprodine.....	9604
(9)	Alphamethadol.....	9605
(10)	Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).....	9814
(11)	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9832
(12)	Benzethidine.....	9606
(13)	Betacetylmethadol.....	9607
(14)	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).....	9830
(15)	Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).....	9831
(16)	Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide).....	9836
(17)	Betameprodine.....	9608
(18)	Betamethadol.....	9609
(19)	Betaprodine.....	9611
(20)	Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide).....	9822
(21)	Clonitazene.....	9612
(22)	<u>Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide).....</u>	<u>9844</u>
(23)	Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide).....	9847
(23) (24)	Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide).....	9845
(24) (25)	Dextromoramide.....	9613

(25) (26)	Diampromide.....	9615
(26) (27)	Diethylthiambutene.....	9616
(27) (28)	Difenoxin.....	9168
(28) (29)	Dimenoxadol.....	9617
(29) (30)	Dimepheptanol.....	9618
(30) (31)	Dimethylthiambutene.....	9619
(31) (32)	Dioxaphetyl butyrate.....	9621
(32) (33)	Dipipanone.....	9622
(33) (34)	Ethylmethylthiambutene.....	9623
(34) (35)	Etonitazene.....	9624
(35) (36)	Etoperidine.....	9625
(36) (37)	Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide).....	9834
(37) (38)	Furethidine.....	9626
(38) (39)	Hydroxypethidine.....	9627
(39) (40)	<u>Isotonitazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1 H-benzimidazol-1-yl)ethan-1-amine; N,N-diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1 H-benzimidazole-1-ethanamine)</u>	9614
(41)	<u>Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide)</u>	9827
(40) (42)	Ketobemidone.....	9628
(41) (43)	Levomoramide.....	9629
(42) (44)	Levophenacilmorphan.....	9631
(43) (45)	Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....	9825
(44) (46)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).....	9813
(45) (47)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9833
(46) (48)	Morpheridine.....	9632
(47) (49)	Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide).....	9838
(48) (50)	O-desmethyiltramadol Some trade or other names: 2-((dimethylamino)methyl-1-(3-hydroxyphenyl)cyclohexanol);3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol	
(49) (51)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
(50) (52)	MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine).....	9560
(51) (53)	Noracymethadol.....	9633
(52) (54)	Norlevorphanol.....	9634
(53) (55)	Normethadone.....	9635
(54) (56)	Norpipanone.....	9636
(55) (57)	Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; 2-fluorofentanyl).....	9816
(56) (58)	Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide).....	9826

(57) (59)	Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide).....	9823
(58) (60)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide).....	9812
(59) (61)	Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, 4-fluoroisobutyryl fentanyl).....	9824
(60) (62)	Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide).....	9837
(61) (63)	PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
(62) (64)	Phenadoxone.....	9637
(63) (65)	Phenampromide.....	9638
(64) (66)	Phenomorphane.....	9647
(65) (67)	Phenoperidine.....	9641
(66) (68)	Piritramide.....	9642
(67) (69)	Proheptazine.....	9643
(68) (70)	Propерidine.....	9644
(69) (71)	Propiram.....	9649
(70) (72)	Racemoramide.....	9645
(71) (73)	Tetrahydrofuranlyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide).....	9843
(72) (74)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide).....	9835
(73) (75)	Tilidine.....	9750
(74) (76)	Trimeperidine.....	9646
(75) (77)	U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide).....	9547
(76) (78)	Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).....	9840

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

(1)	Acetorphine.....	9319
(2)	Acetyldihydrocodeine.....	9051
(3)	Benzylmorphine.....	9052
(4)	<u>Brorphine</u>	9098
(5)	Codeine methylbromide.....	9070
(5) (6)	Codeine-N-Oxide.....	9053
(6) (7)	Cyprenorphine.....	9054
(7) (8)	Desomorphine.....	9055
(8) (9)	Dihydromorphine.....	9145
(9) (10)	Drotebanol.....	9335
(10) (11)	Etorphine (except hydrochloride salt).....	9056
(11) (12)	Heroin.....	9200
(12) (13)	Hydromorphanol.....	9301
(13) (14)	Methyl-desorphine.....	9302

(14) (15)	Methyldihydromorphine.....	9304
(15) (16)	Morphine methylbromide.....	9305
(16) (17)	Morphine methylsulfonate.....	9306
(17) (18)	Morphine-N-Oxide.....	9307
(18) (19)	Myrophine.....	9308
(19) (20)	Nicocodeine.....	9309
(20) (21)	Nicomorphine.....	9312
(21) (22)	Normorphine.....	9313
(22) (23)	Pholcodine.....	9314
(23) (24)	Thebacon.....	9315

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

(1)	Alpha-ethyltryptamine 7249 Some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET.	
(2)	4-bromo-2,5-dimethoxy-amphetamine.....	7391
	Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.	
(3)	2,5-dimethoxyamphetamine.....	7396
	Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.	
(4)	4-methoxyamphetamine.....	7411
	Some trade or other names: 4-methoxy-alpha-methylphene-thylamine; paramethoxyamphetamine; PMA.	
(5)	5-methoxy-3,4-methylenedioxy-amphetamine.....	7401
(6)	4-methyl-2,5-dimethoxy-amphetamine.....	7395
	Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".	
(7)	3,4-methylenedioxy amphetamine.....	7400
(8)	3,4-methylenedioxy-methamphetamine (MDMA).....	7405
(9)	3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA).....	7404
(10)	N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA).....	7402
(11)	3,4,5-trimethoxy amphetamine.....	7390
(12)	Bufotenine.....	7433
	Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.	
(13)	Diethyltryptamine.....	7434
	Some trade or other names: N,N-Diethyltryptamine; DET.	
(14)	Dimethyltryptamine.....	7435

- Some trade or other names: DMT.
- (15) Ibogaine.....7260
Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2]azepino[5,4-b]indole;
Tabernanthe iboga
- (16) Lysergic acid diethylamide.....7315
- (17) Marijuana.....7360
- (18) Mescaline.....7381
- (19) Parahexyl.....7374
Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.
- (20) Peyote.....7415
Meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
- (21) N-ethyl-3-piperidyl benzilate.....7482
- (22) N-methyl-3-piperidyl benzilate.....7484
- (23) Psilocybin.....7437
- (24) Psilocyn.....7438
Some trade or other names: Psilocin.
- (25) Ethylamine analog of phencyclidine.....7455
Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.
- (26) Pyrrolidine analog of phencyclidine.....7458
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.
- (27) Thiophene analog of phencyclidine.....7470
Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.
- (28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine.....7473
Some other names: TCPy.
- (29) 2,5-dimethoxy-4-ethylamphetamine.....7399
Some trade or other names: DOET.
- (30) *Salvia divinorum* or *salvinorum* A; all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
- (31) *Datura stramonium*, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as *datura stramonium*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
- (32) N-benzylpiperazine.....7493

	Some trade or other names: BZP.	
(33)	1-(3-[trifluoromethylphenyl])piperazine Some trade or other names: FMPP.	
(34)	4-Bromo-2,5-dimethoxyphenethylamine.....	7392
(35)	2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers.....	7348
(36)	Alpha-methyltryptamine (other name: AMT).....	7432
(37)	5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.....	7439
(38)	2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).....	7509
(39)	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).....	7508
(40)	2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).....	7519
(41)	2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).....	7518
(42)	2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).....	7385
(43)	2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).....	7532
(44)	2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).....	7517
(45)	2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).....	7521
(46)	2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).....	7524
(47)	5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT)..... Some trade or other names: 5-methoxy-3-[2-(dimethylamino) ethyl]indole.	7431
(48)	2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine	7538
(49)	Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimi-5. 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine	7537
(50)	Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimi- 82. 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine	7536
(51)	Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimi- 36. 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine Some trade or other names: 25H-NBOMe.	
(52)	2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.	
(53)	2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.	
(54)	<u>1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1 H-pyrrolo[2,3-b]pyridine- 3-carboxamide (5F-CUMYL-P7AICA).....</u>	<u>7085</u>

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

- (1) Etizolam
Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-

	thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)	
(2)	Mecloqualone.....	2572
(3)	Methaqualone.....	2565
(4)	Gamma hydroxybutyric acid	

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1)	Aminorex.....	1585
	Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine	
(2)	Fenethylamine.....	1503
(3)	N-ethylamphetamine.....	1475
(4)	(+)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).....	1590
(5)	N,N-dimethylamphetamine (also known as N,N-alpha-trimethylbenzeneethanamine; N,N-alpha-trimethylphenethylamine).....	1480
(6)	Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone).....	1235
(7)	Substituted cathinones	
	Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:	
(A)	By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;	
(B)	by substitution at the 3-position with an acyclic alkyl substituent;	
(C)	by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or	
(D)	by inclusion of the 2-amino nitrogen atom in a cyclic structure.	

(g) Any material, compound, mixture or preparation that contains any quantity of the following substances:

(1)	N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers
(2)	N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thethylfentanyl), its optical isomers, salts and salts of isomers

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

(1)	Tetrahydrocannabinols.....	7370
	Meaning tetrahydrocannabinols naturally contained in a plant of the genus	

Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.), except tetrahydrocannabinols in any of the following:

- (A) Industrial hemp, as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto;
- (B) solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or
- (C) hemp products, as defined in K.S.A. 2021 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2021 Supp. 2-3908, and amendments thereto.

(2) ~~Naphthylindoles~~

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

(3) ~~Naphthylmethylindoles~~

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

(4)(3) ~~Naphthoylpyrroles~~

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

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

alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, ~~N-methyl-2-piperidinylmethyl~~ 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.

(+3)(9)

Indazole-3-carboxamides

Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, ~~N-methyl-2-piperidinylmethyl~~ 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

(+4)(10)

Indole-3-carboxamides

Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, ~~N-methyl-2-piperidinylmethyl~~ 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

(+5)(11)

(1H-indazol-3-yl)methanones

Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, ~~N-methyl-2-piperidinylmethyl~~ 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

(12)

(1H-indol-3-yl)methanones

Any compound containing a (1H-indol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl, quinolinyl, isoquinolinyl, adamantyl, phenyl, benzyl or tetramethylcyclopropyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl,

quinolinyl, isoquinolinyl, adamantyl, phenyl, benzyl or tetramethylcyclopropyl groups to any extent.

Sec. 4. K.S.A. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

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

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

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

(3) Opium poppy and poppy straw.

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

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

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

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

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters,

ethers and salts is possible within the specific chemical designation dextrophan and levopropoxyphene excepted:

(1)	Alfentanil.....	9737
(2)	Alphaprodine.....	9010
(3)	Anileridine.....	9020
(4)	Bezitramide.....	9800
(5)	Bulk dextropropoxyphene (nondosage forms).....	9273
(6)	Carfentanil.....	9743
(7)	Dihydrocodeine.....	9120
(8)	Diphenoxylate.....	9170
(9)	Fentanyl.....	9801
(10)	Isomethadone.....	9226
(11)	Levomethorphan.....	9210
(12)	Levorphanol.....	9220
(13)	Metazocine.....	9240
(14)	Methadone.....	9250
(15)	Methadone-intermediate,4-cyano-2-dimethyl amino-4,4-diphenyl butane	9254
(16)	Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.....	9802
(17)	<u>Oliceridine (N-[(3-methoxythiophen-2-yl)methyl] {2-[(9 R)-9-(pyridin-2-yl)-6-oxaspiro [4.5]decan-9-yl}ethyl}amine fumarate).....</u>	<u>9245</u>
(18)	Pethidine (meperidine).....	9230
(18) (19)	Pethidine-intermediate-A, 4-cyano-1-methyl-4- phenylpiperidine.....	9232
(19) (20)	Pethidine-intermediate-B, ethyl-4-phenyl- piperidine-4-carboxylate.....	9233
(20) (21)	Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid	9234
(21) (22)	Phenazocine.....	9715
(22) (23)	Piminodine.....	9730
(23) (24)	Racemethorphan.....	9732
(24) (25)	Racemorphan.....	9733
(25) (26)	Sufentanil.....	9740
(26) (27)	Levo-alphaacetyl methadol.....	9648
	Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.	
(27) (28)	Remifentanil.....	9739
(28) (29)	Tapentadol.....	9780
(29) (30)	Thiafentanil.....	9729

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1)	Amphetamine, its salts, optical isomers and salts of its optical isomers..	1100
(2)	Phenmetrazine and its salts.....	1631

- | | | |
|-----|---|------|
| (3) | Methamphetamine, including its salts, isomers and salts of isomers..... | 1105 |
| (4) | Methylphenidate..... | 1724 |
| (5) | Lisdexamfetamine, its salts, isomers, and salts of its isomers..... | 1205 |

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

- | | | |
|-----|--------------------|------|
| (1) | Amobarbital..... | 2125 |
| (2) | Glutethimide..... | 2550 |
| (3) | Secobarbital..... | 2315 |
| (4) | Pentobarbital..... | 2270 |
| (5) | Phencyclidine..... | 7471 |

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

- | | | |
|-----|---|------|
| (1) | Immediate precursor to amphetamine and methamphetamine: | |
| (A) | Phenylacetone..... | 8501 |
| | Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone. | |
| (2) | Immediate precursors to phencyclidine (PCP): | |
| (A) | 1-phenylcyclohexylamine..... | 7460 |
| (B) | 1-piperidinocyclohexanecarbonitrile (PCC)..... | 8603 |
| (3) | Immediate precursor to fentanyl: | |
| (A) | 4-anilino-N-phenethyl-4-piperidinephenethylpiperidine (ANPP)..... | 8333 |
| (B) | N-phenyl-N-(piperidin-4-yl)propionamide (norfentanyl)..... | 8366 |

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

- | | | |
|-----|---|------|
| (1) | Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States food and drug administration..... | 7365 |
| (2) | Nabilone..... | 7379 |
| | [Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one] | |

(h) Any material, compound, mixture or preparation containing any of the limited narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- | | | |
|-----|--|------|
| (1) | Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium | 9805 |
|-----|--|------|

- (2) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.....9806

Sec. 5. K.S.A. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

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

(1)	Alprazolam.....	2882
(2)	Barbital.....	2145
(3)	<u>Brexanolone.....</u>	<u>2400</u>
(4)	Bromazepam.....	2748
(4) (5)	Camazepam.....	2749
(5) (6)	Carisoprodol.....	8192
(6) (7)	Chloral betaine.....	2460
(7) (8)	Chloral hydrate.....	2465
(8) (9)	Chlordiazepoxide.....	2744
(9) (10)	Clobazam.....	2751
(10) (11)	Clonazepam.....	2737
(11) (12)	Clorazepate.....	2768
(12) (13)	Clotiazepam.....	2752
(13) (14)	Cloxazolam.....	2753
(14) (15)	Delorazepam.....	2754
(15) (16)	Diazepam.....	2765
(16) (17)	Dichloralphenazone.....	2467
(17) (18)	Estazolam.....	2756
(18) (19)	Ethchlorvynol.....	2540
(19) (20)	Ethinamate.....	2545
(20) (21)	Ethyl loflazepate.....	2758
(21) (22)	Fludiazepam.....	2759
(22) (23)	Flunitrazepam.....	2763
(23) (24)	Flurazepam.....	2767
(24) (25)	Fospropofol.....	2138
(25) (26)	Halazepam.....	2762
(26) (27)	Haloxazolam.....	2771
(27) (28)	Ketazolam.....	2772
(28) (29)	Lemborexant.....	2245
(30)	Loprazolam.....	2773
(29) (31)	Lorazepam.....	2885
(30) (32)	Lormetazepam.....	2774
(31) (33)	Mebutamate.....	2800

(32) (34)	Medazepam.....	2836
(33) (35)	Meprobamate.....	2820
(34) (36)	Methohexital.....	2264
(35) (37)	Methylphenobarbital (mephobarbital).....	2250
(36) (38)	Midazolam.....	2884
(37) (39)	Nimetazepam.....	2837
(38) (40)	Nitrazepam.....	2834
(39) (41)	Nordiazepam.....	2838
(40) (42)	Oxazepam.....	2835
(41) (43)	Oxazolam.....	2839
(42) (44)	Paraldehyde.....	2585
(43) (45)	Petrichloral.....	2591
(44) (46)	Phenobarbital.....	2285
(45) (47)	Pinazepam.....	2883
(46) (48)	Prazepam.....	2764
(47) (49)	Quazepam.....	2881
(48) (50)	Remimazolam.....	2846
(51)	Temazepam.....	2925
(49) (52)	Tetrazepam.....	2886
(50) (53)	Triazolam.....	2887
(51) (54)	Zolpidem.....	2783
(52) (55)	Zaleplon.....	2781
(53) (56)	Zopiclone.....	2784
(54) (57)	2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol)..	9752
(55) (58)	Alfaxalone.....	2731
(56) (59)	Suvorexant.....	2223

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

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

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

(1)	Cathine ((+)-norpseudoephedrine).....	1230
(2)	Diethylpropion.....	1610

(3)	Fencamfamin.....	1760
(4)	Fenproporex.....	1575
(5)	Mazindol.....	1605
(6)	Mefenorex.....	1580
(7)	Pemoline (including organometallic complexes and chelates thereof)....	1530
(8)	Phentermine.....	1640

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

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

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

(1)	Pentazocine.....	9709
(2)	Butorphanol (including its optical isomers).....	9720
(3)	Cannabidiol, when comprising the sole active ingredient of a drug product approved by the United States food and drug administration Some other names for cannabidiol: 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol	
(4)	Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid).(including its optical isomers) and its salts, isomers, and salts of isomers.....	9725

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

(1)	Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....	9167
(2)	Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propion-oxybutane).....	9278

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

(i) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

Sec. 6. K.S.A. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

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

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

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

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

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

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

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

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

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

(2) Pyrovalerone.....1485

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

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

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

(1) Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (some trade or other names BRV; UCB-34714; Briviact).....2710

(2) Cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate.2720

(3) _____ Ezogabine N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester.....2779

(3)(4) _____ Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide].....2746

(4)(5) _____ Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide].....2790

(6) _____ Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].....2782

Sec. 7. K.S.A. 65-4107, 65-4111 and 65-4113 and K.S.A. 2021 Supp. 21-5701, 65-4101 and 65-4105 are hereby repealed.";

Also on page 1, in line 28, by striking "statute book" and inserting "Kansas register";
And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "ACT"; by striking all in line 2; in line 3, by striking all before the period and inserting "concerning controlled substances; relating to substances included in schedules I, II, IV and V of the uniform controlled substances act; amending the definition of controlled substances in the Kansas criminal code; excluding certain drug products from the definition of marijuana; amending K.S.A. 65-4107, 65-4111 and 65-4113 and K.S.A. 2021 Supp. 21-5701, 65-4101 and 65-4105 and repealing the existing sections";

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

RICHARD HILDERBRAND
BEVERLY GOSSAGE
PAT PETTEY

Conferees on part of Senate

BRENDA LANDWEHR
JOHN EPLEE
SUSAN RUIZ

Conferees on part of House

On motion of Rep. Landwehr to adopt the conference committee report on **HB 2540**, Rep. Probst offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed.

The substitute motion of Rep. Probst 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 **HB 2540** was adopted.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Anderson, Arnberger, Averkamp, Baker, Ballard, Barker, Bergkamp, Bergquist, Blex, Borjon, Burris, Burroughs, Byers, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Clark, 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, Helgerson, Helmer, Henderson, Highberger, Highland, Hoffman, Hoheisel, Howe, Howerton, Hoye, Huebert, Humphries, S. Johnson, T. Johnson, Kelly, Kuether, Landwehr, Lee-Hahn, Long, Lynn, Mason, Meyer, Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Newland, Ohaebosim, Orr, Ousley, Owens, F. Patton, Penn, Poetter, Poskin, Probst, Proctor, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sanders, Sawyer, Schmidt, Schreiber, Seiwert, Smith, A., Smith, C., Smith, E., Stogsdill, Sutton, Tarwater, Thomas, Thompson, Toplikar, Turner, Vaughn, Victors, Waggoner, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Houser, Jacobs.

Present but not voting: None.

Absent or not voting: Clayton, Kessler, Osman.

REPORT OF STANDING COMMITTEE

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

Request No. 64, by Representative Kristey Williams, congratulating Sadie Williams in recognition for being elected Student Body President of the University of Kansas, April 23, 2022;

Request No. 65, by Representative Kristey Williams, congratulating Alessia Roark in recognition for being Student Body Vice-President of the the University of Kansas, elected two years in a row;

Request No. 66, by Kristey Williams, congratulating Holt Joseph Williams in recognition for an outstanding Augusta High School, graduating valedictorian;

Request No. 67, by Representative Kristey Williams, congratulating Coach Brandon Terry, Augusta High School, in recognition for leading the Orioles in second place 4A State Wrestling Tournament 2022;

Request No. 68, by Representatives Barbara Ballard, Mike Amyx, Dennis Highberger, Christina Haswood commending Serena Rupp and John Marshall on winning the Tournament of Champions at the University of Kentucky, becoming the 2022 National Champions;

Request No. 69, by Representative Shannon Francis, congratulating Jean Ratzlaff in recognition of her 90th birthday, April, 26, 2022;

Request No. 70, by Representative Barbara Ballard, congratulating Kevin Willmott, 2018 Academy Award winner for Best Adapted Screenplay for BlackKkKlansman;

Request No. 71, by Representative Broderick Henderson, congratulating First Baptist Church of Quindaro 2022 High School Graduate Jada Angelique Grissom;

Request No 72, by Representative KC Ohaebosim and Representative Gail Finney congratulating, Chief Dr. Linus and Dr. Mrs. Adaure Ohaebosim in recognition of their 50th wedding Anniversary;

Request No. 73, by Representative Heather Meyer, recognizing Lea Hopkins for her outstanding contributions to the LGBTQ community;

Request No.74, by Representative Jim Kelly, congratulating the Independence High School Boys Tennis Team, 2022 Class 4A State Championship;

Request No. 75, by Representative Jim Kelly congratulating, Coach Gavin Webster in recognition for winning Kansas Coaches Association Tennis Boys Coach of the year 2021-2022;

Request No. 76, by Representative Mike Dodson, congratulating Kansas State Classy Cats for winning the NCAA National Cheer Championship 2022;

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.

INTRODUCTION OF ORIGINAL MOTION

On emergency motion of Rep. Hawkins, **HCR 5038**, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. **HCR 5038**—
by Representatives Ryckman, Hawkins and Sawyer

HCR 5038— A CONCURRENT RESOLUTION relating to the adjournment sine die of the Senate and House of Representatives during the 2022 regular session of the legislature.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the House of Representatives and two-thirds of the members elected to the Senate concurring therein: That the legislature shall adjourn sine die at the close of business of the daily session convened on May 23, 2022.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Minority Leader Sawyer are spread upon the Journal:

Thank you Mr. Speaker. I'd like to thank everybody. We get to the end of the session every year and we give these thank you speeches. I'll start off by thanking the staff that work really hard all the time serving the whole house, our doormen, the people who help make things work around here.

I'd like to thank my own staff, Jan King who keeps me on time and keeps my schedule for me who knows where everything is, my Chief of Staff Joe Le, my Communications Director Alexis Simmons, Legislative Director Matt Mohan, and Agenda Clerk, Andrew Harrison.

I'd also like to thank the Speaker. We don't always agree, but we've agreed to disagree agreeably many times, being able to work together and do some good things for the people of Kansas. I'd like to thank the other Republican leadership, the Speaker Pro Tem, all three of us were in the same freshman class. I'd like to thank majority leader Dan. We've accomplished some good things.

We passed medical marijuana last year out of the House and unfortunately the Senate is sitting on it. We did work to pass a pretty good budget. We passed a bill that phases out the sales tax on food for the next three years. These are all big accomplishments we can be proud of. I will say I've enjoyed working with my colleagues on the Republican side. We can work together.

I definitely appreciate my Democratic colleagues, it's been mentioned before, our caucus, we are like a family. Unfortunately, we got a little smaller today. I'm going to miss Representative Kuether. I remember when she was brand new in 1996, when she first came to the legislature. Representative Burroughs was elected that same year. He

was a freshman and I was Minority Leader. Kathy Wolfe Moore, it has been wonderful working with you on Appropriations. Jim Gartner, it has been great working with you on Tax. Jim, you've done great for six years. I wouldn't mind if all four of you would reconsider and come back. We are going to miss you.

I know we've been winding down, but I think there is still work to do. There's no reason we can't start cutting the food sales tax this year, provide some other one time tax relief, the Senate should finish medical marijuana, and the Senate should pass fentanyl strips. This is not close to the 90th day of the session. I enjoyed working with all of you. We will see what this body looks like. I look forward to working with all of the new faces. Thank you all.

PERSONAL PRIVILEGE

Majority Leader Hawkins came forward and thanked his staff and the Body for a successful session.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Speaker pro tem Finch are spread upon the Journal:

And now friends and colleagues we come to the hardest part of today for me. This is the day I say farewell to you and to this House that I love. I will not be seeking reelection to this body as I am going home to take on the office with the greatest title in our state, citizen.

Three and half years ago I shared my wishes and hopes for you as legislators and for us as members of something greater than ourselves. I wished for you to have the courage to follow your own path, the strength to treat others with kindness and respect, and the vision to work not just for today but for the future of Kansas. I now turn those wishes into prayers for you and all who will sit in this chamber in the years to come. With the challenges we face, our state needs men and women of such courage, strength, and vision now more than ever.

Some of our colleagues who were here for that speech are gone now. They remind us in their leaving how short time can be and how little of it we really have. Ten years has flown by for me in what feels like the blink of an eye, though there were some days, some sessions and let's face it, some speeches, I thought would never end.

That loss of time is the one thing we cannot legislate. So, I remind you of what Dr. King called the "fierce urgency of now" and encourage you to be like that servant in the book of Matthew. That servant placed in a position of responsibility for others whom Jesus said would be blessed if the master returned to find him at work. In that same way I urge you to be about your work here. Let your focus always be on what is good for Kansas and your work always be about doing what is good for her people. After all this is their house.

In closing, I am reminded of the words of William Allen White, "When anything is going to happen in this country, it happens first in Kansas." I would add, if it is going to happen in Kansas, it will happen first here in this building and most likely in this beautiful chamber. All of the best qualities and character of the people of Kansas are here in this House, in each of you who have been chosen to serve. The simple honesty of hard work, the abiding love for family, the generous concern for a neighbor in need,

the unwavering belief that our children and their children should have a brighter future, and the steadfast desire to leave things better than we found them.

Those essential Kansas values have brought us this far, and if you will keep them in your hearts and let them guide your paths, they will continue to carry us forward, over all possible difficulties... to our destined place among the stars. May God bless each and every one of you, the people you serve, and may God bless the great state of Kansas now and forever. Thank you and farewell.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Speaker Ryckman are spread upon the Journal:

Friends ...

As you know, this is the last time I will have the privilege to stand before you in the People's House as your Speaker and as your colleague.

There are no words to adequately express what an honor it has been for me to serve alongside you ... and to have earned your confidence for three terms as your Speaker.

It is an honor I will cherish always.

I will equally cherish the work we have accomplished together on behalf of the people and the state that we love.

“To every thing there is a season a time for every purpose and for every work.”

As my season in the Kansas House comes to a close, I want to leave you with the same advice I shared when we started this journey:

- Serve with a servant's heart.
- Focus less on temporary hardships and more on permanent good.
- Focus less on you alone and more on all of us together ... doing the work of the people.

With these principles as your guide, I know our state will be in good hands.

Thank you for this season we've had together. May God Bless you in your service, and may God bless the Great State of Kansas.

REPORT ON ENGROSSED BILLS

HB 2106, HB 2510 reported correctly engrossed April 29, 2022.

REPORT ON RE-ENGROSSED BILLS

S Sub for HB 2495 reported correctly re-engrossed April 29, 2022.

S Sub for HB 2567 reported correctly re-engrossed May 2, 2022.

REPORT ON ENROLLED BILLS

HB 2237 reported correctly enrolled, properly signed and presented to the Governor on April 29, 2022.

HB 2106, HB 2138, S Sub for HB 2252, HB 2387, Sub HB 2466, S Sub for HB 2492, S Sub for HB 2495, HB 2510, S Sub for HB 2567 reported correctly enrolled, properly signed and presented to the Governor on May 6, 2022.

REPORT ON ENROLLED RESOLUTIONS

HCR 5037 reported correctly enrolled and properly signed on May 6, 2022.

The hour for final adjournment having arrived, Speaker pro tem Finch announced, "By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2022 session, I do now declare the House adjourned sine die."

MESSAGE FROM THE SENATE

The Senate adopts the Conference Committee report on **H Sub for SB 19**.
The Senate adopts the Conference Committee report on **S Sub for HB 2597**.
Announcing adoption of **HCR 5038**.

MESSAGE FROM THE SENATE

Announcing the Senate here with transmits certificate of action by the Senate on **HB 2252**, AN ACT concerning elections; prohibiting the modification of election laws by agreement except as approved by the legislature; amending K.S.A. 25-125 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 **HB 2252**, the bill be passed. By a vote of 27 Yeas and 10 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.

MESSAGE FROM THE SENATE

Announcing the Senate here with transmits certificate of action by the Senate on **HB 2387**, AN ACT concerning the executive branch; relating to actions by state agencies and the governor; prohibiting the issuance of a request for proposal or entering into a new contract for the administration and provision of benefits under the medical assistance program; relating to the Kansas emergency management act; removing the authority of the governor to prohibit attending or conducting certain religious services and worship services; amending K.S.A. 2021 Supp. 48-925 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 **HB 2387**, the bill be passed. By a vote of 27 Yeas and 10 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.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits a veto message from the Governor on **Sub SB 34**, AN ACT concerning 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., which was received on May 13, 2022 and was read before the Senate on May 23, 2022.

**MESSAGE FROM THE GOVERNOR
REGARDING VETO OF SENATE BILL 34**

I have consistently opposed vaccine passports and mandating any COVID-19 vaccination. However, this bill goes beyond COVID-19 and implements a one-size-fits-all approach for all infectious diseases. It significantly limits any government entity's response to any infectious disease outbreak.

As a result, this legislation creates significant safety concerns for workers, for employers, for the economy, and for all Kansans. Schools could not adequately respond to an outbreak of measles in a classroom, and manufacturing facilities could not respond to a tuberculosis outbreak.

Beyond that, our agricultural sector could not continue to fight the Highly Pathogenic Avian Influenza (HPAI). We have a responsibility to protect our critically important agricultural industry and the farmers and ranchers who feed the nation.

We need to be prepared for what's down the road to best protect Kansans. This bill puts the safety of all Kansans and our economy at risk.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Substitute for Senate Bill 34.

THE GOVERNOR'S OFFICE BY THE GOVERNOR LAURA KELLY
DATED: MAY 13, 2022

There being no motion to reconsider **Sub SB 34**, the President ruled the veto sustained.

REPORT ON RE-ENGROSSED BILLS

HB 2540 reported correctly re-engrossed May 24, 2022.

REPORT ON ENROLLED BILLS

HB 2136, HB 2540 reported correctly enrolled, properly signed and presented to the Governor on May 24, 2022.

REPORT ON ENROLLED RESOLUTIONS

HCR 5038, HR 6029 reported correctly enrolled and properly signed on May 24, 2022.

MESSAGE FROM THE GOVERNOR

HB 2136, HB 2540 approved on June 2, 2022

MESSAGE FROM THE SENATE

The Senate announces the following bills and concurrent resolutions are hereby transmitted to the House of Representatives with final disposition:

House Bills that died in Conference: **S Sub HB 2057, S Sub HB 2262, S Sub HB 2280, S Sub HB 2416**

House Bills that died on Senate General Orders: **HB 2001, S Sub HB 2062, HB 2082, HB 2090, HB 2093, Sub HB 2094, HB 2096, HB 2116, HB 2151, HB 2175, S Sub HB 2212, HB 2219, HB 2248, HB 2253, HB 2264, S Sub HB 2287, HB 2315, S Sub HB 2316, S Sub HB 2380, HB 2473, HB 2483, HB 2515, HB 2516, HB 2517, HB 2563, HB 2579, HB 2582, HB 2633, HB 2688, HB 2710**

House Concurrent Resolutions that died on Senate General Orders: **HCR 5005, HCR 5023, HCR 5032**

House Bills that died in Senate Committees: **HB 2029, HB 2030, HB 2045, HB 2052, HB 2076, HB 2081, HB 2088, HB 2097, HB 2103, HB 2115, Sub HB 2119, HB 2120, HB 2125, HB 2128, HB 2150, HB 2176, HB 2191, HB 2192, HB 2209, HB 2234, HB 2236, HB 2259, HB 2275, HB 2277, HB 2292, HB 2297, HB 2339, HB 2340, HB 2362, HB 2366, HB 2374, HB 2406, HB 2412, HB 2417, Sub HB 2447, HB 2480, HB 2496, HB 2502, Sub HB 2504, Sub Sub HB 2512, HB 2528, HB 2529, HB 2548, HB 2596, HB 2600, HB 2609, Sub HB 2615, HB 2631, HB 2632, HB 2654, HB 2674, HB 2676, HB 2697, HB 2716, HB 2734, Sub HB 2737**

House Concurrent Resolutions that died in Senate Committees: **HCR 5013**

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

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