

Kansas Register

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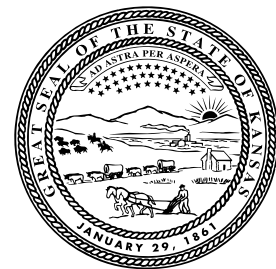
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House Bill 2077, concerning crime-related task forces, commissions and boards; relating to the Kansas closed case task force; extending the task force and providing for staff assistance; renaming the task force the Alvin Sykes cold case DNA task force; relating to the Kansas criminal justice reform commission; extending the commission and limiting the scope of study; relating to the crime victims compensation board; applications for compensation and mental health counseling; adding certain children to the definition of victim **893**

House Bill 2079, concerning state officers; relating to certain powers, duties and functions of the secretary of state and the attorney general; enacting the Kansas fights addiction act; prescribing powers, duties and functions of the attorney general related thereto; providing for the expenditure of moneys recovered in opioid litigation; transferring a portion of such moneys annually for the operation of the prescription monitoring program; establishing a grant program to address the effects of substance abuse and addiction; Kansas fights addiction grant review board; Kansas fights addiction fund, municipalities fight addiction fund and prescription monitoring program fund; relating to charitable organizations; increasing the fees for certain charitable organizations; creating the charitable organizations fee fund; relating to the address confidentiality program; transferring duties to the attorney general; requiring certain businesses and public places to post notices offering help to victims of human trafficking **896**

House Bill 2137, concerning alcoholic beverages; authorizing the issuance of a license to an individual whose spouse is a law enforcement officer; eliminating the requirement of Kansas residency for licensure; providing for suspension or revocation of licenses for violations of orders issued by the director; authorizing sales on Sunday and certain holidays; authorizing the issuance of fulfillment house licenses; reducing the Kansas grown product requirement for wine and hard cider; allowing the transfer and receipt of bulk wine; allowing the transfer and receipt of bulk alcoholic liquor and cereal malt beverage for canning and bottling purposes; requiring electronic submission of gallonage taxes by special order shipping licensees; authorizing the issuance of a drinking establishment license to manufacturers under certain conditions; authorizing the sale of alcoholic liquor by class A clubs at special events; specifying requirements for serving alcoholic liquor in pitchers; requiring issuance of a cereal malt beverage retailers' license to licensed producers; allowing the sale and removal of beer and cereal malt beverage in certain containers; authorizing certain licensees under the Kansas liquor control act and the club and drinking establishment act to sell and serve cereal malt beverages **903**

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State of Kansas

Legislative Administrative Services

Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet on the dates listed below based on current information and subject to change. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at 785-296-2391 or TTY 711, or email legserv@las.ks.gov.

Date	Room	Time	Committee	Agenda
May 26	218-N	11:30 a.m.	Joint Committee on Information Technology	Legislative, Judicial, and Executive Branch IT updates; KITO Project dashboard demo; IT project quarterly reports
May 26	548-S	2:00 p.m.	Legislative Coordinating Council	Legislative matters.

Tom Day, Director
Legislative Administrative Services

State of Kansas

Pooled Money Investment Board**Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 5-24-21 through 5-30-21

Term	Rate
1-89 days	0.06%
3 months	0.01%
6 months	0.01%
12 months	0.05%
18 months	0.10%
2 years	0.10%

Scott Miller
Director of Investments

Doc. No. 049161

State of Kansas

Board of Regents Universities**Notice to Bidders**

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids, or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: <https://www.emporia.edu/about-emporia-state-university/business-office/purchasing/>. Additional contact info: phone: 620-341-5134, fax: 620-341-6770, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Circle, Emporia, KS 66801.

Fort Hays State University – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids/>. Additional contact info: phone: 785-628-4251, fax: 785-628-4046, email: purchasing@fhsu.edu. Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University – Bid postings: <https://www.k-state.edu/purchasing/rfq>. Due to Covid-19, Kansas State University will not be accepting paper bids until further notice. Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: ks purch@k-state.edu.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing/>. Additional contact info: phone: 620-235-4169, email: bstefanoni@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu/>. Due to Covid-19, the University of Kansas will not be accepting paper bids until further notice. KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: purchasing@ku.edu.

University of Kansas Medical Center – Bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact info: phone: 913-588-1117. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

Wichita State University – Bid postings: <http://www.wichita.edu/purchasing>. Additional contact info: phone: 316-978-3080, fax: 316-978-3738, email: purchasing.office@wichita.edu. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Debbie Redeker
Chair of Regents Purchasing Group
Purchasing Director
Emporia State University

Doc. No. 048393

State of Kansas

**Department of Administration
Office of Procurement and Contracts****Notice to Bidders**

Sealed bids for items listed will be received by the Director of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376:

06/07/2021	EVT0007947	Earthmoving Services On-Call – Various Locations
06/07/2021	EVT0008073	Asphalt Placement On-Call – Various Locations
06/11/2021	EVT0008076	Roof Replacement – Kansas State Fairgrounds
06/14/2021	EVT0008077	Roof Replacement – KDOT El Dorado

The above referenced bid documents can be downloaded at the following website:

<http://admin.ks.gov/offices/procurement-and-contracts/bid-solicitations>

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

**There are No Bids Under this
Website Closing in this Week's Ad**

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Richard Beattie, Director
Office of Procurement and Contracts

Doc. No. 049175

(Published in the Kansas Register May 27, 2021.)

City of Lenexa, Kansas

Notice to Bidders

Sealed bids for K-7 and Prairie Star Parkway Interchange Project (KDOT: 7-46 KA-6027-01) will be accepted by the City of Lenexa, Kansas at the Community Development Department, Lenexa City Hall, 17101 W. 87th St. Pkwy., Lenexa, KS 66219 until 1:00 p.m. (CST) June 17, 2021, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will not be considered and will be returned unopened.

All bids shall be submitted to the Community Development Department Customer Service Staff (Main Level) in sealed envelopes addressed to the City of Lenexa, Kansas, Attn: City Clerk, and marked "Bid for: K-7 and Prairie Star Parkway Interchange Project – KDOT: 7-46 KA-6027-01." Copies of plans, specifications, bidding documents, and other contract documents are on file at Drexel Technologies, Inc., 10840 W. 86th St., Lenexa, KS 66214.

Bidders desiring contract documents for use in preparing bids may obtain a set of such documents at the address above. Plans and specifications may be downloaded from the Drexel Technologies, Inc. website at <http://planroom.drexeltech.com/>.

Each bidder will be responsible for ensuring that it has received any and all addenda issued by city in accordance with IB-10 of the instructions to bidders.

Contractors should read and be fully familiar with all contract documents including addenda before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations and shall include in its bid a sum to cover the cost of all items of the work as specified in the contract documents.

No oral telegraphic, telephonic proposals or alterations will be considered. Facsimile transmissions will not be accepted.

The following items must be included in the sealed envelope with the bid:

- a. Bid form;
- b. 5% bid security—bid bond, cashier’s check, or certified check (see below); and
- c. Acknowledgment of addenda issued by city.

Each bidder shall file with its bid a bid bond, a cashier’s check, or a certified check drawn on an acceptable bank, made payable to the City of Lenexa, Kansas, in an amount equal to five percent (5%) of the total bid, which shall be retained by the City of Lenexa, Kansas until a contract for the project has been executed. Bid bonds will be returned to the bidders, with the exception of the best and lowest and second best and second lowest responsible bidders, within twenty-one (21) days after their bids are rejected. The bid deposit of the lowest and the second lowest responsible bidders will be returned when the performance bond, maintenance bond, and statutory bond, each in an amount equal to 100% of the contract amount; required insurance cer-

tificates and other required documents shall have been furnished and the contract documents have been executed by the successful bidder.

In the event the low bidder is unable to execute the contract, for whatever reason, within the time provided in the Notice of Award, the city may annul the Notice of Award and the bid deposit may be forfeited and the city shall exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security or specific performance.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of city clerk, prior to the time and date for bid opening.

From and after the release of this notice, any party intending to bid on the above referenced project, including their officers, employees, agents, or contractors are specifically prohibited from communicating with any elected or appointed official of the city, directly or indirectly, with regard to the award of the contract for the project listed above, except as specifically authorized by the Instructions to Bidders. Any such unauthorized communication may result in the automatic disqualification of such bidder.

All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to these conditions.

Jennifer Martin
City Clerk

Doc. No. 049124

State of Kansas

**Department of Agriculture
Division of Conservation**

Notice to Contractors

Project

Rehabilitation of Detention Dam Site G-3 for Pottawatomie Creek Watershed Joint District No. 90, located just west of NW Montana Road, approximately ½ mile west and 2 miles south of intersection Maple Street and W. 7th Avenue in Garnett, in Anderson County, Kansas.

General Scope of Work

Installing and grouting a 6” PVC pipe in the existing 15” diameter corrugated metal principal spillway pipe, installing 160’ of new 16” diameter principal spillway pipe, installing sand collar, installing drawdown pipe and valve, working on the stilling basin, associated earthwork, and seeding.

Site Showing

1:00 p.m. Wednesday June 9, 2021, at the Pottawatomie Creek Watershed Office, 146 E. 5th Ave., Garnett, KS 66032.

Bid Opening

6:00 p.m. Tuesday June 22, 2021, at the Pottawatomie Creek Watershed Office, 146 E. 5th Ave., Garnett, KS 66032. Sealed bids will be received by James Cubit, Man-

(continued)

ager/CO, 146 E. 5th Ave., Garnett, KS 66032 until 5:00 p.m. June 22, 2021.

Bid Documents

Bid documents (project manual, construction plans, proposal, and bid form) may be obtained from James Cubit, Manager/CO, 146 E. 5th Ave., Garnett, KS 66032, phone 785-448-3642.

For any questions pertaining to the project listed above, please contact Mr. Hakim Saadi, P.E. Watershed Programs Manager, Kansas Department of Agriculture, Division of Conservation at 785-291-3099 or hakim.saadi@ks.gov.

Andrew Lyon
Executive Director

Doc. No. 049176

State of Kansas

Department of Transportation

Notice to Contractors

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "Non-Bid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid no later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject your bid. The Secretary reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2015 edition of the Kansas Department of Transportation *Standard Specifications for State Road and Bridge Construction*.

KDOT will only accept electronic internet proposals using the Bid Express website at <http://www.bidx.com> until 1:00 p.m. (CST) June 16, 2021. The KDOT bid letting will be conducted remotely by audio broadcast ONLY at 3:00 p.m. (CST) Wednesday, June 16, 2021. To join the conference call, dial 866-620-7326 and enter conference code 5895748207. KDOT has tested the process, but in the event of an unforeseen issue, KDOT will provide updates.

Each bidder shall certify that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid non-responsive and not eligible for award consideration.

District One – Northeast

Johnson – 69-46 KA-5792-01 – U.S. 69 (southbound), from 720 feet south of W. 52nd Street, guard fence, 0.1 mile. (Federal Funds)

Johnson – 46 N-0658-01 – Moonlight Road, from Warren Street to White Drive in Gardner, pedestrian and bicycle paths, 0.6 mile. (Federal Funds)

Leavenworth – 52 C-5058-01 – RS-1400, from K-192 to City of Potter, RS-855 from Jefferson/Leavenworth county line to U.S. 73, RS-2153 from U.S. 73 to City of Leavenworth, signing, 19.2 miles. (Federal Funds)

Riley – 18-81 KA-6160-01 – K-18, from approximately the Geary/Riley county line east to the K-18/K-113 junction, pavement marking, 8.5 miles. (Federal Funds)

Wabaunsee – 99 C-5054-01 – RS-1682, from 0.4 mile east of K-99, grading and surfacing, 0.3 mile. (Federal Funds)

Wyandotte – 69-105 KA-5148-01 – U.S. 69 and Central Avenue in Kansas City, intersection improvement, 0.2 mile. (Federal Funds)

Wyandotte – 635-105 KA-5627-01 – I-635, bridges #183 and #184 located at the east I-635/K-5 interchange, bridge deck. (Federal Funds)

Wyandotte – 635-105 KA-5923-01 – I-635, bridge #044 located 1,320 feet south of I-70, bridge repair. (Federal Funds)

District Two – North Central

Marion – 57 C-5046-01 – Culvert on RS-426, located approximately 211 feet east of Nighthawk Road, culvert repair, 0.1 mile. (Federal Funds)

Saline – 135-85 KA-5680-01 – I-135, bridge #028 over Union Pacific Railroad and stream located 3.23 miles north of Magnolia Street; bridge #033 over Dry Creek Drainage located 0.40 mile north of K-140; bridge #037 over Mulberry Creek located 1.02 miles north of K-140; and bridge #035 over the Kansas and Oklahoma Railroad located 0.74 mile north of K-140, bridge repair. (Federal Funds)

Saline – 135-85 KA-6064-01 – I-135, from the McPherson/Saline county line north to the I-135/I-70 junction, overlay, 18.8 miles. (Federal Funds)

District Three – Northwest

Ellis – 70-26 KA-6011-01 – I-70/U.S. 40/U.S. 183 Bypass (North Campus Drive) interchange, lighting. (Federal Funds)

Gove – 70-32 KA-6012-01 – I-70/ U.S. 40 interchange near Oakley, lighting. (Federal Funds)

Phillips – 383-74 KA-2372-03 – K-383, from the north edge of the wearing surface of bridge #051 over Prairie Dog Creek northeast to the K-383/U.S. 183 junction, grading and surfacing, 5.8 miles. (Federal Funds)

Sheridan – 90 C-4997-01 – Bridge over North Fork Solomon River on E. Road 120 N., located 11.5 miles north and 4.3 miles east of Hoxie, bridge replacement, 0.2 mile. (Federal Funds)

Sherman – 70-91 KA-6013-01 – I-70/U.S. 24B (Exit 19) interchange in Goodland, lighting. (Federal Funds)

Statewide – 106 KA-6161-01 – Various locations in District 3 in Logan, Thomas, Decatur, Gove, Graham, and Smith counties, milling. (State Funds)

Trego – 70-98 KA-6014-01 – I-70/K-147 interchange near Ogallah, lighting. (Federal Funds)

District Four – Southeast

Chautauqua – 10 C-4976-01 – Major collector roads located west of K-99 in the county, signing, 101.0 miles. (Federal Funds)

Crawford – 69-19 KA-5149-01 – U.S. 69, intersection of U.S. 69 and McKay Street in Frontenac, intersection improvement, 0.1 mile. (Federal Funds)

Elk – 25 C-4995-01 – All minor collector roads in the county, signing, 120.0 miles. (Federal Funds)

Linn – 152-54 KA-5147-01 – K-152, K-152 and Industrial Boulevard in La Cygne, intersection improvement, 0.3 mile. (Federal Funds)

District Five – South Central

Butler – 54-8 KA-5799-01 – U.S. 54, at six locations beginning 2,750 feet east of S.E. Gray Road, east to 1,350 feet west of the Butler/Greenwood county line, guard fence, 3.7 miles. (Federal Funds)

Cowley – 18 C-4972-01 – Various major collector roads in the south third of the county, signing, 75.0 miles. (Federal Funds)

Harvey – 50-40 KA-5797-01 – U.S. 50, at the Old Trail Road/U.S. 50 eastbound on ramp located 2,370 feet northeast of Spencer Road, guard fence, 0.1 mile. (Federal Funds)

Reno – 14-78 KA-5798-01 – K-14, located 1,300 feet south of Heartland Drive and K-14, located 1,470 feet south of W. Trail West Road, guard fence, 2.6 miles. (Federal Funds)

Julie Lorenz
Secretary

Doc. No. 049146

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a consulting firm for the project below. Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in category 211 Highway Design – Major Facility and 231 Traffic Study. A PDF (2Mb maximum size) of the response must be emailed to kdot.designcontracts@ks.gov. Proposal responses are limited to six pages; the subject line of the reply email and the pdf file name must read “KA-6018-01 Interchange Improvements_FIRM NAME.” The proposal is required and must be received by noon, 6/11/2021 for the consulting firm to be considered.

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms may use the KDOT prequalification form to provide this documentation. Forms and KDOT 1050 Prequalification category definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules and regulations.

Background and Scope of Project

The I-70/K-18 Interchange Improvements project in Geary County has been identified in the Eisenhower Legacy Transportation Program Expansion Delivery

Pipeline. This project is scheduled for letting in FY 2024 (July 2023 – June 2024). KDOT intends to select the most highly qualified firm to perform professional services associated with the design of this expansion project. A project summary is provided in Table 1.

Available as-built plans, previous studies, and discovery report, along with the guardrail survey guidance can be downloaded at https://secftp.ksdot.org/public/file/9I037B4PekWRiXkijRs-fw/070-031%20KA-6018-01%20RFP%20Documents_1.zip. Link expires on June 7, 2021 and will not be made available after that.

Table 1: I-70 and K-18 Interchange Improvements

Project Number	Route and Scope	Length	Project Termini
070-030 KA-6018-01	I-70/K-18 Geary County Interchange Improvements	1.9 mi	I-70/Henry Dr. Interchange east to I-70/K-18 Interchange
Structures	Structure Scope	BR#	Structure Size (Type)
Includes	No Bridge Scope anticipated; Potential Guardrail connection	Br No. 70-31-13.48 (022)	46'-2 @ 68'-46' (Composite Rolled Beam Spans)

KDOT is seeking consultant services to prepare construction drawings for the I-70/K-18 Interchange Improvements project. A single-lane roundabout is planned at the southern terminal of the I-70/K-18 Interchange to address safety and operational issues due to increasing traffic volumes. Design of an eastbound auxiliary lane between I-70/Henry Dr. and I-70/K-18 will also be required. Additionally, the consultant will need to evaluate the northern terminal of the I-70/K-18 interchange to develop improvements for handling high-speed southbound traffic turning west onto I70. Also included with this project will be full project survey and existing right-of-way survey. The designer shall provide design and plans for horizontal and vertical alignments for auxiliary lanes, sideroads, and entrance locations. The scope of the service may include culvert extensions or replacements, traffic engineering, hydrology/hydraulics, air space studies for the Federal Aviation Administration (FAA), and permitting assistance. Stakeholder engagement support activities and development of a PI Plan are anticipated. In addition to the I-70/K-18 interchange improvements, the selected consultant will be responsible for survey of guardrail and guardrail height measurements along I-70 and under I-70 bridges at K-57 and US-40 Business. A traffic study will also need to be completed for the J Hill Rd./US-40 Business/K-57 intersection consisting of an operational analysis including signal warrant analysis of existing and future traffic to determine if any capacity improvements are required to accommodate future traffic volume. Guardrail survey/measurement and the traffic study will be provided to KDOT in support of the 070-031 KA-6062-01 heavy rehabilitation project and will include no design.

The project scopes include:

- Full survey and existing right-of-way survey
- Perform preliminary design for plans to field check
- Develop final plans
- Provide electronic plan files compliant with KDOT Graphic Standards Manual, including CAD confor-

(continued)

mance checks and ControlCAD indexed DGN files with ProjectWise attributes

- Provide construction cost estimates bi-annually as well as at each major project milestone
- Guardrail survey and height measurements on I-70 between 1 mile east of the US77/I70 junction east to the east city limits of Grandview Plaza, on K-57 and Business 40 under I-70 bridges
- Traffic study for J Hill Rd. including a signal warrant analysis of existing and future traffic to determine if additional capacity improvements are necessary to accommodate future traffic volume

Special Conditions

PMC

This project is being managed by a Project Manager Consultant (PMC) on behalf of KDOT. The PMC will be the primary contact for the selected firm. The PMC will not be on the KDOT Consultant Selection Committee.

Schedule Reporting

Project schedules will be developed during project negotiation. A basic schedule template, prepared by the PMC, will be reviewed and specific dates will be defined by the consultant in order to achieve the critical milestones. Monthly schedule progress reports and updates will be required throughout the project from the consultants and reviewed with the PMC to track progress for KDOT.

Quality Control

Consultants will be required to provide a Quality Control (QC) plan at project kick-off. QC audits will be conducted by the PMC throughout the project. The audits will check compliance with the consultant’s QC plan.

Schedule

This project is scheduled for letting in FY 2024 (July 2023 – June 2024). Therefore, the design activities must be scheduled to deliver complete plans between July 2023 and December 2023. This project may follow an accelerated delivery schedule with some of the submittals required earlier than a typical KDOT design project to meet letting requirements.

Instructions for Proposal

The main text of the consultant’s proposal must not exceed six (6) pages (not including the cover letter) to address the topics listed in Table 2 below. The following outline is the expected submittal organization, content, and page length for the technical proposals. Duplication of content in technical proposals is expected.

Table 2: Proposal Content and Evaluation Factors

	Content	Pages
Cover Letter		1 page
Overview	<ul style="list-style-type: none"> • Qualifications and Experience <ul style="list-style-type: none"> ◦ Project manager for the project ◦ Names, qualifications, education, training, and expertise of proposed team members • Past performance on similar projects, including references and contact information • Delivery Process <ul style="list-style-type: none"> ◦ Approach to schedule ◦ Approach to quality control 	4 pages

Project Approach	Highlight concepts for cost-effective and optimized solutions for the project. Include unique qualifications or experience that may inform the selection of firms.	1-2 pages
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Selection Process

KDOT intends to select the most highly qualified firms to perform professional services associated with the design of this project. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will not be considered in the selection process to rank proposals. Per standard KDOT Consultant selection process, consultant will be selected from the technical proposal submitted for the Project. Technical proposals will be evaluated based on the factors listed in Table 3 below to select the most qualified firms. All evaluation factors are weighted equally.

Table 3: Evaluation Factors

Evaluation Factor
Qualifications and Experience
Past Performance
Delivery Process: Approach to Schedule
Delivery Process: Approach to Quality Control
Project Approach: Unique Qualifications and Solutions
Familiarity with KDOT Design Standards and Project Area

The selected firm will be asked to enter into negotiations with KDOT for an agreement. Negotiations will proceed quickly through scoping, manhour/fee negotiation, and NTP. In the event KDOT cannot reach agreement with the selected firm, it will terminate negotiations and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for this project. Special Attachments for the Kansas “Tax Clearance Certificate,” the “Certification of Final Indirect Costs,” and the Special Attachment No. 10 (“Policy Regarding Sexual Harassment”) will need to be provided by the selected consultant with the signed work order following negotiations.

The firm’s accounting systems must have the following capabilities before the firm may be awarded a contract.

- Valid, reliable, and current costs must be available within the system to support actual costs and pricing data
- Capability to provide a means of measuring the reasonableness of incurred costs
- Capability to identify and accumulate allowable costs by contract or project records which will reconcile with the general ledger
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs

Questions shall be sent by email to KDOT at kdot.designcontracts@ks.gov.

Kris Norton, P.E., PMC Coordinating Engineer
Division of Program and Project Management

Doc. No. 049178

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking qualified consulting engineering firm(s) for the project listed below. Interested consulting firms must: (a) be prequalified by KDOT or otherwise demonstrate qualification in the following category: Category 163 – Congestion Management/ITS. A PDF must be emailed to David Lutgen, P.E., Contracts Engineer at kdot.designcontracts@ks.gov. Responses are to be limited to eight pages, the subject line of the reply email and the file name must read “KA-6179-01 RFP – Firm Name.” Request for Proposals (RFPs) must be received by 12:00 p.m. June 5, 2021 for the consulting firm to be considered.

If a firm is not currently prequalified by KDOT a response may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms may use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification category definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Scope of Services to be Performed

KDOT plans to install approximately seven miles of conduit and fiber along US-54 in Wichita, Kansas between West Street and Armour Street, and to connect the new fiber to approximately 17 existing ITS devices. Preliminary DGN design plans have already been created for the project and will be provided by KDOT. Please provide a scope of services/proposal to perform the following tasks:

1. Project management
2. Pre-Design: Including kick-off and biweekly coordination meetings, field review, utility coordination, and engineer’s estimate.
3. Prepare 95% plans by October 15, 2021 (final date to be determined after award): including base mapping, quality control review, incorporation of KDOT ITS specifications, traffic control plans, and preliminary cost estimates.
4. Prepare final plans one month after 95% submittal: incorporate KDOT design comments, finalize plans sheets, and cost estimates.

Anticipated Schedule for Subsequent Events

RFPs are due by 12:00 p.m. (CST) June 11, 2021. Evaluation and ranking of technical proposals on or about June 25, 2021 after which time all firms that submitted will be notified of the ranking. Negotiations with the most highly ranked firm to commence on or about July 7, 2021. Agreement in place and in effect August 2, 2021. RFPs are to be delivered via email to kdot.designcontracts@ks.gov.

Instructions for Proposal

No costs shall be contained in the RFP. The RFP must not exceed eight (8) pages total to address the pertinent

topics. Please use the following naming convention for submittal... KA-6179-01 RFP – Firm Name. RFPs submitted will consist of the proposal and a completed and signed Special Attachment No. 7 (“Certificate of Final Indirect Costs”), a completed and signed Special Attachment No. 8 (“Tax Clearance Certificate”), and a completed and signed Special Attachment No. 10 (“Policy Regarding Sexual Harassment”). Subconsultants will need to complete these attachments as well. All these forms are attached to the original email announcement.

RFPs shall describe any processes or procedures, including best practices, that will be used to perform tasks and to produce deliverables described above under “Scope of Services to be Performed.” Also, include items such as:

- Project manager/engineer in charge
- History of projects with similar tasks
- Availability of staff to meet schedule without overtime
- Familiarity with KDOT standards and content
- Any subconsultant and their role (if any) that will be performing services on the project

Evaluation Factors

RFPs will be evaluated based on the factors listed below, evenly weighted, to rank the most qualified firm in order of preference as first, second, third, etc. Evaluation factors: 1) the quality and completeness of the response; 2) qualifications and experience of consultant design personnel/manager proposed for services; 3) proposed project approach; 4) availability to respond to the work; and 5) past performance history for similar projects/services for KDOT. The highest ranked firm will be asked to enter into negotiations with KDOT for an agreement. In the event KDOT cannot reach agreement with the ranked firm, it will terminate negotiations with such firm and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

Exhibits to this RFP

- Special Attachment No. 7 (“Certificate of Final Indirect Costs”)
- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for this project. Special Attachments for the Kansas “Tax Clearance Certificate,” the “Certification of Final Indirect Costs,” and the Special Attachment No. 10 (“Policy Regarding Sexual Harassment”) will also eventually become attachments to the contract.

Questions about this RFP shall be sent by email to KDOT at kdot.designcontracts@ks.gov.

Calvin E. Reed, P.E. Director
Division of Engineering and Design

Doc. No. 049179

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-21-187/194

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Sand Creek Land & Cattle, LLC Rodney E. Lower 5924 N. Kansas Rd. Newton, KS 67114	W/2 of Section 28 T22S, R01E Harvey County	Little Arkansas River Basin
Kansas Permit No. A-LAHV-C004 Federal Permit No. KS0098248		

The proposed action is to modify and reissue an existing NPDES permit for an expanding facility for 2,000 head (2,000 animal units) of cattle weighing more than 700 pounds. This permit is being modified to add approximately 4.5 acres of open lot pens, a proposed sedimentation channel, and approximately 0.6 acres of extraneous drainage area. There is no change in the permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Mann Cattle Company, Inc. David Mann 2334 Road 70 Quinter, KS 67752	S/2 of Section 7 T12S, R26W Gove County	Smoky Hill River Basin
Kansas Permit No. A-SHGO-B016		

The proposed action is to reissue an existing state permit for an existing facility for 980 head (980 animal units) of cattle more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Virgil Katzer 17640 NW 1600 Rd. Garnett, KS 66032	NW/4 of Section 27 T20S, R19E Anderson County	Marais des Cygnes River Basin
Kansas Permit No. A-MCAN-S029		

The proposed action is to reissue an existing state permit for an existing facility for 400 head (160 animal units) of swine weighing more than 55 pounds. There will be no change in the operation or permitted number of animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Bacon Bungalow Curtis Haverkamp 2976 L4 Rd. Bern, KS 66408	SW/4 of Section 15 T05S, R13E Nemaha County	Kansas River Basin
Kansas Permit No. A-KSNM-S029		

The proposed action is to reissue an existing state permit for an existing facility for 2,400 head (960 animal units) of swine more than 55 pounds. There will be no change in the operation or permitted number of animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Martin Feedlot Douglas Martin 10210 Polfer Ln. Kansas City, KS 66109	NE/4 of Section 32 T10S, R26W Sheridan County	Saline River Basin
Kansas Permit No. A-SASD-B003		

The proposed action is to reissue an existing state permit for an existing facility for 990 head (990 animal units) of cattle more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Mann's ATP, Inc. Edward Mann 7865 NW 80th St. Potwin, KS 67123	W/2 of Section 22 SW/4 of Section 26 NW/4 of Section 27 T24S, R04E Butler County	Walnut River Basin
Kansas Permit No. A-WABU-C007 Federal Permit No. KS0088901		

The proposed action is to reissue an existing NPDES permit for an existing facility for 9,999 head (9,999 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Deere Creek Farm Russell Duerksen 326 140th Hillsboro, KS 67063	SW/4 of Section 28 T20S, R01E Marion County	Neosho River Basin
Kansas Permit No. A-NEMN-M027		

The proposed action is to reissue an existing state permit for an existing facility for 55 head (77 animal units) of mature dairy cattle, 30 head (30 animal units) of dairy heifers, and 40 head (20 animal units) of dairy calves, for a total of 127 animal units. There will be no change in the operation or permitted number of animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Sunflower Jerseys Roman Yoder 6608 W. Long View Hutchinson, KS 67501	SW/4 of Section 18 T24S, R06W Reno County	Lower Arkansas River Basin
Kansas Permit No. A-ARRN-M034		

The proposed action is to reissue an existing state permit for an existing facility for 60 head (84 animal units) of mature dairy cattle and 30 head (15 animal units) of dairy heifers, for a total of 99 animal units. There will be no change in the operation or permitted number of animal units from the previous permit.

Public Notice No. KS-AG-R-21-013/014

Per Kansas Statutes Annotated 65-171d, the following registrations have been received for a proposed facility:

Name and Address of Registrant	Legal Description	County
Nextgen Cattle Company 31517 Vera Rd. Paxico, KS 66526	NE/4 of Section 33 NW/4 of Section 33 SW/4 of Section 33 T11S, R12E	Wabaunsee
Name and Address of Registrant	Legal Description	County
Svitak Hay Farms, Inc. 2863 Sunflower Marion, KS 66861	NW/4 of Section 18 T18S, R04E	Marion

Public Notice No. KS-Q-21-045

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-g), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Cornejo & Sons, Inc. PO Box 16204 Wichita, KS 67216	Marmaton River via Drywood Creek via Buck Run Creek via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-MC11-PO06
Federal Permit No. KS0081655

Legal Description: NW¼, S32, T26S, R25E, Sedgwick County, Kansas

Facility Name: Fort Scott Quarry

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This is a limestone quarrying and crushing operation with no washing. Outfalls 001A1, 002A1, and 003A1 consist of a stormwater runoff and quarry pit water. An asphalt plant and ready-mix plant are also on-site, but they are operated by a different owner and have an industrial stormwater permit. The proposed permit contains generic language to protect the waters of the state.

Public Notice No. KS-PT-21-004/006

The requirements of the draft permit public noticed below are pursuant to the Kansas Administrative Regulations 28-16-82 through 28-16-98, and U.S. Environmental Protection Agency Pretreatment Regulation 40 CFR 403.

Name and Address of Applicant	Receiving Facility	Type of Discharge
D-J Engineering, Inc. 219 W. 6th Ave. Augusta, KS 67010	Conway Springs Municipal Wastewater Treatment Plant	Process Wastewater

Kansas Permit No. P-AR25-0001
Federal Permit No. KSP000048

Facility Name: D-J Extruding (Division of D-J Engineering, Inc)

Facility Location: 723 E. Spring, Conway Springs, KS 67031

The proposed action is to reissue an existing pretreatment permit for an existing facility. This facility extrudes aluminum alloy billets into aluminum parts. The parts are then air cooled before being cut into various sizes and lengths. Aluminum parts are rinsed off in a 9,000 gallon tank containing a water/glycol mixture, following a heat treat operation. The rinse water is discharged into the City sanitary sewer and will be considered Outfall 001A1. Outfall 002A1 consists of rinse water from the extruding operation near Furnace #2. Outfall 003A1 consists of wastewater discharged from a steel heat treat operation

and Outfall 004A1 is wastes discharged from a titanium heat treat operation, if a discharge occurs. Non-contact cooling water is also recycled in two separate cooling towers, but the cooling water does not discharge to the city sewer. The proposed permit contains pretreatment limitations for pH, chromium, cyanide, zinc, oil and grease, and total toxic organics.

Name and Address of Applicant	Receiving Facility	Type of Discharge
Oxwell, Inc. 600 E. 16th St. Wellington, KS 67152	Wellington Municipal Wastewater Treatment Plant	Process Wastewater

Kansas Permit No. P-AR92-0001
Federal Permit No. KSP000062

The proposed action is to reissue an existing pretreatment permit for an existing facility. This facility manufactures, tests and overhauls aircraft instruments, helicopter parts, oil coolers, and pumps. This facility performs chemical conversion coating operations on aluminum parts and discharges from the contaminated rinse water from this operation, which is Outfall 001A1. Outfall 002 was eliminated. A foundry used to cast lead/kirksite is also performed on-site but does not use water and is considered a dry operation. The proposed permit contains pretreatment limitations for pH, total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc and cyanide.

Name and Address of Applicant	Receiving Facility	Type of Discharge
Unruh Fabrications, Inc. 100 Industrial Dr. Sedgwick, KS 67135	Sedgwick Municipal Wastewater Treatment Plant	Process Wastewater

Kansas Permit No. P-LA15-0001
Federal Permit No. KSP000091

The proposed action is to reissue an existing pretreatment permit for an existing facility. This facility manufactures specialty bodies and trailers for the glass industry and fire departments and performs conversion coating (iron phosphating) on steel parts, prior to painting them. The phosphating solution is sprayed on the parts with a wand system. Outfall 001A1 consists of the spent wash water when a discharge occurs. However, process wastes are normally sent off-site for treatment and disposal. The proposed permit contains pretreatment limitations for pH, total toxic organics, cadmium, chromium, copper, lead, nickel, silver, zinc and cyanide.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before June 26, 2021, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-21-187/194, KS-AG-R-21-013/014, KS-Q-21-045, KS-PT-21-004/006) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

(continued)

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Matthew Steele Ph.D., P.E., Section Chief, Livestock Waste Management Section at the KDHE, Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Michael Beezhold at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Rachel Hammond, BEFS, Livestock Waste Management Section at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Christopher Zwiener, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-3056 or email at Christopher.Zwiener@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Lee A. Norman, M.D.
Secretary

Doc. No. 049165

State of Kansas

Department of Health and Environment

Notice of Hearing

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Air, is proposing to revise the State Implementation Plan (SIP). The SIP revision addresses section 169A of the Clean Air Act (CAA) with respect to regional haze and the regional haze rule, title 40 code of federal regulations (CFR) §51.308. This is the second of six ten-year plans required under the CAA and evaluates progress made in implementation measures included in the currently approved regional haze SIP.

The SIP revision will be submitted to the U.S. Environmental Protection Agency (EPA) for review and approval. Regional haze is caused by air pollutant emissions which obscure important scenic vistas at class I federal parks and wilderness area. States are required to revisit regional haze SIPs every ten years and evaluate progress every five years. Kansas is committed to implement its long-term strategy to improve visibility through requirements to limit sulfur and nitrogen oxide emissions from large sources through the use of existing control equipment.

KDHE provided federal land managers the opportunity for consultation and comment on the proposed revision on November 19, 2020 in accordance with title 40

CFR §51.308(i)(2). Their comments and KDHE's responses are included in this proposed SIP.

Any member of the public may request a hearing or submit comments regarding this proposal. If requested, KDHE will hold a remote public hearing at 1:00 pm June 28, 2021. Comments should be submitted no later than 4:00 p.m. June 28, 2021, and request for hearing no later than 4:00 p.m. June 17, 2021, to kdhe.boaregsipcomments@ks.gov. If no request for a hearing is received on or before June 10, 2021, the hearing will be canceled. Information on the status of the hearing, and details concerning the hearing format and timing will be posted on the KDHE Bureau of Air public notice website at <https://www.kdheks.gov/bar/publicnotice.html> as of June 22, 2021. Phone inquiries regarding the status of the hearing may be made to Douglas Watson at 785-296-0910.

The proposed SIP revision does not include any rule-making action. Details concerning this revision can be viewed at the KDHE Bureau of Air public notice website cited above or obtained by contacting Douglas Watson at 785-296-0910 or Douglas.Watson@ks.gov.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed plan in accessible format by contacting Douglas Watson at 785-296-0910 or Douglas.Watson@ks.gov. In order to facilitate efforts to provide an accommodation, please request all accommodations as soon as possible following publication of this notice.

Lee A. Norman, M.D.
Secretary

Doc. No. 049164

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment (KDHE) has drafted a Kansas Section 401 of the Clean Water Act (CWA) requested by Mr. Ron Hinkle, Public Notice No. NWK 2021-00183. The project purpose is for reducing sedimentation of Tuttle Creek Reservoir by focusing on the rehabilitation of 1,100 feet of the eroding left descending streambank of the Little Blue River located in the SW ¼ of Section 6, T4S, R6E of Marshall County, Kansas. This project will require the placement of 956 tons of limestone rock and 155 tree root balls will be placed in the Little Blue River to reduce erosion along the riverbank. All disturbed areas will be seeded and mulched with native grasses, trees, and shrubs. It is estimated that five rock weirs will be placed in the river along with 50-foot of longitudinal peaked stone-toe protection (LPSTP). Designer Consultant: Phil Balch, Wildhorse Riverworks, Inc., Topeka, Kansas.

The draft certification and additional information containing the link to the USACE Public Notice will be posted on the KDHE website at <https://www.kdheks.gov/nps/section401.html> on or before May 27, 2021. Persons wishing to comment on the referenced draft document must submit their comments in writing by email to the Kansas Department of Health and Environment at

KDHE.NPS@ks.gov by June 27, 2021 if they wish to have their comments considered in the formulation of final determinations regarding this public notice.

For more information, contact Amanda Reed, Chief, Watershed Management Section, Bureau of Environmental Field Services, KDHE at Amanda.Reed@ks.gov or KDHE.NPS@ks.gov.

Lee A. Norman, M.D.
Secretary

Doc. No. 049166

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment (KDHE) has drafted a Kansas Section 401 of the Clean Water Act (CWA) requested by Mr. Jerry Hennerberg, Public Notice No. NWK 2021-00184. The project purpose is for reducing sedimentation of Tuttle Creek Reservoir by focusing on the rehabilitation of 2,100 feet of the eroding right descending streambank of the Little Blue River located in the SE ¼ of Section 8, T1S, R4E in Washington County, Kansas. This project will require the placement of 938 tons of limestone rock and 207 tree root balls to be placed in the Little Blue River in order to reduce erosion along the riverbank. All disturbed areas will be seeded and mulched with native grasses, trees, and shrubs. It is estimated that 11 rock weirs will be placed in the Little Blue River. Designer Consultant: Phil Balch, Wildhorse Riverworks, Inc., Topeka, Kansas.

The draft certification and additional information containing the link to the USACE Public Notice will be posted on the KDHE website at <https://www.kdheks.gov/nps/section401.html> on or before May 27, 2021. Persons wishing to comment on the referenced draft document must submit their comments in writing by email to the Kansas Department of Health and Environment at KDHE.NPS@ks.gov by June 27, 2021 if they wish to have their comments considered in the formulation of final determinations regarding this public notice.

For more information, contact Amanda Reed, Chief, Watershed Management Section, Bureau of Environmental Field Services, KDHE at Amanda.Reed@ks.gov or KDHE.NPS@ks.gov.

Lee A. Norman, M.D.,
Secretary

Doc. No. 049167

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment (KDHE) has drafted a Kansas Section 401 Of the Clean Water Act (CWA) requested by Mr. Greg Nieman, Public Notice No. NWK 2021-00186. The project purpose is for reducing sedimentation of Tuttle Creek Reservoir by focusing on the rehabilitation of 3,300 feet of the eroding left descending streambank of the Little Blue River locat-

ed in the NW ¼ of Section 26, T3S, R5E of Washington County, Kansas. This project will require the placement of 2,232 tons of limestone rock and 433 tree root balls to be placed in the Little Blue River in order to reduce erosion along the riverbank. All disturbed areas will be seeded and mulched with native grasses, trees, and shrubs. It is estimated that 11 rock weirs will be placed in the river along with 300 feet of longitudinal peaked stone-toe protection (LPSTP). Designer Consultant: Phil Balch, Wildhorse Riverworks, Inc., Topeka, Kansas.

The draft certification and additional information containing the link to the USACE Public Notice will be posted on the KDHE website at <https://www.kdheks.gov/nps/section401.html> on or before May 27, 2021. Persons wishing to comment on the referenced draft document must submit their comments in writing by email to the Kansas Department of Health and Environment at KDHE.NPS@ks.gov by June 27, 2021 if they wish to have their comments considered in the formulation of final determinations regarding this public notice.

For more information, contact Amanda Reed, Chief, Watershed Management Section, Bureau of Environmental Field Services, KDHE at Amanda.Reed@ks.gov or KDHE.NPS@ks.gov.

Lee A. Norman, M.D.,
Secretary

Doc. No. 049168

(Published in the Kansas Register May 27, 2021.)

Skyland Grain, LLC

Request for Proposals

Interested parties are invited to submit a proposal to complete the below scope of repairs for the proposed Skyland Grain, LLC Elkhart, Kansas project.

Scope of Work

The Skyland Grain, LLC elevator track rehabilitation at Elkhart, Kansas. Provide all equipment, labor, and logistical services to supply all required materials; complete all rehabilitation and track construction work, ties, ballast, etc. The scope of work is further described as follows:

- Clear off debris and perform rehabilitation on approximately 2,400 feet of track at the Skyland Grain, LLC location in Elkhart, Kansas
- Inspection and replacement of approximately 345 ties
- Replacement of rail as needed
- Surfacing of the tracks
- Addition of new ballasts

Work in progress and the completed project must be done in compliance with applicable FRA Class I track specifications and applicable AREMA standards.

Roadway Worker Protection

All contractors shall comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety at all times. Men and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.

Skyland Grain, LLC requires all contractors to provide a Certificate of Insurance prior to work being performed.

(continued)

Proposals must be submitted no later than June 3, 2021. All proposals will be reviewed by Skyland Grain, LLC. All proposals must include the following line items and provide costs as required:

1. Provide sum of all line items on the proposal
2. Removal and installation of new track
3. Installation of 345 relay grade ties
4. Replacement of rail
5. Installation of ballast
6. Surfacing of track

The following documents shall be submitted by the contractor as part of the project, at the times listed:

- Schedule of Work – submitted with proposal
- Certificate of Insurance – submitted prior to construction

Other Responsibilities

- Permits – contractor is responsible for all federal, state, and local permits required for the work.
- Utilities – contractor is responsible to locate and protect site utilities.
- Site Clean-up – contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws.

Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15' from the centerline of any active track at any time. Material and equipment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting.

Pre-Construction Meeting

Skyland Grain, LLC shall hold a pre-construction meeting at the project site to identify and mark ties that will be replaced.

Project Completion

All work pertaining to this project shall be completed by June 3, 2022.

Work Reporting

Daily/Weekly reports must be submitted to Amanda Florence.

If interested, please email your proposal to Amanda.florence@skylandgrain.com.

Guy Martin
Chief Operating Officer

Doc. No. 049158

(Published in the Kansas Register May 27, 2021.)

Skyland Grain, LLC

Request for Proposals

Interested parties are invited to submit a proposal to complete the below scope of repairs for the proposed Skyland Grain, LLC Manter, Kansas project.

Scope of Work

The Skyland Grain, LLC elevator track rehabilitation at Manter, Kansas. Provide all equipment, labor, and logistical services to supply all required materials; complete all rehabilitation and track construction work, ties, ballast, etc. The scope of work is further described as follows:

- Clear off approximately 2000' of track at the Skyland Grain, LLC location in Manter, Kansas
- Inspection of existing track and installation of new 200 relay grade ties with new spikes
- Replace damaged relay frog

Work in progress and the completed project must be done in compliance with applicable FRA Class I track specifications and applicable AREMA standards.

Roadway Worker Protection

All contractors shall comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety at all times. Men and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.

Skyland Grain, LLC requires all contractors to provide a Certificate of Insurance prior to work being performed.

Proposals must be submitted no later than June 3, 2021. All proposals will be reviewed by Skyland Grain, LLC. All proposals must include the following line items and provide costs as required:

1. Provide sum of all line items on the proposal
2. Removal and installation of new track
3. Installation of 200 relay grade ties and spikes
4. Replace relay frog

The following documents shall be submitted by the contractor as part of the project, at the times listed:

- Schedule of Work – submitted with proposal
- Certificate of Insurance – submitted prior to construction

Other Responsibilities

- Permits – contractor is responsible for all federal, state, and local permits required for the work.
- Utilities – contractor is responsible to locate and protect site utilities.
- Site Clean-up – contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws.

Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15' from the centerline of any active track at any time. Material and equipment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting.

Pre-Construction Meeting

Skyland Grain, LLC shall hold a pre-construction meeting at the project site to identify and mark ties that will be replaced.

Project Completion

All work pertaining to this project shall be completed by June 3, 2022.

Work Reporting

Daily/Weekly reports must be submitted to Amanda Florence.

If interested, please email your proposals to Amanda.florence@skylandgrain.com.

Guy Martin
Chief Operating Officer

Doc. No. 049159

(Published in the Kansas Register May 27, 2021.)

City of Mulvane, Kansas

**Summary Notice of Bond Sale
\$2,870,000*
General Obligation Bonds
Series B, 2021**

Details of the Sale

Subject to the terms and requirements of the Official Notice of Bond Sale, dated May 3, 2021, of the City of Mulvane, Kansas (the "City"), bids to purchase the City's General Obligation Bonds, Series B, 2021, (the "Bonds") will be received at the office of the City Clerk at City Hall, 211 N. 2nd, Mulvane, KS 67110 or by telefacsimile at 316-777-4081 or electronically as described in the Official Notice of Bond Sale until 10:00 a.m. (CST) Monday, June 7, 2021. The bids will be considered by the governing body at its meeting at 7:30 p.m. (CST) on the sale date.

No oral or auction bids for the Bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the Bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

Bidders must submit a good faith deposit in the form of a wire transfer or certified or cashier's check made payable to the order of the City, or a financial surety bond (if then available), in an amount equal to 2% of the principal amount of the Bonds.

Details of the Bonds

The Bonds will be dated June 24, 2021 and will be issued as registered bonds in denominations of \$5,000, or any integral multiple thereof. Interest on the Bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2022. Principal of the Bonds becomes due on September 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount*	Maturity Date	Principal Amount*	Maturity Date
\$270,000	2027	\$290,000	2032
270,000	2028	290,000	2033
275,000	2029	295,000	2034
280,000	2030	305,000	2035
285,000	2031	310,000	2036

Payment of Principal and Interest

The Treasurer of the State of Kansas will serve as the Bond Registrar and Paying Agent for the Bonds.

Book-Entry Bonds

The Bonds will be issued and registered under a book-entry-only system administered by The Depository Trust Company, New York, New York ("DTC").

Delivery of the Bonds

The City will prepare the Bonds at its expense and will deliver the registered Bonds to DTC on or about June 24, 2021. Any bond printing costs will be paid by the City from the proceeds of the Bonds or other City funds.

Legal Opinion

The Bonds will be sold subject to the legal opinion of Triplett Woolf Garretson, LLC, Wichita, Kansas, Bond Counsel, whose fees will be paid by the City.

Financial Matters

The City's current assessed valuation for purposes of calculating statutory debt limitations is \$100,911,098. As of June 24, 2021, the City's total outstanding general obligation debt (including the Bonds), is \$28,305,000*. The City's total indebtedness which is subject to debt limitation, as of June 24, 2021, is estimated to be \$3,515,546.58*, which is 3.48%* of the assessed valuation of the City.

Additional Information

For additional information, contact the City Clerk at the address and telephone number shown below, or the Municipal Advisor, Greg Vahrenberg, Raymond James & Associates, Inc., 1201 Walnut, 21st Floor, Kansas City, MO 64106, telephone 816-509-5451.

City of Mulvane, Kansas
By Debra M. Parker
City Clerk
City Hall
211 N. 2nd
Mulvane, KS 67110
316-777-1143
Fax: 316-777-4081

* Principal amount subject to change.
Doc. No. 049163

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9:00 a.m. Monday, June 14, 2021, in the offices of the Kansas Development Finance Authority (K DFA), 534 S. Kansas Ave., Suite 800, Topeka, on the proposal for the K DFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the K DFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

Project No. 001080 Maximum Principal Amount:

\$82,000. Owner/Operator: Clark Kroupa; Description: Acquisition of 80 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes (the "Project"). The Project is being financed by the Lender for Clark Kroupa (the "Beginning Farmer") and is located at the West Half of the Northwest Quarter of Section 31, Township 18 South, Range 5 East, approximately 3 miles south and 1½ miles east of Lincolntonville, Kansas in Marion County.

The bond, when issued, will be a limited obligation of the K DFA and will not constitute a general obligation or

(continued)

indebtedness of the state of Kansas or any political subdivision thereof, including the K DFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

As part of ongoing efforts to limit the spread of novel coronavirus in Kansas, interested individuals may participate in the public hearing via conference call. Please call toll free number (866)-620-7326 and use conference identification number 159 722 1260 followed by # to join the conference.

All individuals who appear at the hearing will be given an opportunity to express their views concerning the proposal to issue the bond to finance the project, and all written comments previously filed with the K DFA at its offices at 534 S. Kansas Ave., Suite 800, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the K DFA.

Rebecca Floyd
President

Doc. No. 049177

State of Kansas

Secretary of State

Certification of New State Laws

I, Scott Schwab, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Scott Schwab
Secretary of State

(Published in the Kansas Register May 27, 2021.)

Senate Bill No. 39

AN ACT concerning agriculture; relating to the Kansas department of agriculture; the division of animal health; license, permit and registration renewal deadlines; calfhood vaccination tag fees; amending K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002, 47-1503, 47-1805, 47-1831 and 47-2101 and repealing the existing sections.

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

Section 1. K.S.A. 2020 Supp. 47-1001e is hereby amended to read as follows: 47-1001e. (a) Each livestock market operator shall pay annually, on or before ~~June~~ *September* 30, a renewal market license fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than \$250 to the commissioner for each public livestock market operated by such operator, which payment shall constitute a renewal until ~~June~~ *September* 30 of the following year. The renewal market license fee established by this section on the day preceding the effective date of this act shall continue in effect until a different renewal market license fee is set as provided under this section.

(b) Any person who owns or operates an electronic auction ~~which~~ *that* is simulcast into the state of Kansas and at which livestock located in the state of Kansas are offered for sale, shall apply to the animal health commissioner for an electronic auction license. A license shall be granted to such person upon a showing that such person meets the bond requirements, as established in K.S.A. 47-1002, and amendments

thereto, and has paid an annual fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than \$250. Any such license shall expire on ~~June~~ *September* 30 of each year.

Sec. 2. K.S.A. 2020 Supp. 47-1002 is hereby amended to read as follows: 47-1002. (a) The bond required by K.S.A. 47-1001a, and amendments thereto, shall be in the minimum amount of \$20,000 for each license year or fraction thereof, but may be a continuous bond. Each license year shall expire on ~~June~~ *September* 30. Such bond shall be conditioned upon compliance by the principal with the provisions of this act and upon the prompt, faithful and honest handling by the principal of such livestock and the prompt remittance of the proceeds from the sale, purchase or exchange thereof to the lawful owner of such livestock. Such bond shall be to the state for the use and benefit of such person or persons as may suffer loss or damage by breach of the condition thereof. If the commissioner is the trustee and custodian of a surety bond or bond equivalent wherein such public livestock market operator is the principal and is operating under the provisions of the packers and stockyards act of 1921 of the United States, the commissioner may accept such bond or bond equivalent in lieu of the one herein otherwise required.

(b) For the purposes of this section, a bond equivalent shall be in one of the following forms:

(1) A trust fund agreement governing funds actually deposited or invested in fully negotiable obligations of the United States of federally-insured deposits or accounts in the name of and readily convertible to currency by a trustee; or

(2) a trust agreement governing funds ~~which~~ *that* may be drawn by a trustee, under one or more irrevocable, transferable, standby letters of credit, issued by a federally-insured bank or institution and physically received and retained by the trustee.

(c) Any producer, consignee or purchaser of livestock claiming to be injured by the breach of any public livestock market operator of any of the terms and provisions of such bond may bring action thereon in district court to recover the damages caused by such breach.

(d) When such bond shall have been given, the commissioner shall thereupon issue to such applicant a license entitling the applicant, if a public livestock market operator, to conduct the business described in the application at the place named therein for a period expiring on ~~June~~ *September* 30 following date of issuance, and for such additional license year periods as the public livestock market operator may be entitled to by reason of the operator's having paid the annual application fee and the proof of the operator's having paid the annual premium upon such continuous bond, or until such license shall have been revoked for cause.

Sec. 3. K.S.A. 47-1208 is hereby amended to read as follows: 47-1208. All licenses and permits issued under this act shall expire on ~~June~~ *September* 30 following date of issuance. All applications for renewal of licenses and permits shall be in compliance with the requirements of this act for the issuance of original licenses and permits.

Sec. 4. K.S.A. 2020 Supp. 47-1503 is hereby amended to read as follows: 47-1503. (a) It shall be unlawful for any person to operate a feedlot within the state of Kansas without having first obtained a license from the animal health commissioner authorizing and permitting such operation.

(b) An operator of any feedlot in the state of Kansas, or a person desiring to operate a feedlot in the state of Kansas shall obtain from the animal health commissioner, a license to operate a feedlot, unless exempted therefrom. The owner or operator of any livestock feedlot, with a capacity of less than 1,000 head of livestock, may apply for and obtain a license for feedlot operations, if such owner or operator chooses and elects to come under the terms and provisions of this act, but the licensing for operations at a capacity of less than 1,000 head shall not be required.

(c) Application for a livestock feedlot license shall be filed with the animal health commissioner, on a form prescribed and furnished by the commissioner. Upon the filing of such an application and payment of the required fees, the commissioner shall issue a livestock feedlot license to such applicant, provided the application discloses information assuring the commissioner that the operation of such feedlot will be conducted in accordance with the standards set forth elsewhere in this act, and with rules and regulations adopted by the commissioner.

(d) Feedlot licenses shall be issued for the term of one year, to expire on ~~June~~ *September* 30 following the date of issuance. Feedlot licens-

es may be continued in force by annual renewal or extension of such license with the payment of an annual license fee, and with continued compliance by the operator with the provisions of this act, and rules and regulations adopted hereunder.

(e) Each cattle feedlot operator, who shall be granted a license, shall pay a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner for such license and for annual renewal thereof, in accordance with and subject to the following schedule of maximum fees:

<i>Feedlot capacity</i>	<i>Maximum fee</i>
Under 1,000 head	\$75
1,000 to 2,999 head	\$350
3,000 to 5,999 head	\$650
6,000 to 9,999 head	\$750
10,000 to 17,999 head	\$1,100
18,000 to 29,999 head	\$1,500
30,000 to 49,999 head	\$1,650
50,000 to 99,999 head	\$1,800
100,000 head and over	\$2,000

The fees established by this subsection on the day preceding the effective date of this act shall continue in effect until different fees are set as provided under this subsection.

(f) For the purposes of this subsection, "animal unit" means the number of swine weighing more than 55 pounds multiplied by 0.4; plus the number of swine weighing 55 pounds or less multiplied by 0.1; plus the number of sheep or lambs multiplied by 0.1; plus the number of goats multiplied by 0.1. Each swine, sheep and goat feedlot operator, who shall be granted a license, shall pay a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner for such license and for annual renewal thereof, in accordance with and subject to the following schedule of maximum fees:

<i>Feedlot capacity</i>	<i>Maximum fee</i>
300 to 999 animal units.....	\$75
1,000 to 2,999 animal units.....	\$350
3,000 to 5,999 animal units.....	\$650
6,000 to 9,999 animal units.....	\$750
10,000 to 17,999 animal units.....	\$1,100
18,000 to 29,999 animal units.....	\$1,500
30,000 to 49,999 animal units.....	\$1,650
50,000 to 99,999 animal units.....	\$1,800
100,000 animal units and over.....	\$2,000

(g) If an original feedlot license expires within six months after date of issuance, only 50% of the applicable license fee shall be required. An application for a feedlot license shall not be approved, nor shall a license be issued to any applicant unless the application is accompanied by the applicable license fee under the schedule of fees in this section. Each licensed feedlot operator shall pay an annual license fee in accordance with the schedule of fees in this section and, upon payment of such fee and a showing of compliance with other requirements, shall be entitled to a renewal or extension of such operator's license for the ensuing license year.

(h) The animal health commissioner shall remit all moneys received by or for the commissioner under article 15 of chapter 47 of Kansas Statutes Annotated, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

Sec. 5. K.S.A. 2020 Supp. 47-1805 is hereby amended to read as follows: 47-1805. (a) Any person operating as a livestock dealer in Kansas shall register with the Kansas department of agriculture division of animal health. Registration shall be made on an application form approved by the animal health commissioner. The application shall be accompanied by the livestock dealer registration fee or renewal fee fixed by the commissioner under subsection (b). If an application for registration or renewal of registration is denied by the commissioner or withdrawn by the applicant, the fee shall not be refunded. Unless renewed under this section, each registration shall expire on the ~~June~~ *September 30* following the date of issuance.

(b) The animal health commissioner shall determine annually the amount of funds ~~which will be~~ required for the administration and enforcement of this section and K.S.A. 47-1806, and amendments thereto, and shall fix and adjust from time to time a livestock dealer registration fee and a renewal fee in such reasonable amounts as may be necessary

for such purposes, except that in no case shall either the livestock dealer registration fee or the renewal fee exceed \$75.

(c) The animal health commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

Sec. 6. K.S.A. 2020 Supp. 47-2101 is hereby amended to read as follows: 47-2101. (a) It shall be unlawful for any person to possess domesticated deer unless such person has obtained from the animal health commissioner a domesticated deer permit. Application for such permit shall be made in writing on a form provided by the commissioner. The permit period shall be for the permit year ending on ~~June~~ *September 30* following the issuance date.

(b) Each application for issuance or renewal of a permit shall be accompanied by a fee of not more than \$400 as established by the commissioner in rules and regulations.

(c) The animal health commissioner shall adopt any rules and regulations necessary to enforce the provisions of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, ensure compliance with federal requirements and protect domestic animals and wildlife from disease risks related to domestic deer production.

(d) Any person who fails to obtain a permit as prescribed in subsection (a) shall be deemed guilty of a class C nonperson misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

(e) The commissioner may refuse to issue or renew or may suspend or revoke any permit for any one of the following reasons:

- (1) Material misstatement in the application for the original permit or in the application for any renewal of a permit;
- (2) the conviction of any crime, an essential element of which is misstatement, fraud or dishonesty, or relating to the theft of or cruelty to animals;
- (3) substantial misrepresentation;
- (4) the person who is issued a permit is found to be poaching or illegally obtaining deer; or
- (5) the permit holder's willful disregard of any rule or regulation adopted under this section.

(f) Any refusal to issue or renew a permit and any suspension or revocation of a permit under this section shall be in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the Kansas judicial review act.

(g) Each domesticated deer, regardless of age, that enters a premises alive or leaves a premises alive or dead for any purpose, other than for direct movement to a licensed or registered slaughter facility in Kansas, shall have official identification, as prescribed by rules and regulations of the commissioner. Any person who receives a permit issued pursuant to subsection (a) shall keep records of such deer as required by rules and regulations adopted pursuant to this section.

(h) (1) The animal health commissioner or the commissioner's representatives may inspect the premises and records of any person issued a domesticated deer permit, but shall not inspect such premises and records more than once each permit year, unless the commissioner has:

- (A) Discovered a violation of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto; or
- (B) received a complaint that such premises is not being operated, managed or maintained in accordance with rules and regulations adopted pursuant to this section.

(2) The commissioner or the commissioner's representatives may inspect unlicensed premises when the commissioner has reasonable grounds to believe that a person is violating the provisions of this section.

(i) The animal health commissioner, on an annual basis, shall transmit to the secretary of wildlife, parks and tourism a current list of persons issued a permit pursuant to this section. The Kansas department of agriculture may request assistance from the department of wildlife, parks and tourism to assist in implementing and enforcing article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

(j) All moneys received under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

(continued)

(k) As used in this section:

(1) "Deer" means any member of the family cervidae.

(2) "Domesticated deer" means any member of the family cervidae which that was legally obtained and is being sold or raised in a confined area for:

- (A) Breeding stock;
- (B) any carcass, skin or part of such animal;
- (C) exhibition; or
- (D) companionship.

Sec. 7. K.S.A. 2020 Supp. 47-1831 is hereby amended to read as follows: 47-1831. (a) The animal health commissioner is hereby authorized to:

(1) Register original veterinary certificates of inspection for live-stock, as defined in K.S.A. 47-1001, and amendments thereto; and

(2) provide official calfhood vaccination tags and may require reimbursement for the actual cost of the tags. ~~Such~~ The commissioner may also charge a processing fee for such tags that shall not exceed ~~\$.25~~ \$0.20 for each tag.

(b) The commissioner shall determine ~~annually~~ tag the processing fee annually and shall fix such fee by rules and regulations.

(c) The commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

Sec. 8. K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002, 47-1503, 47-1805, 47-1831 and 47-2101 are hereby repealed.

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

Doc. No. 049171

(Published in the Kansas Register May 27, 2021.)

Senate Bill No. 47

AN ACT concerning taxation; relating to income tax; enacting the Kansas taxpayer protection act; requiring a signature and tax identification number of paid tax return preparers on returns and claims and authorizing actions by the secretary of revenue to enjoin certain conduct; exempting compensation income attributable as a result of identity fraud; extending the dates when corporate returns are required to be filed; providing conformity with the federal return due date for returns other than corporate returns; providing a temporary withholding option for certain teleworking employees; relating to income and privilege tax credits; establishing an Eisenhower foundation contribution credit and the friends of cedar crest association contribution credit; extending the time period and expanding eligibility for the single city port authority credit; relating to rural opportunity zones; extending the time period for eligibility in the loan repayment program and the income tax credit related thereto; defining rural opportunity zone on the basis of population; amending K.S.A. 74-50,222, 74-50,223, 79-3221, 79-32,212 and 79-32,267 and repealing the existing sections.

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

New Section 1. The provisions of sections 1 through 6, and amendments thereto, shall be known and may be cited as the Kansas taxpayer protection act and shall be effective on and after January 1, 2022.

New Sec. 2. As used in this act:

(a) "Paid tax return preparer" means any person who prepares or substantially prepares for compensation, or who employs one or more persons who prepare or substantially prepare for compensation, any income tax return or claim for refund, required to be filed pursuant to K.S.A. 79-3201 et seq., and amendments thereto. "Paid tax return preparer" does not include the following:

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

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

(3) an individual employed by a firm licensed in this state under K.S.A. 1-308, and amendments thereto, and preparing a return under the supervision of an individual described in paragraph (1) or (2).

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

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

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

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

New Sec. 4. (a) The secretary or the secretary's designee is hereby authorized to enjoin any person from engaging in conduct described in subsection (b) or from further action as a paid tax return preparer under the provisions of the Kansas taxpayer protection act who is found to be in violation of this act and the secretary or the secretary's designee shall be entitled, in any proceeding brought for such purpose to have an order restraining such person from engaging in conduct in violation of the provisions of this act, and no bond shall be required for any such restraining order, nor for any temporary or permanent injunction issued in such proceedings. The secretary may commence suit in a court of competent jurisdiction to enjoin any paid tax return preparer from further engaging in any conduct described in subsection (b) or from further action as a paid tax return preparer in this state. The secretary may request the assistance of the attorney general or the attorney general's duly authorized designee to enforce provisions of this section.

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

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

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

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

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

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

(C) furnish an identifying number;

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

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

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

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

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

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

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

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

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

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

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

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

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

New Sec. 7. (a) For taxable years commencing after December 31, 2020, and before January 1, 2026, there shall be allowed a credit against the tax imposed by the Kansas income tax act and the privilege tax pursuant to K.S.A. 79-1106 et seq., and amendments thereto, in an amount equal to 50% of the total amount contributed during the taxable year by a taxpayer subject to income tax pursuant to K.S.A. 79-32,110(a) or (c), and amendments thereto, or subject to the privilege tax pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto, to the Eisenhower foundation.

(b) The amount of such credit awarded to a taxpayer in a taxable year pursuant to this section shall not exceed:

(1) \$25,000 for any taxpayer subject to the income tax on resident individuals imposed pursuant to K.S.A. 79-32,110(a), and amendments thereto; or

(2) \$50,000 for any taxpayer subject to the income tax on corporations imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto, or the privilege tax on financial institutions pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto.

(c) The aggregate amount of credits claimed pursuant to this section shall not exceed \$350,000 for any fiscal year.

(d) The credit allowed by this section shall not exceed the amount of tax imposed under the Kansas income tax act or the privilege tax reduced by the sum of any other credits allowable pursuant to law. Such credit shall be deducted from the taxpayer's income or privilege tax liability for the taxable year in which the contributions are made by the taxpayer. The taxpayer shall not be allowed to carry over any amount of such credit exceeding the taxpayer's income or privilege tax liability.

New Sec. 8. (a) For taxable years commencing after December 31, 2020, and before January 1, 2026, there shall be allowed a credit against the tax imposed by the Kansas income tax act and the privilege tax pur-

suant to K.S.A. 79-1106 et seq., and amendments thereto, in an amount equal to 50% of the total amount contributed during the taxable year by a taxpayer subject to income tax pursuant to K.S.A. 79-32,110(a) or (c), and amendments thereto, or subject to the privilege tax pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto, to the friends of cedar crest association.

(b) The amount of such credit awarded to a taxpayer in a taxable year pursuant to this section shall not exceed:

(1) \$25,000 for any taxpayer subject to the income tax on resident individuals imposed pursuant to K.S.A. 79-32,110(a), and amendments thereto; or

(2) \$50,000 for any taxpayer subject to the income tax on corporations imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto, or the privilege tax on financial institutions pursuant to K.S.A. 79-1107 and 79-1108, and amendments thereto.

(c) The aggregate amount of credits claimed pursuant to this section shall not exceed \$350,000 for any fiscal year.

(d) The credit allowed by this section shall not exceed the amount of tax imposed under the Kansas income tax act or the privilege tax reduced by the sum of any other credits allowable pursuant to law. Such credit shall be deducted from the taxpayer's income or privilege tax liability for the taxable year in which the contributions are made by the taxpayer. The taxpayer shall not be allowed to carry forward any amount of such credit exceeding the taxpayer's income or privilege tax liability.

New Sec. 9. For the period of January 1, 2021, through December 31, 2022, for wages paid to employees who are temporarily teleworking in a state other than their primary work location, employers shall have the option to continue to withhold income taxes based on the state of the employee's primary work location and not based on the state in which the employee is teleworking or otherwise working during the COVID-19 pandemic. If any provisions of K.S.A. 79-3296, and amendments thereto, are in conflict with the provisions of this section, the provisions of this section shall control.

New Sec. 10. (a) Notwithstanding any other provision of law, for any individual whose identity was fraudulently used to secure any type of compensation, if such individual never received such compensation, such compensation shall not be considered gross income and shall not be taxable for Kansas income tax purposes after determination by the department of revenue that the compensation was obtained fraudulently by another individual.

(b) The department of revenue shall provide a method for any taxpayer subject to the Kansas income tax act to report to the department of revenue whether such taxpayer was a victim of fraud due to identity theft and whether such fraud resulted in the reporting of any income to the federal internal revenue service. The report shall include, but not be limited to, the amount of the income reported to the federal internal revenue service due to fraud, if known.

Sec. 11. K.S.A. 74-50,222 is hereby amended to read as follows: 74-50,222. As used in K.S.A. 74-50,222, 74-50,223 and 79-32,267, and amendments thereto:

(a) "Institution of higher education" means a public or private nonprofit educational institution that meets the requirements of participation in programs under the higher education act of 1965, as amended, 34 C.F.R. § 600;

(b) "rural opportunity zone" means ~~Allen, Anderson, Barber, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Decatur, Doniphan, Edwards, Elk, Ellsworth, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jackson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn, Logan, Marion, Marshall, Meade, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Republic, Rice, Rooks, Rush, Russell, Scott, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Trego, Thomas, Wabaunsee, Wallace, Washington, Wichita, Wilson or Woodson counties a county with a population of 40,000 persons or less;~~

(c) "secretary" means the secretary of commerce; and

(d) "student loan" means a federal student loan program supported by the federal government and a nonfederal loan issued by a lender such as a bank, savings and loan or credit union to help students and parents pay school expenses for attendance at an institution of higher education.

(continued)

Sec. 12. K.S.A. 74-50,223 is hereby amended to read as follows: 74-50,223. (a) Any county that has been designated a rural opportunity zone pursuant to K.S.A. 74-50,222, and amendments thereto, may participate in the program provided in this section by authorizing such participation by the county commission of such county through a duly enacted written resolution. Such county shall provide a certified copy of such resolution to the secretary of commerce on or before January 1, 2012, for calendar year 2012, or on or before January 1 for each calendar year thereafter, in which a county chooses to participate. Such resolution shall obligate the county to participate in the program provided by this section for a period of five years, and shall be irrevocable. Such resolution shall specify the maximum amount of outstanding student loan balance for each resident individual to be repaid as provided in subsection (b), except the maximum amount of such balance shall be \$15,000.

(b) If a county submits a resolution as provided in subsection (a), under the program provided in this section, subject to subsection (d), the state of Kansas and such county which chooses to participate as provided in subsection (a), shall agree to pay in equal shares the outstanding student loan balance of any resident individual who qualifies to have such individual's student loans repaid under the provisions of subsection (c) over a five-year period, except that the maximum amount of such balance shall be \$15,000. The amount of such repayment shall be equal to 20% of the outstanding student loan balance of the individual in a year over the five-year repayment period. The state of Kansas is not obligated to pay the student loan balance of any resident individual who qualifies pursuant to subsection (c) prior to the county submitting a resolution to the secretary pursuant to subsection (a). Each such county shall certify to the secretary that such county has made the payment required by this subsection.

(c) A resident individual shall be entitled to have such individual's outstanding student loan balance paid for attendance at an institution of higher education where such resident individual earned an associate, bachelor or post-graduate degree under the provisions of this section when such resident individual establishes domicile in a county designated as a rural opportunity zone which participates in the program as provided in subsection (a), on and after the date in which such county commenced such participation, and prior to July 1, ~~2021~~ 2023. Such resident individual may enroll in this program in a form and manner prescribed by the secretary. Subject to subsection (d), once enrolled such resident individual shall be entitled to full participation in the program for five years, except that if the resident individual relocates outside the rural opportunity zone for which the resident individual first qualified, such resident individual forfeits such individual's eligibility to participate, and obligations under this section of the state and the county terminate. No resident individual shall enroll and be eligible to participate in this program after June 30, ~~2021~~ 2023.

(d) The provisions of this act shall be subject to appropriation acts. Nothing in this act guarantees a resident individual a right to the benefits provided in this section. The county may continue to participate even if the state does not participate.

(e) The secretary shall adopt rules and regulations necessary to administer the provisions of this section.

(f) On January 1, 2012, and annually thereafter until January 1, ~~2022~~ 2024, the secretary of commerce shall report to the senate committee on assessment and taxation and the house of representatives committee on taxation as to how many residents applied for the rural opportunity zone tax credit.

Sec. 13. K.S.A. 79-3221 is hereby amended to read as follows: 79-3221. (a) All returns required by this act shall be made as nearly as practical in the same form as the corresponding form of income tax return by the United States. Unless another identifying number has been assigned to an individual by the internal revenue service for purposes of filing such individual's federal income tax return, the social security number issued to an individual, the individual's spouse, and all dependents of such individual for purposes of section 205(c)(2)(A) of the social security act shall be used as the identifying number and included on the return when filing such return.

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

(c) (1) The director of taxation may grant a reasonable extension of time for filing returns in accordance with rules and regulations of the

secretary of revenue. Whenever any such extension of time to file is requested by a taxpayer and granted by the director with respect to any tax year commencing after December 31, 1992, no penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if 90% of the liability is paid on or before the original due date.

(2) For any tax year commencing after December 31, 2019, any taxpayer filing a corporate tax return shall file the return in the office of the director of taxation:

(A) No later than one month after the due date established under the federal internal revenue code, including any applicable extensions granted by the internal revenue service; and

(B) no penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if the return is filed within one month after receiving an extension to file a tax return with the internal revenue service. The taxpayer shall not be required to file an extension request with the director pursuant to this subparagraph.

(3) For any tax year commencing after December 31, 2019, any taxpayer filing a return, other than a corporate tax return, shall file the return in the office of the director of taxation not later than the due date established under the federal internal revenue code, including any applicable extensions granted by the internal revenue service. No penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if the return is filed not later than the deadline established by the internal revenue service. The taxpayer shall not be required to file an extension request with the director pursuant to this paragraph.

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

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

(2) the amount of any credit or refund.

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

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

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

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

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

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

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

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

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

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

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

(1) Any hospitalization outside the United States; and

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

Sec. 14. K.S.A. 79-32,212 is hereby amended to read as follows: 79-32,212. (a) For taxable years 2002 through ~~2021~~ 2024, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, an amount equal to 100% of the amount attributable to the retirement of indebtedness authorized by a single city port authority established before January 1, 2002. In no event shall the total amount of the credits allowed under this section exceed \$500,000 for any one fiscal year.

(b) Upon certification by the secretary of revenue of the amount of any such credit, the director of accounts and reports shall issue to such taxpayer a warrant for such amount which shall be deemed to be a capital contribution.

(c) For tax ~~year~~ years 2013 and ~~all tax years thereafter through 2021~~, the income tax credit provided by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to ~~subsection (c) of~~ K.S.A. 79-32,110(c), and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability.

(d) For tax years 2022 through 2024, the income tax credit provided by this section shall be available to all taxpayers subject to the income tax imposed pursuant to K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's income tax liability.

Sec. 15. K.S.A. 79-32,267 is hereby amended to read as follows: 79-32,267. (a) For taxable years commencing after December 31, 2011, and before January 1, ~~2022~~ 2024, there shall be allowed as a credit against the tax liability of a resident individual taxpayer an amount equal to the

resident individual's income tax liability under the provisions of the Kansas income tax act, when the resident individual:

(1) Establishes domicile in a rural opportunity zone on or after July 1, 2011, and prior to January 1, ~~2021~~ 2023, and was domiciled outside this state for five or more years immediately prior to establishing their domicile in a rural opportunity zone in this state;

(2) had Kansas source income less than \$10,000 in any one year for five or more years immediately prior to establishing their domicile in a rural opportunity zone in this state; and

(3) was domiciled in a rural opportunity zone during the entire taxable year for which such credit is claimed.

(b) A resident individual may claim the credit authorized by this section for not more than five consecutive years following establishment of their domicile in a rural opportunity zone.

(c) The maximum amount of any refund under this section shall be equal to the amount withheld from the resident individual's wages or payments other than wages pursuant to K.S.A. 79-3294 et seq., and amendments thereto, or paid by the resident individual as estimated taxes pursuant to K.S.A. 79-32,101 et seq., and amendments thereto.

(d) No credit shall be allowed under this section if:

(1) The resident individual's income tax return on which the credit is claimed is not timely filed, including any extension; or

(2) the resident individual is delinquent in filing any return with, or paying any tax due to, the state of Kansas or any political subdivision thereof.

(e) This section shall be a part of and supplemental to the Kansas income tax act.

Sec. 16. K.S.A. 74-50,222, 74-50,223, 79-3221, 79-32,212 and 79-32,267 are hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 049172

(Published in the Kansas Register May 27, 2021.)

House Bill No. 2077

AN ACT concerning crime-related task forces, commissions and boards; relating to the Kansas closed case task force; extending the task force and providing for staff assistance; renaming the task force the Alvin Sykes cold case DNA task force; relating to the Kansas criminal justice reform commission; extending the commission and limiting the scope of study; relating to the crime victims compensation board; applications for compensation and mental health counseling; adding certain children to the definition of victim; amending K.S.A. 74-7301 and K.S.A. 2020 Supp. 21-6901, 21-6902 and 74-7305 and repealing the existing sections.

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

Section 1. K.S.A. 2020 Supp. 21-6901 is hereby amended to read as follows: 21-6901. (a) There is hereby established the ~~Kansas closed case~~ Alvin Sykes cold case DNA task force. The task force shall be composed of 15 voting members, as follows:

(1) The chairperson of the standing senate committee on judiciary;

(2) the ranking minority member of the standing senate committee on judiciary;

(3) the chairperson of the standing house committee on judiciary;

(4) the ranking minority member of the standing house committee on judiciary;

(5) the governor or the governor's designee;

(6) the attorney general or the attorney general's designee;

(7) the director of the Kansas bureau of investigation or the director's designee;

(8) the state combined DNA index system (CODIS) administrator ~~as designated by~~ or other designee of the director of the Kansas bureau of investigation forensic science laboratory;

(9) a sheriff as designated by the Kansas sheriff's association;

(10) a chief of police as designated by the Kansas association of chiefs of police;

(11) a prosecutor as designated by the Kansas county and district attorneys association;

(continued)

(12) the executive director of the state board of indigents' defense services or the executive director's designee;

(13) the president of the Kansas bar association or the president's designee;

(14) the director of victim services of the department of corrections or the director's designee; and

(15) one member designated by the governor who represents an organization that litigates claims of innocence.

(b) (1) ~~Members shall be appointed to the task force on or before September 1, 2019. The initial meeting of the task force shall be convened on or before October 1, 2019.~~

(2) ~~The chairperson of the standing senate committee on judiciary and the chairperson of the standing house committee on judiciary shall serve as co-chairs~~ co-chairpersons of the task force.

(3)(2) The task force shall meet in an open meeting at any time and at any place within the state of Kansas upon the call of either co-chairperson of the task force. A majority of the voting members of the task force constitutes a quorum. Any action by the task force shall be by motion adopted by a majority of the voting members present when there is a quorum.

(c) The task force, in consultation with practitioners and experts, shall develop a plan to ensure uniform statewide policies and procedures that address, at a minimum:

(1) Timely receipt of the data relating to hits to the combined DNA index system (CODIS) from the forensic laboratory;

(2) directly connecting the data relating to hits to the combined DNA index system (CODIS) to the relevant case file;

(3) proper policies and procedures to ensure all hits are accounted for and followed up;

(4) procedures to address how the key parties can conduct a reasonable and timely investigation into the significance of the hit; and

(5) sharing the hits in data from both solved and unsolved cases with other key parties, including the relevant prosecutors' offices, the original defense attorney and the last known attorney of record, crime victims and surviving relatives, and a local organization that litigates claims of innocence.

(d) The task force shall complete a plan for implementation of a protocol relating to hits to closed cases by October 1, ~~2020~~ 2021. The plan shall include a mechanism to ensure uniform compliance at the local law enforcement agency level.

(e) On or before December 1, ~~2020~~ 2021, the task force shall submit a report containing a plan for uniform implementation of the protocol throughout the state, including articulated benchmarks to facilitate and measure adoption. This report shall be posted on a public website maintained by the Kansas bureau of investigation and presented to the governor, the speaker of the house of representatives and the president of the senate.

(f) Legislative members of the task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto. Non-legislative members of the task force may be reimbursed by their appointing authority.

(g) *Staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance to the task force as may be requested by the co-chairs of the task force.*

(h) *The Alvin Sykes cold case DNA task force shall be a continuation of the Kansas closed case task force as it existed on December 29, 2020, and, except as provided in subsection (a)(8), members appointed prior to such date shall continue as members of the task force.*

(i) The provisions of this section shall expire on December 30, ~~2020~~ 2021.

Sec. 2. K.S.A. 2020 Supp. 21-6902 is hereby amended to read as follows: 21-6902. (a) There is hereby created the Kansas criminal justice reform commission.

(b) The commission shall:

(1) Analyze the sentencing guidelines grids for drug and nondrug crimes and make recommendations for legislation that would ensure sentences are appropriate;

(2) review the sentences imposed for criminal conduct to determine whether the sentences are proportionate to other sentences imposed for criminal offenses;

(3) analyze diversion programs utilized throughout the state and make recommendations with respect to ~~expanding diversion options and implementation of a state-wide diversion standards for legislation that:~~

(A) *Requires pre-filing and post-filing diversion be an option in all counties;*

(B) *establishes minimum statewide standards for diversion; and*

(C) *provides a method for sealing or otherwise removing diversion records from criminal records;*

(4) ~~review the supervision levels and programming available practices for offenders who serve sentences for felony offenses on community supervision, including supervision by court services, community corrections and parole;~~

(5) ~~discuss and develop detailed recommendations for legislation that establishes research-based standards and practices for all community supervision programs that:~~

(A) *Provide for incentives for compliant offenders to earn early discharge from supervision;*

(B) *create standardized terms and conditions for community supervision and provide for a method that courts may utilize to use special terms as indicated through the introduction of compelling evidence;*

(C) *create standardized effective responses to behavior through a system of incentives and graduated sanctions; and*

(D) *provide for a means to consolidate concurrent supervision into one supervision agency; and*

(5) ~~study specialty courts and make recommendations for the use of specialty courts throughout the state;~~

(6) ~~survey the availability of evidence-based programming for offenders provided both in correctional facilities and in the community, and make recommendations for changes in available programming;~~

(7) ~~study the policies of the department of corrections for placement of offenders within the correctional facility system and make recommendations with respect to specialty facilities, including, but not limited to, geriatric, healthcare and substance abuse facilities;~~

(8) ~~evaluate existing information management data systems and make recommendations for improvements to data systems that will enhance the ability of criminal justice agencies to evaluate and monitor the efficacy of the criminal justice system at all points in the criminal justice process; and~~

(9) ~~study other matters, that, as the commission determines, are appropriate and necessary to complete a thorough review of the criminal justice system~~

(6) *monitor the implementation of previously endorsed commission recommendations, including those developed through justice reinvestment, and receive updates, review data and identify opportunities for coordination, collaboration or legislation as needed.*

(c) The commission shall be made of the following members:

(1) One member of the Kansas senate appointed by the president of the senate;

(2) one member of the Kansas senate appointed by the minority leader of the senate;

(3) one member of the Kansas house of representatives appointed by the speaker of the Kansas house of representatives;

(4) one member of the Kansas house of representatives appointed by the minority leader of the Kansas house of representatives;

(5) one member of the judicial branch court services appointed by the chief justice of the supreme court;

(6) one criminal defense attorney or public defender appointed by the governor;

(7) *one public defender appointed by the executive director of the board of indigents' defense services;*

(8) one county or district attorney from an urban area and one county attorney from a rural area appointed by the Kansas county and district attorneys association;

(8)(9) one sheriff and one chief of police appointed by the attorney general;

(9)(10) one professor of law from the university of Kansas school of law and one professor of law from Washburn university school of law, appointed by the deans of such schools;

(10)(11) one drug and alcohol addiction treatment provider who provides services pursuant to the certified drug abuse treatment program appointed by the Kansas sentencing commission;

(11)(12) one district judge appointed by the Kansas district judges association;

(12)(13) one district magistrate judge appointed by the Kansas district magistrate judges association;

(13)(14) one member representative of the faith-based community appointed by the governor;

(14)(15) one member of a criminal justice reform advocacy organization appointed by the legislative coordinating council;

(15)(16) one mental health professional appointed by the Kansas community mental health association;

(16)(17) one member representative of community corrections appointed by the secretary of corrections; and

(17)(18) the attorney general, the secretary of corrections and the executive director of the Kansas sentencing commission, or such persons' designees, shall serve as ex officio, nonvoting members of the commission.

(d) ~~Members of the commission shall be appointed before August 1, 2019.~~ The appointing authorities shall provide notice of such appointments to the office of revisor of statutes and the legislative research department.

(e) The members of the commission shall elect officers from among its members necessary to discharge its duties. The commission shall receive testimony from interested parties at public hearings to be conducted in the various geographic areas of the state.

(f) If approved by the legislative coordinating council, legislative members of the commission attending meetings authorized by the commission shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

(g) The commission shall have the authority to organize and appoint such task forces or subcommittees as may be deemed necessary to discharge such commission's duties, including adding ex officio, nonvoting members to such task forces or subcommittees.

(h) The commission shall work with the Kansas judicial council, the department of corrections, the office of judicial administration and the Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.

(i) The commission shall prepare and submit its interim report to the legislature on or before December 1, 2019. A final report and recommendations shall be submitted to the legislature on or before December 1, 2020 2021.

(j) The staff of the office of revisor of statutes and the legislative research department shall provide such assistance as may be requested by the commission as authorized by the legislative coordinating council.

(k) The governor shall appoint a facilitator to assist the commission in developing a project plan and who shall assist the commission in carrying out the duties of the commission in an orderly manner. The facilitator shall work in collaboration with the commission chairperson and staff of the office of revisor of statutes and the legislative research department. The facilitator shall not be a member of the commission. ~~The facilitator, in coordination with the office of revisor of statutes and the legislative research department, shall call the first meeting of the commission, which shall take place during August 2019.~~

Sec. 3. K.S.A. 74-7301 is hereby amended to read as follows: 74-7301. As used in this act:

(a) "Allowance expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care and for the replacement of items of clothing or bedding which were seized for evidence. ~~Such term "Allowance expense" includes a total charge not in excess of \$5,000 for expenses in any way related to funeral, cremation or burial; but such term "allowance expense" shall not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semi-private accommodations, unless other accommodations are medically required. Such term "Allowance expense" includes a total charge not in excess of \$1,000 for expenses in any way related to crime scene cleanup.~~

(b) "Board" means the crime victims compensation board established under K.S.A. 74-7303, and amendments thereto.

(c) "Claimant" means any of the following persons claiming compensation under this act:

- (1) A victim;
 - (2) a dependent of a deceased victim;
 - (3) a third person other than a collateral source; or
 - (4) an authorized person acting on behalf of any of them.
- (d) "Collateral source" means the net financial benefit, after deduction of taxes, legal fees, costs, expenses of litigation, liens, offsets, credits or other deductions, from a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to the victim or claimant, from:

- (1) The offender;

(2) the government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;

- (3) social security, medicare and medicaid;
- (4) state-required temporary nonoccupational disability insurance;
- (5) workers' compensation;
- (6) wage continuation programs of any employer;
- (7) proceeds of a contract of insurance payable to the victim for loss which the victim sustained because of the criminally injurious conduct;
- (8) a contract providing prepaid hospital and other health care services or benefits for disability; or
- (9) damages awarded in a tort action.

(e) "Criminally injurious conduct" means conduct that: (1) (A) Occurs or is attempted in this state or occurs to a person whose domicile is in Kansas who is the victim of a violent crime which occurs in another state, possession, or territory of the United States of America may make an application for compensation if:

- (i) The crimes would be compensable had it occurred in the state of Kansas; and
- (ii) the places the crimes occurred are states, possessions or territories of the United States of America not having eligible crime victim compensation programs;

(B) poses a substantial threat or personal injury or death; and
(C) either is punishable by fine, imprisonment or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or

(2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent crime that posed a substantial threat or caused personal injury or death, committed outside of the United States against a person whose domicile is in Kansas, except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the United States armed forces while serving on active duty.

~~Such term shall "Criminally injurious conduct" does not include conduct arising out of the ownership, maintenance or use of a motor vehicle, except for violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or violations of municipal ordinances or county resolutions prohibiting the acts prohibited by those statutes, or violations of K.S.A. 8-1602, and amendments thereto, K.S.A. 21-3404, 21-3405 and or 21-3414, prior to their repeal, or K.S.A. 2020 Supp. 21-5405, 21-5406 and K.S.A. 2020 Supp. or 21-5413(b), and amendments thereto, or when such conduct was intended to cause personal injury or death.~~

(f) "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the victim's death.

(g) "Dependent's economic loss" means loss after decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death.

(h) "Dependent's replacement services loss" means loss reasonably incurred by dependents after decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death and not subtracted in calculating dependent's economic loss.

(i) "Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss and dependent's replacement service loss. Noneconomic detriment is not loss, but economic detriment is loss although caused by pain and suffering or physical impairment.

(j) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.

(k) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of self or family, if such person had not been injured.

(l) "Work loss" means loss of income from work the injured person would have performed if such person had not been injured, and expenses reasonably incurred by such person in obtaining services in lieu of those the person would have performed for income, reduced by any income from substitute work actually performed by such person or by income such person would have earned in available appropriate substitute work that the person was capable of performing but unreasonably failed to undertake.

(continued)

(m) "Victim" means a person who suffers personal injury or death as a result of:

- (1) Criminally injurious conduct;
 - (2) the good faith effort of any person to prevent criminally injurious conduct; or
 - (3) the good faith effort of any person to apprehend a person suspected of engaging in criminally injurious conduct; or
 - (4) *witnessing a violent crime when the person was 16 years of age or younger at the time the crime was committed.*
- (n) "Crime scene cleanup" means removal of blood, stains, odors or other debris caused by the crime or the processing of the crime scene.

Sec. 4. K.S.A. 2020 Supp. 74-7305 is hereby amended to read as follows: 74-7305. (a) An application for compensation shall be made in the manner and form prescribed by the crime victims compensation division created by K.S.A. 75-773, and amendments thereto.

(b) (1) *Except as otherwise provided in this subsection, compensation may not be awarded unless an application has been filed with the division within two years of the reporting of the incident to law enforcement officials if the victim was less than 16 years of age and the injury or death is the result of any of the following crimes:*

- (1) ~~indecent liberties with a child as defined in K.S.A. 21-3503, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(a), and amendments thereto;~~
- (2) ~~aggravated indecent liberties with a child as defined in K.S.A. 21-3504, prior to its repeal, or K.S.A. 2020 Supp. 21-5506(b), and amendments thereto;~~
- (3) ~~aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2020 Supp. 21-5504(b), and amendments thereto;~~
- (4)

(A) ~~Enticement of a child as defined in K.S.A. 21-3509, prior to its repeal;~~

(5) ~~indecent solicitation of a child as defined in K.S.A. 21-3510, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(a), and amendments thereto;~~

(6) ~~aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, prior to its repeal, or K.S.A. 2020 Supp. 21-5508(b), and amendments thereto;~~

(7) ~~sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments thereto;~~

(8) ~~aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2020 Supp. 21-5604(b), and amendments thereto;~~

(9)

(B) ~~human trafficking as defined in K.S.A. 21-3446, prior to its repeal, or K.S.A. 2020 Supp. 21-5426(a), and amendments thereto;~~

(C) ~~aggravated human trafficking as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2020 Supp. 21-5426(b), and amendments thereto; or (11) commercial sexual exploitation of a child as defined in K.S.A. 2020 Supp. 21-6422, and amendments thereto~~

(D) ~~a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto.~~

(2) Compensation for mental health counseling may be awarded if a claim is filed within two years of: (1) ~~Testimony, to a claimant who is, or will be, required to testify in a sexually violent predator commitment, pursuant to article 29a of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, of an offender who victimized the claimant or the victim on whose behalf the claim is made; or (2) notification, to a claimant who is notified that DNA testing of a sexual assault kit or other evidence has revealed a DNA profile of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, or is notified of the identification of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, whichever occurs later to a:~~

(A) ~~Victim, as defined in K.S.A. 74-7301(m)(4), and amendments thereto, if the board finds there was good cause for the failure to file within the time specified in this subsection and the claim is filed before the victim turns 19 years of age; or~~

(B) ~~victim of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, if the board finds there was good cause for the failure to file within the time specified in this subsection and:~~

(i) ~~The claim is filed with the division within 10 years of the date such crime was committed; or~~

(ii) ~~if the victim was less than 18 years of age at the time such crime was committed, the claim is filed within 10 years of the date the victim turns 18 years of age.~~

(3) For all other incidents of criminally injurious conduct, compensation may not be awarded unless the claim has been filed with the division within two years after the injury or death upon which the claim is based.

(c) Compensation may not be awarded to a claimant who was the offender or an accomplice of the offender and may not be awarded to

another person if the award would unjustly benefit the offender or accomplice.

(e)(d) Compensation otherwise payable to a claimant shall be reduced or denied, to the extent, if any that the:

(1) Economic loss upon which the claimant's claim is based is recouped from other persons, including collateral sources;

(2) board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims; or

(3) board deems reasonable, because the victim was likely engaging in, or attempting to engage in, unlawful activity at the time of the crime upon which the claim for compensation is based. This subsection shall not be construed to reduce or deny compensation to a victim of domestic abuse or sexual assault.

(e)(e) Compensation may be awarded only if the board finds that unless the claimant is awarded compensation the claimant will suffer financial stress as the result of economic loss otherwise repairable. A claimant suffers financial stress only if the claimant cannot maintain the claimant's customary level of health, safety and education for self and dependents without undue financial hardship. In making its determination of financial stress, the board shall consider all relevant factors, including:

- (1) The number of the claimant's dependents;
- (2) the usual living expenses of the claimant and the claimant's family;
- (3) the special needs of the claimant and the claimant's dependents;
- (4) the claimant's income and potential earning capacity; and
- (5) the claimant's resources.

(e)(f) Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within 72 hours after its occurrence or the board finds there was good cause for the failure to report within that time.

(f)(g) The board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation.

(g)(h) Except in K.S.A. 21-3602 or 21-3603, prior to their repeal, or K.S.A. 2020 Supp. 21-5604, and amendments thereto, or cases of sex offenses established in article 35 of chapter 21, of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2020 Supp. 21-6419 through 21-6422, and amendments thereto, or human trafficking or aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 2020 Supp. 21-5426, and amendments thereto, compensation may not be awarded if the economic loss is less than \$100.

(h)(i) Compensation for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss may not exceed \$400 per week or actual loss, whichever is less.

(h)(j) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed \$25,000 in the aggregate.

(j)(k) Nothing in subsections (c)(2), (c)(3), (e) and (f) (d)(2), (d)(3), (f) and (g) shall be construed to reduce or deny compensation to a victim of human trafficking or aggravated human trafficking, as defined in K.S.A. 2020 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined in K.S.A. 2020 Supp. 21-6422, and amendments thereto, who was 18 years of age or younger at the time the crime was committed and is otherwise qualified for compensation.

Sec. 5. K.S.A. 74-7301 and K.S.A. 2020 Supp. 21-6901, 21-6902 and 74-7305 are hereby repealed.

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

Doc. No. 049173

(Published in the Kansas Register May 27, 2021.)

House Bill No. 2079

AN ACT concerning state officers; relating to certain powers, duties and functions of the secretary of state and the attorney general; enacting the Kansas fights addiction act; prescribing powers, duties and functions of the attorney general related thereto; providing for the expenditure of moneys recovered in opioid litigation; transferring a portion of such moneys annually for the operation of the prescription

monitoring program; establishing a grant program to address the effects of substance abuse and addiction; Kansas fights addiction grant review board; Kansas fights addiction fund, municipalities fight addiction fund and prescription monitoring program fund; relating to charitable organizations; increasing the fees for certain charitable organizations; creating the charitable organizations fee fund; relating to the address confidentiality program; transferring duties to the attorney general; requiring certain businesses and public places to post notices offering help to victims of human trafficking; amending K.S.A. 17-1759, 17-1763, 17-1764, 17-1765, 17-1766, 17-1769, 17-1771, 17-1772, 46-236, 75-451, 75-452, 75-453, 75-454, 75-455, 75-456, 75-457, 75-458 and 75-759 and K.S.A. 2020 Supp. 17-1762 and repealing the existing sections.

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

New Section 1. Sections 1 through 7, and amendments thereto, shall be known and may be cited as the Kansas fights addiction act.

New Sec. 2. As used in sections 1 through 7, and amendments thereto:

- (a) "Act" means the Kansas fights addiction act.
- (b) "Covered conduct" means any conduct covered by opioid litigation that resulted in payment of moneys into the Kansas fights addiction fund.
- (c) "Defendant" means a defendant or putative defendant in any opioid litigation.
- (d) "Moneys that are received" includes damages, penalties, attorney fees, costs, disbursements, refunds, rebates or any other monetary payment made or paid by any defendant by reason of any judgment, consent decree or settlement, after payment of any costs or fees allocated by court order.
- (e) "Municipality" means the same as defined in K.S.A. 75-6102, and amendments thereto.
- (f) "Opioid litigation" means any civil lawsuit, demand or settlement, including any settlement in lieu of litigation, alleging unlawful conduct in the manufacturing, marketing, distribution, prescribing or other use of opioid medications and asserting or resolving claims of the state or any municipality.
- (g) "Qualified applicant" means any state entity, municipality or not-for-profit private entity that provides services for the purpose of preventing, reducing, treating or otherwise abating or remediating substance abuse or addiction and that has released its legal claims arising from covered conduct against each defendant that is required by opioid litigation to pay into the fund.
- (h) "State" means the state of Kansas, including any agency or official thereof.
- (i) "Sunflower foundation" means the sunflower foundation: health care for Kansas, established pursuant to the settlement agreement entered into by the attorney general in the action filed by blue cross and blue shield of Kansas, inc., in the district court of Shawnee county, Kansas, case No. 97CV608.

New Sec. 3. (a) Notwithstanding any other provision of law to the contrary, the attorney general shall remit to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto, all moneys that are received by the state pursuant to opioid litigation in which the attorney general is involved that is dedicated by the terms of such litigation for the abatement or remediation of substance abuse or addiction. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury. The state treasurer shall credit 75% of each such deposit to the Kansas fights addiction fund and 25% of each such deposit to the municipalities fight addiction fund.

(b) There is hereby established in the state treasury the Kansas fights addiction fund, and such fund shall be administered by the attorney general. Except as provided in subsection (c), moneys in the Kansas fights addiction fund shall be expended subject to any agreement authorized under section 4(d), and amendments thereto, for grants approved by the Kansas fights addiction grant review board created by section 4, and amendments thereto, to qualified applicants for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction. Any such expenditure for a grant shall not be used to supplant any other source of funding. No moneys shall be expended from the Kansas fights addiction fund for the payment of litigation costs, expenses or attorney fees related to opioid litigation.

(c) On July 1 of each year, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from

the Kansas fights addiction fund to the prescription monitoring program fund established by section 8, and amendments thereto. For any fiscal year, if there are insufficient unencumbered moneys in the Kansas fights addiction fund to make such transfer, no transfer shall be made under this subsection for such fiscal year.

(d) (1) There is hereby established in the state treasury the municipalities fight addiction fund, and such fund shall be administered by the attorney general to disburse funds to municipalities. Moneys in the municipalities fight addiction fund shall be expended subject to an agreement between the attorney general, the Kansas association of counties and the league of Kansas municipalities for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction or to reimburse the municipality for previous expenses related to substance abuse mitigation or arising from covered conduct. Moneys may also be used to reimburse municipalities for the payment of litigation costs, expenses or attorney fees related to opioid litigation, except that a municipality shall first seek payment from applicable outside settlement sources or settlement fee funds prior to seeking payment from the municipalities fight addiction fund.

(2) An agreement between the attorney general, the Kansas association of counties and the league of Kansas municipalities shall determine the method for disbursing moneys from the fund, and such moneys shall be disbursed to municipalities that have not filed opioid litigation and municipalities that have filed opioid litigation and have entered into an agreement with the attorney general prior to January 1, 2022, that releases the municipality's legal claims arising from covered conduct to the attorney general and assigns any future legal claims arising from covered conduct to the attorney general.

(e) All expenditures from the Kansas fights addiction fund and the municipalities fight addiction fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the attorney general or the attorney general's designee.

New Sec. 4. (a) There is hereby created under the jurisdiction of the attorney general the Kansas fights addiction grant review board. At least one member of such board shall reside in each of the state's congressional districts. Each member shall serve at the pleasure of the appointing authority. Such board shall be composed of 11 members who have expertise in the prevention, reduction, treatment or mitigation of the effects of substance abuse and addiction, as follows:

- (1) One member appointed by the attorney general to be designated as chairperson of the board;
- (2) one member appointed by the governor;
- (3) one member appointed by the president of the senate;
- (4) one member appointed by the speaker of the house of representatives;
- (5) one member appointed by the minority leader of the senate;
- (6) one member appointed by the minority leader of the house of representatives;
- (7) one member appointed by the league of Kansas municipalities;
- (8) one member appointed by the Kansas association of counties;
- (9) one member appointed by the Kansas county and district attorneys association;
- (10) one member appointed by the association of community mental health centers of Kansas; and
- (11) one member appointed by the behavioral sciences regulatory board.

(b) The board shall receive and consider applications for grants of money from the Kansas fights addiction fund. Not fewer than six members of the board voting in the affirmative shall be necessary to approve each grant, and each member shall have one vote. The board may adopt rules and procedures for its operation, conduct hearings, receive testimony and gather information to assist in its powers, duties and functions under this act.

(c) In awarding grants, the board:

- (1) Shall take care to support services throughout the state and shall ensure not less than 1/8 of the total amount of moneys granted each calendar year shall be for services in each of the state's congressional districts;
- (2) shall take into account science and data-driven substance abuse prevention reduction, treatment or mitigation strategies;
- (3) shall consult with the Kansas prescription drug and opioid advisory committee, the department of health and environment, the insurance department and other appropriate public and private entities

(continued)

to ensure coordination of drug abuse and addiction prevention and mitigation efforts throughout the state;

(4) shall approve grants only in compliance with the requirements of section 3, and amendments thereto;

(5) shall consider the sustainability of programming after grant funds are exhausted;

(6) may establish conditions for the award of grants and require assurance and subsequent review to ensure such conditions are satisfied;

(7) may give preference to qualified applicants that are not otherwise seeking or receiving funds from opioid litigation; and

(8) may give preference to grants that expand availability of certified drug abuse treatment programs authorized by K.S.A. 2020 Supp. 21-6824, and amendments thereto.

(d) (1) The attorney general shall provide administrative support for the board and shall administer, monitor and assure compliance with conditions on grants awarded.

(2) To carry out the duties and responsibilities under paragraph (1), the attorney general may enter into an agreement with the sunflower foundation to provide such administration, monitoring and assurance of compliance. Such agreement may:

(A) Provide for the attorney general to periodically transfer moneys from the Kansas fights addiction fund to the sunflower foundation. The sunflower administration shall administer any such moneys in a manner consistent with this act and with grants approved by the board. If an agreement authorized by this subsection is in effect, the attorney general may transfer moneys from the Kansas fights addiction fund to the sunflower foundation pursuant to such agreement;

(B) provide for a reasonable fee or other compensation for the sunflower foundation for services related to this act;

(C) make provision for the use of any earnings on moneys transferred to the sunflower foundation pursuant to this act and invested by the sunflower foundation; and

(D) contain other provisions as may be reasonably necessary and appropriate to carry out the provisions of this act.

(3) The attorney general may take any action necessary to ensure the greatest possible recovery from opioid litigation and to seek funds for the Kansas fights addiction fund and the municipalities fight addiction fund.

(e) Members of the board shall not receive compensation or expenses for serving on the board. Each member shall file a statement of substantial interest as provided in K.S.A. 46-248 through 46-252, and amendments thereto. No member shall participate in the consideration of any grant application for which such member has a conflict of interest.

New Sec. 5. The attorney general and each municipality shall be solely responsible for paying all costs, expenses and attorney fees arising from opioid litigation brought under their respective authorities, including any attorney fees owed to private legal counsel, and may seek payment or reimbursement of such costs, expenses and attorney fees from moneys not deposited in the Kansas fights addiction fund.

New Sec. 6. (a) Except as provided by subsection (b), on and after January 1, 2021, no municipality shall file or become a party to opioid litigation in any court without the prior approval of the attorney general. Any municipality that filed or became a party to opioid litigation on or after January 1, 2021, through the effective date of the Kansas fights addiction act shall withdraw from such opioid litigation, unless such municipality receives approval from the attorney general to maintain such opioid litigation.

(b) This section shall not apply to or affect any municipality that filed or became a party to opioid litigation in court prior to January 1, 2021.

New Sec. 7. Not later than March 1 of each year, the Kansas fights addiction grant review board shall submit to the speaker of the house of representatives, the president of the senate, the governor and the attorney general a report of the board's activities during the prior calendar year, including:

(a) An accounting of moneys deposited into and expended from the Kansas fights addiction fund;

(b) a summary of each approved grant, including the name and a detailed description of the qualified applicant, the amount granted, the justification for the grant with a detailed description of the grant's intended use and any other relevant information the board deems appropriate;

(c) an explanation of how the board's actions during the year have complied with the requirements of this act; and

(d) any other relevant information the board deems appropriate.

New Sec. 8. (a) There is hereby established in the state treasury the prescription monitoring program fund. Such fund shall be administered by the president of the state board of pharmacy or the president's designee. All expenditures from the prescription monitoring program fund shall be for the purpose of operating the prescription monitoring program that is established in accordance with the prescription monitoring program act. All expenditures from the prescription monitoring program fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or the president's designee.

(b) This section shall be a part of and supplemental to the prescription monitoring program act.

New Sec. 9. There is hereby created in the state treasury the charitable organizations fee fund. The attorney general shall remit all moneys received pursuant to the charitable organizations and solicitations act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the charitable organizations fee fund. Moneys in the charitable organizations fee fund shall be used by the attorney general to carry out the provisions and purposes of the charitable organizations and solicitations act. All expenditures from the charitable organizations fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or a person designated by the attorney general.

New Sec. 10. The attorney general shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the secretary of state relating to the charitable organizations and solicitations act.

Sec. 11. K.S.A. 17-1759 is hereby amended to read as follows: 17-1759. ~~This act K.S.A. 17-1759 through 17-1776, and amendments thereto and section 10, and amendments thereto, shall be known and may be cited as the~~ "charitable organizations and solicitations act."

Sec. 12. K.S.A. 2020 Supp. 17-1762 is hereby amended to read as follows: 17-1762. The following persons shall not be required to register with the ~~secretary of state~~ attorney general:

(a) State educational institutions under the control and supervision of the state board of regents, unified school districts, educational interlocals, educational cooperatives, area vocational-technical schools, all educational institutions that are accredited by a regional accrediting association or by an organization affiliated with the national commission of accrediting, any foundation having an established identity with any of the aforementioned educational institutions, any other educational institution confining its solicitation of contributions to the student body, alumni, faculty and trustees of such institution, and their families, or a library established under the laws of this state, provided that the annual financial report of such institution or library shall be filed with the attorney general;

(b) fraternal, patriotic, social, educational, alumni organizations and historical societies when solicitation of contributions is confined to their membership. This exemption shall be extended to any subsidiary of a parent or superior organization exempted by this subsection where such solicitation is confined to the membership of the subsidiary, parent or superior organization;

(c) persons requesting any contributions for the relief or benefit of any individual, specified by name at the time of the solicitation, if the contributions collected are turned over to the named beneficiary, first deducting reasonable expenses for costs of banquets, or social gatherings, if any, provided all ~~fund-raising fundraising~~ functions are carried on by persons who are unpaid, directly or indirectly, for such services;

(d) any charitable organization ~~which~~ that does not intend to solicit and receive and does not actually receive contributions in excess of \$10,000 during such organization's tax period, as defined by K.S.A. 17-7501, and amendments thereto, if all of such organization's ~~fund-raising fundraising~~ functions are carried on by persons who are unpaid for such services. ~~However,~~ If the gross contributions received by such charitable organization during any such tax period is in excess of \$10,000, such organization, within 30 days after the end of such tax

period, shall register with the ~~secretary of state~~ *attorney general* as provided in K.S.A. 17-1763, and amendments thereto;

(e) any incorporated community chest, united fund, united way or any charitable organization receiving an allocation from an incorporated community chest, united fund or united way;

(f) a bona fide organization of volunteer firemen, or a bona fide auxiliary or affiliate of such organization, if all ~~fund-raising~~ *fundraising* activities are carried on by members of such organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(g) any charitable organization operating a nursery for infants awaiting adoption if all ~~fund-raising~~ *fundraising* activities are carried on by members of such organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(h) any corporation established by the federal congress that is required by federal law to submit annual reports of such corporation's activities to congress containing itemized accounts of all receipts and expenditures after being duly audited by the department of defense or other federal department;

(i) any girls' club ~~which~~ *that* is affiliated with the girls' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the girls' club of America and that the girls' club of America files with the government of the United States the reports required by such federal charter;

(j) any boys' club ~~which~~ *that* is affiliated with the boys' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the boys' club of America and that the boys' club of America files with the government of the United States the reports required by such federal charter;

(k) any corporation, trust or organization incorporated or established for religious purposes, or established for charitable, hospital or educational purposes and engaged in effectuating one or more of such purposes, that is affiliated with, operated by or supervised or controlled by a corporation, trust or organization incorporated or established for religious purposes, or to any other religious agency or organization which serves religion by the preservation of religious rights and freedom from persecution or prejudice or by fostering religion, including the moral and ethical aspects of a particular religious faith;

(l) the boy scouts of America and the girl scouts of America, including any regional or local organization affiliated therewith;

(m) the young men's christian association and the young women's christian association, including any regional or local organization affiliated therewith;

(n) any licensed medical care facility ~~which~~ *that* is organized as a nonprofit corporation under the laws of this state;

(o) any licensed community mental health center or licensed mental health clinic;

(p) any licensed community center for people with intellectual disability and its affiliates as determined by the Kansas department for aging and disability services;

(q) any charitable organization of employees of a corporation whose principal gifts are made to an incorporated community chest, united fund or united way, and whose solicitation is limited to such employees;

(r) any community foundation or community trust to which deductible contributions can be made by individuals, corporations, public charities and private foundations, as well as other charitable organizations and governmental agencies for the overall purposes of the foundation or to particular charitable and endowment funds established under agreement with the foundation or trust for the charitable benefit of the people of a specific geographic area and ~~which~~ *that* is a nonprofit organization exempt from federal income taxation pursuant to section 501(a) of the internal revenue code of 1986, as in effect on the effective date of this act, by reason of qualification under section 501(c)(3) of the internal revenue code of 1986, as in effect on the effective date of this act, and ~~which~~ *that* is deemed a publicly supported organization and not a private foundation within the meaning of section 509(a)(1) of the internal revenue code of 1986, as in effect on the effective date of this act;

(s) any charitable organization ~~which~~ *that* does not intend to or does not actually solicit or receive contributions from more than 100 persons;

(t) any charitable organization the funds of which are used to support an activity of a municipality of this state;

(u) the junior league, including any local community organization affiliated therewith; and

(v) any charitable organization that is an animal shelter licensed pursuant to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 13. K.S.A. 17-1763 is hereby amended to read as follows: 17-1763. (a) Except for charitable organizations exempt under K.S.A. 17-1762, and amendments thereto, no charitable organization shall solicit funds in this state, nor employ a professional fund raiser to solicit funds in this state, for any charitable purpose, unless such organization has filed ~~with the office of the secretary of state of the state of Kansas;~~ a registered statement *with the attorney general* prior to solicitation.

(b) The ~~secretary of state~~ *attorney general* shall prescribe registration forms ~~which~~ *that* shall be signed and sworn to by two authorized officers of the organization, including the chief fiscal officer, and ~~which~~ shall include the following information about such organization's activities in this state:

(1) The name of the organization and the name or names under which it intends to solicit;

(2) the purpose for which such organization was organized;

(3) the principal mailing address and street address of the organization and the mailing addresses and street addresses of any offices in this state;

(4) the names and mailing addresses and street addresses of any subsidiary or subordinate chapters, branches or affiliates in this state;

(5) the place where and the date when the organization was legally established, the form in which such organization is organized and a reference to any determination of such organization's tax-exempt status, if any, under the federal internal revenue code of 1986;

(6) the names and mailing addresses and street addresses of the officers, directors, trustees and principal salaried employees of the organization;

(7) the name and mailing address and street address of the person having custody of such organization's financial records;

(8) the names of the individuals or officers of the organization who will have responsibility for the custody of the contributions;

(9) the names of the individuals or officers of the organization who will have responsibility for the distribution of the contributions;

(10) the names of the individuals or officers of the organization who will have responsibility for the conduct of solicitation activities;

(11) the general purposes for which the organization intends to solicit contributions;

(12) a statement indicating whether the organization intends to solicit contributions directly or have such solicitation done on such organization's behalf by others and naming any professional fund raiser the organization intends to use;

(13) a statement indicating whether the organization is authorized by any other governmental authority to solicit contributions and whether such organization is or has ever been enjoined by any court from soliciting contributions;

(14) the cost of ~~fund-raising~~ *fundraising* incurred or anticipated to be incurred by the organization, including a statement of such costs as a percentage of contributions received; and

(15) a copy of the federal income tax return of the charitable organization, if the charitable organization is required to file such; otherwise a financial statement covering complete disclosure of the fiscal activities of the organization during the preceding year. The financial statement shall be submitted on forms approved by the ~~secretary of state~~ *attorney general*, signed and sworn by at least two authorized officers of the organization, including the chief fiscal officer. Such financial statement shall include a balance sheet and statement of income and expense, clearly setting forth the following: Gross receipts and gross income from all sources, broken down into total receipts and income from each separate solicitation project or source; cost of administration; cost of solicitation; cost of programs designed to inform or educate the public; funds or properties transferred out of this state, with explanation as to recipient and purpose; and total net amount disbursed or dedicated for each major purpose, charitable or otherwise.

(c) A charitable organization that received contributions in excess of \$500,000 during the organization's most recently completed fiscal year shall file, in addition to the federal income tax returns or the statement required by subsection (b), an audited financial statement for the charitable organization's most recently completed fiscal year, prepared in accordance with generally accepted accounting principles, and the opinion of an independent certified public accountant on the financial statement.

(d) Upon receipt of ~~any such~~ *a proper* registration and payment of *applicable fees*, the ~~secretary of state~~ *attorney general* shall issue a charitable

(continued)

solicitation license and identification number. All certificates of registration and identification numbers issued to charitable organizations shall expire on the last day of the sixth month following the month in which the fiscal year of the charitable organization ends.

(e) Every charitable organization required to register with the ~~secretary of state~~ attorney general shall pay a fee of ~~\$20~~ \$25 with each registration.

(f) (1) The ~~secretary of state~~ attorney general may adopt rules and regulations necessary for the administration of ~~this the charitable organizations and solicitations act~~.

(2) All rules and regulations, orders, directives and standards of the ~~secretary of state~~ relating to the charitable organizations and solicitations act that are in effect on June 30, 2021, shall be deemed to be the rules and regulations, orders, directives and standards of the attorney general and shall continue to be effective until amended, revoked or nullified pursuant to law.

(g) A state agency or state official shall not impose any annual filing or reporting requirements on a private foundation, as defined in 26 U.S.C. § 509(a), as in effect on July 1, 2021, or a charitable trust, as defined in 26 U.S.C. § 4947(a)(1), as in effect on July 1, 2021, that are more stringent, restrictive or expansive than such requirements in the Kansas Statutes Annotated or federal law.

Sec. 14. K.S.A. 17-1764 is hereby amended to read as follows: 17-1764. (a) No person shall act as a professional fund raiser for a charitable organization or for any religious organization as described in ~~subsection (k) of K.S.A. 17-1762(k)~~, and amendments thereto, before such person has registered with the ~~secretary of state~~ attorney general or after the expiration or cancellation of such registration or any renewal of such registration.

(b) ~~Applications~~ An application for registration and ~~re-registration or renewal~~ shall be in writing and under oath in the form prescribed by the ~~secretary of state~~ attorney general. Registration or ~~re-registration~~ shall be in effect for a period of one year, or a part thereof, expiring on June 30, and may be renewed ~~upon written application, under oath, in the form prescribed by the secretary of state~~ for additional ~~one-year~~ one-year periods.

(c) Every professional fund raiser required to register ~~pursuant to this act with the attorney general~~ shall:

(1) Pay a fee of \$25 with each registration or renewal; and

(2) file an annual written report with the ~~secretary of state~~ attorney general containing such information as the ~~secretary of state~~ attorney general may require by ~~rule and regulation~~ rules and regulations adopted pursuant to K.S.A. 17-1763, and amendments thereto.

Sec. 15. K.S.A. 17-1765 is hereby amended to read as follows: 17-1765. (a) No person shall act as a professional solicitor in the employ of a professional fund raiser before such person has registered with the ~~secretary of state~~ attorney general or after the expiration or cancellation of such registration or any renewal of such registration.

(b) An application for registration or ~~re-registration~~ renewal shall be in writing; and under oath and in the form prescribed by the ~~secretary of state~~ attorney general. ~~Upon receipt of any such registration, the secretary of state shall issue a professional solicitor's license and identification number~~ Registration shall be in effect for a period of one year, or a part thereof, expiring on June 30, and may be renewed ~~upon written application, under oath, in the form prescribed by the secretary of state~~ for an additional one-year period for additional one-year periods.

(c) Upon receipt of a proper registration or renewal and payment of applicable fees, the attorney general shall issue a professional solicitor's license and identification number.

(d) Every professional solicitor required to register with the attorney general shall pay a fee of \$25 with each registration or renewal.

Sec. 16. K.S.A. 17-1766 is hereby amended to read as follows: 17-1766. All solicitations by professional solicitors shall contain the following disclosures at the point of solicitation:

(a) The name, address and telephone number of the charitable organization;

(b) the registration number, obtained pursuant to K.S.A. 17-1763, and amendments thereto, for the charitable organization;

(c) if the solicitation is made by a person acting as a professional solicitor, the registration number obtained pursuant to K.S.A. 17-1765, and amendments thereto; and

(d) that an annual financial report required by K.S.A. 17-1763, and amendments thereto, for the preceding fiscal year is on file with the ~~secretary of state~~ attorney general.

Sec. 17. K.S.A. 17-1769 is hereby amended to read as follows: 17-1769. The following acts and practices are hereby declared unlawful as applied to the planning, conduct or execution of any solicitation or charitable purpose:

(a) Operating in violation of, or failing to comply with, any of the requirements of ~~this the charitable organizations and solicitations act~~;

(b) utilizing any deceptive acts or practices whether or not any person has in fact been misled. Deceptive acts or practices include, but are not limited to, the following:

(1) The intentional use in any solicitation of exaggeration, innuendo or ambiguity as to a material fact; and

(2) the intentional failure to state a material fact, or the intentional concealment, suppression or omission of a material fact in any solicitation;

(c) utilizing any unconscionable acts or practices. An unconscionable act or practice violates ~~this the charitable organizations and solicitations act~~ whether it occurs before, during or after the solicitation.

(1) The unconscionability of an act or practice is a question for the court.

(2) In determining whether an act or practice is unconscionable, the court shall consider circumstances ~~which that~~ the charitable organization or fund raiser knew or had reason to know including, but not limited to, the following:

(A) Taking advantage of a person's inability to reasonably protect such person's interests because of the person's physical infirmity, ignorance, illiteracy, inability to understand the language of a solicitation or similar factor; and

(B) using undue pressure in soliciting;

(d) utilizing any representation that implies the contribution is for or on behalf of a charitable organization or utilizing any emblem, device or printed matter belonging to or associated with a charitable organization, without obtaining authorization in writing from the charitable organization;

(e) utilizing a name, symbol or statement so closely related or similar to that used by another charitable organization that the use thereof would tend to confuse or mislead a solicited person, whether or not any person has in fact been misled;

(f) misrepresenting or misleading any person in any manner to believe that the person on whose behalf a solicitation or charitable purpose is being conducted is a charitable organization;

(g) using donations for purposes other than those stated in an organization's articles of incorporation or current registration statements filed with the ~~secretary of state~~ attorney general;

(h) using donations for purposes other than those stated in solicitations;

(i) using donations for other than charitable purposes;

(j) misrepresenting or misleading any person in any matter, to believe that any other person or governmental unit sponsors, endorses or approves such solicitation or charitable purpose when such other person has not given consent in writing to the use of such person's name for these purposes; and

(k) utilizing or exploiting the fact of registrations so as to lead any person to believe that such registration in any manner constitutes an endorsement or approval by the state.

Sec. 18. K.S.A. 17-1771 is hereby amended to read as follows: 17-1771. Registration under ~~this the charitable organizations and solicitations act~~ shall not be deemed to constitute an endorsement by the state of Kansas of any registering charitable organization, professional fund raiser or professional solicitor. It shall be unlawful for any charitable organization, professional fund raiser or professional solicitor to represent, directly or indirectly, by advertising or any other manner, that such charitable organization, professional fund raiser or professional solicitor has registered or otherwise complied with the provisions of ~~this the charitable organizations and solicitations act~~, for the purpose of solicitation and collection of funds for charitable purposes. The ~~secretary of state~~ attorney general shall cancel the registration of any organization, professional fund raiser or professional solicitor that violates the provisions of this section.

Sec. 19. K.S.A. 17-1772 is hereby amended to read as follows: 17-1772. (a) The ~~secretary of state~~ attorney general may enter into reciprocal agreements relating to the charitable organizations and solicitations act with a like authority of any other state or states for the purpose of exchanging information made available to the ~~secretary of state~~ attorney general or to such other like authority.

(b) All reciprocal agreements entered into by the secretary of state relating to the charitable organizations and solicitations act that are in effect on

June 30, 2021, shall be deemed to be reciprocal agreements entered into by the attorney general and shall continue to be effective until amended, revoked or nullified pursuant to law.

Sec. 20. K.S.A. 46-236 is hereby amended to read as follows: 46-236. (a) No state officer or employee, candidate for state office or state officer elect shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee, candidate or state officer elect knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee, candidate or state officer elect.

(b) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to: (1) Any contribution reported in compliance with the campaign finance act; (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business; (3) any solicitation for the benefit of any charitable organization which is required to file a registration statement with the ~~secretary of state attorney general~~ pursuant to K.S.A. 17-1761, and amendments thereto, or which is exempted from filing such statement pursuant to K.S.A. 17-1762, and amendments thereto, or for the benefit of any educational institution or such institution's endowment association, if such association has qualified as a nonprofit organization under ~~paragraph (3) of subsection (c) of section 501(c)(3) of the internal revenue code of 1986, as amended;~~ (4) any solicitation for the benefit of any national nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation; or (5) any solicitation for the benefit of any national, nonprofit organization established for the purpose of serving, informing and educating elected executive branch officials in all states of the nation.

Sec. 21. K.S.A. 75-451 is hereby amended to read as follows: 75-451. The legislature finds that persons attempting to escape from actual or threatened domestic violence, sexual assault, human trafficking or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of K.S.A. 75-451 to through 75-458, ~~inclusive~~, and amendments thereto, is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual assault, human trafficking or stalking, to enable interagency cooperation with the ~~secretary of state attorney general~~ in providing address confidentiality for victims of domestic violence, sexual assault, human trafficking or stalking, and to enable state and local agencies to accept a program participant's use of an address designated by the ~~secretary of state attorney general~~ as a substitute mailing address.

Sec. 22. K.S.A. 75-452 is hereby amended to read as follows: 75-452. The following words and phrases when used in K.S.A. 75-451 to through 75-458, ~~inclusive~~, and amendments thereto, shall ~~have the meanings respectively ascribed to them herein mean~~, unless the context clearly requires otherwise:

- (a) "Abuse" means:
- (1) Causing or attempting to cause physical harm;
 - (2) placing another person in fear of imminent physical harm;
 - (3) causing another person to engage involuntarily in sexual relations by force, threats or duress, or threatening to do so;
 - (4) engaging in mental abuse, which includes threats, intimidation and acts designed to induce terror;
 - (5) depriving another person of necessary health care, housing or food; or
 - (6) unreasonably and forcibly restraining the physical movement of another.
- (b) "Confidential address" means a residential street address, school street address or work street address of an individual, as specified on the individual's application to be a program participant under K.S.A. 75-451 to through 75-458, ~~inclusive~~, and amendments thereto.
- (c) "Confidential mailing address" means an address that is recognized for delivery by the United States postal service.
- (d) "Domestic violence" means abuse committed against a victim or the victim's spouse or dependent child by:
- (1) A current or former spouse of the victim;
 - (2) a person with whom the victim shares parentage of a child in common;
 - (3) a person who is cohabitating with, or has cohabitated with, the victim;

- (4) a person who is related by blood or marriage; or
- (5) a person with whom the victim has or had a dating or engagement relationship.

(e) "Program participant" means a person certified as a program participant under K.S.A. 75-453, and amendments thereto.

(f) "Enrolling agent" means state and local agencies, law enforcement offices, nonprofit agencies and any others designated by the ~~secretary of state attorney general~~ that provide counseling and shelter services to victims of domestic violence, sexual assault, human trafficking or stalking.

(g) "Sexual assault" means an act which if committed in this state would constitute any crime defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2020 Supp. 21-6419 through 21-6422, and amendments thereto.

(h) "Stalking" means an act which if committed in this state would constitute "stalking" as defined by K.S.A. 60-31a01, and amendments thereto.

(i) "Human trafficking" means an act which if committed in this state would constitute the crime of human trafficking as defined by K.S.A. 21-3446, prior to its repeal, or K.S.A. 2020 Supp. 21-5426(a), and amendments thereto.

Sec. 23. K.S.A. 75-453 is hereby amended to read as follows: 75-453. (a) An adult person, an adult family member residing with the victim, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply by and through an enrolling agent to have an address designated by the ~~secretary of state attorney general~~ serve as the person's address or the address of the minor or incapacitated person. Program participants shall not apply directly to the ~~secretary of state attorney general~~. The ~~secretary of state attorney general~~ shall approve an application if it is filed in the manner and on the form prescribed by the ~~secretary of state attorney general~~, signed by the applicant and enrolling agent under penalty of perjury ~~and providing, and it contains all of the following:~~

(1) A statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, human trafficking or stalking and:

(i)(A) That the applicant fears for the applicant's safety or the applicant's children's safety or the safety of the minor or incapacitated person on whose behalf the application is made; or

(ii)(2) that by virtue of living with an enrolled program participant, the applicant fears that the knowledge or publication of the applicant's whereabouts will put the enrolled participant in danger.

(2) A designation of the ~~secretary of state attorney general~~ as agent for purposes of service of process and for the purpose of receipt of mail.

(3) The confidential mailing address where the applicant can be contacted by the ~~secretary of state attorney general~~, and the phone number or numbers where the applicant can be called by the ~~secretary of state attorney general~~.

(4) The confidential address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, human trafficking or stalking.

(5) Evidence that the applicant or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, human trafficking or stalking, or is an adult family member residing with the victim. This evidence may include any of the following:

(A) Law enforcement, court or other federal, state or local government records or files.

(B) Documentation from a public or private entity that provides assistance to victims of domestic violence, sexual assault, human trafficking or stalking.

(C) Documentation from a religious, medical or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual assault, human trafficking or stalking.

(D) Other forms of evidence as determined by the ~~secretary of state attorney general~~.

(6) A statement of whether there are any existing court orders involving the applicant for child support, child custody or child visitation and whether there are any active court actions involving the applicant for child support, child custody or child visitation, the name and address of legal counsel of record and the last known address of the other parent or parents involved in those court orders or court actions.

(continued)

(7) The signature of the applicant and of any individual or representative of any enrolling agent who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Applications shall be filed in accordance with procedures prescribed by the ~~secretary of state attorney general~~.

(c) Upon filing a properly completed application, the ~~secretary of state attorney general~~ shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. ~~The secretary of state shall by rule and regulation establish attorney general shall adopt rules and regulations prescribing a renewal procedure.~~

(d) Upon certification in the program, in any case where there are court orders or court actions identified in subsection (a)(6), the ~~secretary of state attorney general~~, within 10 days, shall notify the other parent or parents of the address designated by the ~~secretary of state attorney general~~ for the program participant and the designation of the ~~secretary of state attorney general~~ as agent for purpose of service of process. The notice shall be given by mail, return receipt requested, postage prepaid, to the last known address of the other parent to be notified. A copy shall also be sent to that parent's counsel of record.

(e) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, ~~shall be punishable may be prosecuted for, convicted of and punished under K.S.A. 2020 Supp. 21-5824, and amendments thereto, or other applicable statutes.~~

Sec. 24. K.S.A. 75-454 is hereby amended to read as follows: 75-454.

(a) If the program participant obtains a legal name change after being certified as a program participant, the ~~secretary of state attorney general~~ shall cancel certification of the program participant.

(b) The ~~secretary of state attorney general~~ may cancel a program participant's certification if there is a change in the residential address from the one listed on the application, unless the program participant provides the ~~secretary of state attorney general~~ with seven days' prior notice of the change of address.

(c) The ~~secretary of state attorney general~~ may cancel certification of a program participant if mail forwarded by the ~~secretary of state attorney general~~ to the program participant's address is returned as nondeliverable.

(d) The ~~secretary of state attorney general~~ shall cancel certification of a program participant who ~~applies using false information knowingly provides false or incorrect information.~~

Sec. 25. K.S.A. 75-455 is hereby amended to read as follows: 75-455.

(a) A program participant may request that state and local agencies use the address designated by the ~~secretary of state attorney general~~ as the participant's address. When creating a new public record or amending or updating an existing record, state and local agencies shall accept the address designated by the ~~secretary of state attorney general~~ as a program participant's substitute address, unless the ~~secretary of state attorney general~~ has determined that:

(1) The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under K.S.A. 75-451 to through 75-458, inclusive, and amendments thereto; and

(2) this address will be used only for those statutory and administrative purposes.

(b) A program participant may use the address designated by the ~~secretary of state attorney general~~ as the participant's work address.

(c) The ~~office of the secretary of state attorney general~~ shall forward all first class mail, and other items designated by ~~rule and regulation rules and regulations~~, to the appropriate program participants.

Sec. 26. K.S.A. 75-456 is hereby amended to read as follows: 75-456.

(a) The ~~secretary of state attorney general~~ is authorized to adopt rules and regulations for the proper implementation of K.S.A. 75-451 to through 75-458, inclusive, and amendments thereto.

(b) (1) The secretary of state shall ~~prescribe by rule and regulation adopt rules and regulations prescribing~~ voting procedures to maintain confidentiality of the addresses of program participants.

(2) *Except for rules and regulations, orders, directives and standards of the secretary of state relating to subsection (b)(1), all rules and regulations, orders, directives and standards of the secretary of state relating to K.S.A. 75-451 through 75-458, and amendments thereto, that are in effect on June 30, 2021, shall be deemed to be the rules and regulations, orders, directives*

and standards of the attorney general and shall continue to be effective until amended, revoked or nullified pursuant to law.

(c) *Except for records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the secretary of state relating to subsection (b)(1), the attorney general shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the secretary of state relating to K.S.A. 75-451 through 75-458, and amendments thereto.*

Sec. 27. K.S.A. 75-457 is hereby amended to read as follows: 75-457. The ~~secretary of state attorney general~~ shall not make any records in a program participant's file available for inspection or copying, other than the address designated by the ~~secretary of state attorney general~~, except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency in accordance with procedures prescribed by rules and regulations;

(b) if directed by a court order, to a person identified in the order; ~~or~~

(c) if requested by a state or local agency, to verify the participation of a specific program participant, in which case the ~~secretary of state attorney general~~ may only confirm participation in the program; *and*

(d) *if requested by the secretary of state for election purposes, to the secretary of state in accordance with procedures prescribed by rules and regulations.*

Sec. 28. K.S.A. 75-458 is hereby amended to read as follows: 75-458.

The ~~secretary of state attorney general~~ shall designate enrolling agents to assist persons applying to be program participants. The ~~secretary of state attorney general~~ may collaborate with enrolling agents to develop a training curriculum. Any assistance rendered to applicants by the ~~office of the secretary of state or its attorney general or the attorney general's~~ designees shall not be construed as legal advice.

Sec. 29. K.S.A. 75-759 is hereby amended to read as follows: 75-759.

(a) (1) A notice offering help to victims of human trafficking shall be accessible on the official website of the attorney general, the official website of the department for children and families and the official website of the department of labor, ~~and may~~.

(2) *The notice described in this subsection shall be posted in a prominent and accessible location in workplaces any place required to post notices pursuant to:*

(A) *The Kansas act against discrimination, K.S.A. 44-1012, and amendments thereto;*

(B) *the Kansas age discrimination in employment act, K.S.A. 44-1114, and amendments thereto;*

(C) *the Kansas child labor law, K.S.A. 38-605, and amendments thereto;*

(D) *the employment security law and rules and regulations adopted under the employment security law; or*

(E) *the workers compensation act and rules and regulations adopted under the workers compensation act.*

(3) *The notice described in this subsection shall be posted in a location visible to members of the public in the following public places:*

(A) *Sexually oriented businesses as defined by K.S.A. 12-770, and amendments thereto;*

(B) *massage parlors;*

(C) *healthcare facilities;*

(D) *convenience stores and truck stops; and*

(E) *rest areas and visitors centers under state supervision or control.*

(b) ~~The notice shall provide such information~~ *attorney general shall adopt rules and regulations prescribing the content, size and other characteristics of such notices as the attorney general determines appropriate to help and support victims of human trafficking, including, but not limited to, information regarding the national human trafficking hotline as follows:*

"If you or someone you know is being forced to engage in any activity and cannot leave — whether it is commercial sex, housework, farm work or any other activity call the toll-free National Human Trafficking Hotline at 1-888-373-7888 to access help and services. The toll-free hotline is:

• Available 24 hours a day, 7 days a week

• Operated by a nonprofit, nongovernmental organization

• Anonymous and confidential

• Accessible in 170 languages

• *Able to provide help, referral to services, training, and general information."*

(c) The notice described in this section shall be made available in English, Spanish, and, if requested by an employer, another language.

(d) The secretary of labor, in consultation with the attorney general, shall develop and implement an education plan to raise awareness among Kansas employers about the problem of human trafficking, about the hotline described in this section, and about other resources that may be available to employers, employees, and potential victims of human trafficking. ~~On or before February 1, 2014, the secretary shall report to the standing committees on judiciary in the senate and the house of representatives, respectively, on the progress achieved in developing and implementing the notice requirement and education plan required by this section.~~

Sec. 30. K.S.A. 17-1759, 17-1763, 17-1764, 17-1765, 17-1766, 17-1769, 17-1771, 17-1772, 46-236, 75-451, 75-452, 75-453, 75-454, 75-455, 75-456, 75-457, 75-458 and 75-759 and K.S.A. 2020 Supp. 17-1762 are hereby repealed.

Sec. 31. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 049180

(Published in the Kansas Register May 27, 2021.)

House Bill No. 2137

AN ACT concerning alcoholic beverages; authorizing the issuance of a license to an individual whose spouse is a law enforcement officer; eliminating the requirement of Kansas residency for licensure; providing for suspension or revocation of licenses for violations of orders issued by the director; authorizing sales on Sunday and certain holidays; authorizing the issuance of fulfillment house licenses; reducing the Kansas grown product requirement for wine and hard cider; allowing the transfer and receipt of bulk wine; allowing the transfer and receipt of bulk alcoholic liquor and cereal malt beverage for canning and bottling purposes; requiring electronic submission of gallonage taxes by special order shipping licensees; authorizing the issuance of a drinking establishment license to manufacturers under certain conditions; authorizing the sale of alcoholic liquor by class A clubs at special events; specifying requirements for serving alcoholic liquor in pitchers; requiring issuance of a cereal malt beverage retailers' license to licensed producers; allowing the sale and removal of beer and cereal malt beverage in certain containers; authorizing certain licensees under the Kansas liquor control act and the club and drinking establishment act to sell and serve cereal malt beverages; amending K.S.A. 41-2604, 41-2619 and 41-2632 and K.S.A. 2020 Supp. 41-102, 41-308, 41-308a, 41-308b, 41-311, 41-311b, 41-320a, 41-350, 41-352, 41-712, 41-718, 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2632, 41-2637, 41-2640, 41-2641, 41-2642, 41-2643, 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, 41-2655, 41-2658, 41-2659, 41-2703, 41-2704 and 41-2911 and repealing the existing sections.

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

New Section 1. (a) Before making or causing any shipment of alcoholic liquor to Kansas residents, a fulfillment house shall pay a \$50 license fee and obtain such license that will be applicable for each location that is involved in the shipping process to Kansas residents. A fulfillment house license shall commence on the date specified on the license and expire two years after such date. The holder of a fulfillment house license may only provide services for the warehousing, packaging and shipping of alcoholic liquors produced by, and belonging to, a special order shipping licensee in accordance with K.S.A. 41-350, and amendments thereto. A fulfillment house licensee shall make reasonable efforts to confirm that any winery that they ship alcoholic liquor for holds a special order shipping license and may rely on the representations of each such winery for such assurance.

(b) As part of a fulfillment house license application, the applicant shall provide any information as required by rules and regulations adopted by the director and contained in the fulfillment house license application form established by the director.

(c) If the holder of the license is an out-of-state entity, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and

amendments thereto, and any rules and regulations adopted thereunder and to accept service of any notice or order provided for in the liquor control act.

(d) (1) A fulfillment house licensee shall ensure all containers of alcoholic liquors shipped directly to an individual in this state are labeled with the name, address and license number of the fulfillment house licensee. All such containers shall contain a conspicuously printed statement of "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

(2) All containers of alcoholic liquors shipped directly to a resident of this state shall be shipped using a common carrier pursuant to K.S.A. 41-725, and amendments thereto.

(e) (1) A fulfillment house licensee shall:

(A) Maintain records of all shipments for a minimum of three years after the shipment date, that shall include the:

- (i) Name, address and license number of the special order shipping licensee;
- (ii) name and license number of the express company or common carrier;
- (iii) date of each shipment;
- (iv) carrier tracking number;
- (v) name and address of the consignee of such alcoholic liquors; and
- (vi) weight of the package and product type of alcoholic liquors shipped.

(B) Submit these records as an electronic report to the director monthly in the form and format prescribed by the director.

(2) Reports submitted pursuant to this subsection shall be open records available for public inspection in accordance with the open records act. Any information relating to the name or address of a consignee of any alcoholic liquors shall be redacted from the reports that are made available for public inspection. The provisions of this paragraph providing for the confidentiality of certain public records shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.

(f) A fulfillment house that willfully fails, neglects or refuses to file any report pursuant to subsection (e) shall be subject to a civil penalty of not more than \$100. After notice and an opportunity for hearing in accordance with the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a fulfillment house license upon a finding that the licensee has failed to comply with any provision of this section.

(g) The secretary of revenue shall adopt rules and regulations to implement, administer and enforce the provisions of this section.

(h) The provisions of this section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 2. K.S.A. 2020 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with an alcohol content greater than 0.5% alcohol by volume; and

(2) for purposes of sale at retail, any candy or other confectionery product with an alcohol content greater than 1% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, but shall not include any cereal malt beverage.

(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(e) ~~"Caterer" has the meaning provided~~ means the same as defined by K.S.A. 41-2601, and amendments thereto.

(f) ~~"Cereal malt beverage" has the meaning provided~~ means the same as defined by K.S.A. 41-2701, and amendments thereto.

(g) ~~"Club" has the meaning provided~~ means the same as defined by K.S.A. 41-2601, and amendments thereto.

(continued)

(h) "Director" means the director of alcoholic beverage control of the department of revenue.

(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(j) "Domestic beer" means beer which contains not more than 15% alcohol by weight and which is manufactured in this state.

(k) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(l) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(m) "Drinking establishment" ~~has the meaning provided means the same as defined by~~ K.S.A. 41-2601, and amendments thereto.

(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(o) "Fulfillment house" means any location or facility for any in-state or out-of-state entity that handles logistics, including warehousing, packaging, order fulfillment or shipping services on behalf of the holder of a special order shipping license issued pursuant to K.S.A. 41-350, and amendments thereto.

(p) "Hard cider" means any alcoholic beverage that:

- (1) Contains less than 8.5% alcohol by volume;
- (2) has a carbonation level that does not exceed 6.4 grams per liter; and

(3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

(~~q~~) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(~~r~~) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or re-fills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

(~~s~~) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

(~~t~~) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

(~~u~~) "Minor" means any person under 21 years of age.

(~~v~~) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

(~~w~~) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

(~~x~~) "Person" means any natural person, corporation, partnership, trust or association.

(~~y~~) "Powdered alcohol" means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a nonalcoholic liquid.

(~~z~~) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

(~~aa~~) (1) "Retailer" means a person who is licensed under the Kansas liquor control act and sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

(~~ab~~) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

(~~bc~~) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

(~~cd~~) "Sample" means a serving of alcoholic liquor that contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A "sample" of a mixed alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

(~~de~~) "Secretary" means the secretary of revenue.

(~~ef~~) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

(~~fg~~) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

(~~gh~~) "Sleeve" means a package of two or more 50-milliliter or (3.2-fluid-ounce) containers of spirits.

(~~hi~~) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(~~ij~~) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

(~~kk~~) "Temporary permit" ~~has the meaning provided means the same as defined by~~ K.S.A. 41-2601, and amendments thereto.

(~~ll~~) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. ~~The term "Wine" shall include includes~~ hard cider and any other product that is commonly known as a subset of wine.

Sec. 3. K.S.A. 2020 Supp. 41-308 is hereby amended to read as follows: 41-308. (a) Except as provided in K.S.A. 2020 Supp. 41-308d, and amendments thereto, a retailer's license shall allow the licensee to sell and offer for sale at retail and deliver in the original package, as therein prescribed, alcoholic liquor and cereal malt beverage for use or consumption off and away from the premises specified in such license.

(b) A retailer's license shall permit sale and delivery of alcoholic liquor and cereal malt beverage only on the licensed premises and shall not permit sale of alcoholic liquor and cereal malt beverage for resale in any form, except that a licensed retailer may:

(1) Sell alcoholic liquor and cereal malt beverage to a temporary permit holder for resale by such permit holder; ~~and~~

(2) sell and deliver alcoholic liquor and cereal malt beverage to a caterer or to the licensed premises of a public venue, club or drinking establishment, if such premises are in the county where the retailer's premises are located or in an adjacent county, for resale by such public venue, club, establishment or caterer; ~~and~~

(3) sell and deliver cereal malt beverage and beer containing not more than 6% alcohol by volume to the licensed premises of a cereal malt beverage retailer, as defined in K.S.A. 41-2701, and amendments thereto, who is licensed for on-premises consumption, if such cereal malt beverage premises are located in the same county, or an adjacent county to the county where the retailer's premises are located, for resale by such cereal malt beverage retailer.

(c) A retailer may:

(1) Charge a delivery fee for delivery of alcoholic liquor and cereal malt beverage to a public venue, club, drinking establishment or caterer pursuant to subsection (b)(2);

(2) charge a delivery fee for delivery of cereal malt beverage and beer containing not more than 6% alcohol by volume to a cereal malt beverage retailer pursuant to subsection (b)(3);

(3) sell lottery tickets and shares to the public in accordance with the Kansas lottery act, if the retailer is selected as a lottery retailer;

~~(3)(4)~~ include in the sale of alcoholic liquor and cereal malt beverage any goods included by the manufacturer in packaging with the alcoholic liquor or cereal malt beverage, subject to the approval of the director;

~~(4)(5)~~ distribute to the public, without charge, consumer advertising specialties bearing advertising matter, subject to rules and regulations of the secretary limiting the form and distribution of such specialties so that they are not conditioned on or an inducement to the purchase of alcoholic liquor or cereal malt beverage;

~~(5)(6)~~ store alcoholic liquor and cereal malt beverage in refrigerators, cold storage units, ice boxes or other cooling devices, and the licensee may sell such alcoholic liquor and cereal malt beverage to consumers in a chilled condition; ~~and~~

~~(6)(7)~~ sell any other good or service on the licensed premises, except that the gross sales of other goods and services, excluding fees derived from the sale of lottery tickets and revenues from sales of cigarettes and tobacco products, shall not exceed 20% of the retailer's total gross sales; ~~and~~

~~(8)~~ sell containers of beer, domestic beer and cereal malt beverage that are sold on the licensed premises to consumers and served in refillable and sealable containers for consumption off the licensed premises if such containers:

(A) Contain between 32 and 64 fluid ounces; and

(B) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container.

~~(d)~~ All alcoholic liquor, cereal malt beverage and nonalcoholic malt beverage sold by a holder of a retail license shall be subject to the liquor enforcement tax imposed by K.S.A. 79-4101, and amendments thereto.

Sec. 4. K.S.A. 2020 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 2020 Supp. 41-1201, and amendments thereto, and caterers;

(3) the manufacture for and sale of wine to holders of producer licenses as authorized by K.S.A. 2020 Supp. 41-355, and amendments thereto. Wine manufactured for a producer licensee shall be included in the farm winery licensee's annual production for purposes of subsection (c). The label for any such wine manufactured by the farm winery licensee, as filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, may be owned by either the farm winery or the producer licensee for whom the wine was manufactured;

(4) the sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(5) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection ~~(e)~~ (f), if the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(6) the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, and no drinking establishment license shall be required to make such sales;

(7) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(8) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(9) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; ~~and~~

(10) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2020 Supp. 41-350, and amendments thereto;

~~(11)~~ the transfer or receipt of wine in a bulk container or packaged wine in bond to any bonded premises pursuant to 26 U.S.C. § 5362(b)(1) and 27 C.F.R. § 24.280 through 24.284, as in effect on July 1, 2021;

~~(12)~~ the transfer or receipt of wine in a bulk container in bond to a distilled spirits plant for use in the manufacture of distilled spirits pursuant to 26 U.S.C. § 5362(b)(2), (b)(3) and (c)(6) and 27 C.F.R. § 24.280 through 24.290, as in effect on July 1, 2021;

~~(13)~~ the receipt of distilled spirits in a bulk container pursuant to 26 U.S.C. § 5214(a)(5) and 27 C.F.R. § 19.402 through 19.407, as in effect on July 1, 2021; and

~~(14)~~ the production of fortified wine with the addition of wine spirits to domestic wine if the spirits added are produced from the same kind of fruit that was used to produce the wine pursuant to 26 U.S.C. § 5382(b)(2), as in effect on July 1, 2021.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection ~~(e)~~ (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

~~(c)~~ (1) Not less than 30% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic table wine and domestic fortified wine by the farm winery.

~~(2)~~ On and after July 1, 2021, the percentage of products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery required to be grown in Kansas shall be not less than 15%.

~~(3)~~ The provisions of this subsection shall expire on January 1, 2023.

~~(d)~~ A farm winery licensee may import wine from outside Kansas for use in the production of its domestic table wine and domestic fortified wine and shall report such imports on forms prescribed by the director.

~~(d)(e)~~ A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day. If authorized by subsection (a), a farm winery may serve samples of wine manufactured by the licensee and wine imported under subsection ~~(e)~~ (f) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection ~~(e)~~ (f) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

~~(e)(f)~~ The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

~~(f)(g)~~ A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

~~(g)(h)~~ No farm winery or winery outlet shall:

(continued)

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony; or

(5) transfer wine in a bulk container to the premises of a brewery pursuant to 26 U.S.C. § 5411 and 27 C.F.R. § 25.23, as in effect on July 1, 2021.

(h)(i) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(h)(j) For purposes of this section, the terms in subsections (a)(11) through (a)(14) and (h)(5), if not otherwise defined in K.S.A. 41-102, and amendments thereto, mean the same as such terms are defined in title 27, chapter 1, subchapter A of the code of federal regulations, as in effect on July 1, 2021.

(k) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 5. K.S.A. 2020 Supp. 41-308b is hereby amended to read as follows: 41-308b. (a) A microbrewery license shall allow:

(1) The manufacture of not less than 100 nor more than 60,000 barrels of domestic beer during the calendar year and the storage thereof, if, however, the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, then the aggregate number of barrels of domestic beer manufactured by all such licensees with such common ownership shall not exceed the 60,000 barrel limit;

(2) the manufacture in the aggregate of not more than 100,000 gallons of hard cider during the calendar year and the storage thereof;

(3) the sale to beer distributors of beer and the sale to wine distributors of hard cider, manufactured by the licensee;

(4) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer and hard cider manufactured by the licensee;

(5) the sale, on the licensed premises in refillable and sealable containers to consumers for consumption off the licensed premises, of beer manufactured by the licensee, subject to the following conditions:

(A) Containers described in this paragraph shall contain not less than 32 fluid ounces and not more than 64 fluid ounces of beer; and

(B) the licensee shall affix a label to all containers sold pursuant to this paragraph clearly indicating the licensee's name and the name and type of beer contained in such container;

(6) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of beer and hard cider manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(7) if the premises is also licensed as a club or drinking establishment, the sale and transfer of domestic beer to such club or drinking establishment and the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(8) if the premises is also licensed as a caterer, the sale of domestic beer and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act;

(9) if the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, the domestic beer may be manufactured and transferred for sale or storage among such microbrewery licensees with such common ownership; and

(10) the transfer of beer and hard cider manufactured by the licensee pursuant to a contract entered into in accordance with subsection (b) to the contracting microbrewery.

(b)(1) A microbrewery may contract with one or more microbreweries for the purpose of manufacturing beer or hard cider for such other microbreweries. A microbrewery located in this state may manufacture and package beer and hard cider for a microbrewery located within or outside of Kansas.

(2) A microbrewery manufacturing beer or hard cider for another microbrewery shall be responsible for complying with all federal and state laws dealing with the manufacturing of beer and hard cider, in-

cluding labeling laws, and shall be responsible for the payment of all federal and state taxes on the beer and hard cider.

(3) Each party engaged in a contract brewing agreement must count the total amount of barrels and gallons manufactured as part of the agreement and include that total amount as part of their allowed aggregate total as provided in subsection (a).

(c)(1) Not less than 30% of the products utilized in the manufacture of hard cider by a microbrewery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic hard cider.

(2) On and after July 1, 2021, the percentage of products utilized in the manufacture of hard cider by a microbrewery required to be grown in Kansas shall be not less than 15%.

(3) The provisions of this subsection shall expire on January 1, 2023.

(d) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microbrewery licensee, the director may issue not to exceed one microbrewery packaging and warehousing facility license to the microbrewery licensee. A microbrewery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microbrewery to the licensed premises of the microbrewery packaging and warehousing facility, of beer and hard cider manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of any microbrewery of such licensee, of beer manufactured by the licensee;

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler; and

(4) the removal from the licensed premises of the microbrewery packaging and warehousing facility of hard cider manufactured by the licensee for the purpose of delivery to a licensed wine distributor.

(e) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day. If authorized by subsection (a), a microbrewery may serve samples of domestic beer and serve and sell domestic beer and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(f) The director may issue to the Kansas state fair or any bona fide group of brewers a permit to import into this state small quantities of beer. Such beer shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such beer shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of beer to be imported, the quantity to be imported, the tasting programs for which the beer is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of beer pursuant to this subsection and the conduct of tasting programs for which such beer is imported.

(g) A microbrewery license or microbrewery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(h) No microbrewery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(i) Whenever a microbrewery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

Sec. 6. K.S.A. 2020 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who is not a citizen of the United States;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) paragraph shall not apply in determining eligibility for a renewal license or to a person whose spouse is a law enforcement officer;

(13) whose spouse has been convicted of a felony or other crime which that would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act;

(14) who does not provide any data or information required by K.S.A. 2020 Supp. 41-311b, and amendments thereto; or

(15) who, after a hearing before the director, has been found to have held an undisclosed beneficial interest in any license issued pursuant to the liquor control act which that was obtained by means of fraud or any false statement made on the application for such license.

(b) No retailer's license shall be issued to:

(1) ~~A person who is not a resident of this state;~~

(2) ~~a person who has not been a resident of this state for at least four years immediately preceding the date of application;~~

(3) A person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(4)(2) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5)(3) a copartnership, unless all of the copartners are qualified to obtain a license;

(6)(4) a corporation; or

(7)(5) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners ~~shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be individually~~ eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) ~~an individual who is not a resident of this state;~~

(5) ~~an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or~~

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

(1) ~~Person who is not a resident of this state;~~

(2) ~~Person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;~~

(3)(2) person, copartnership or association which that has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(4)(3) copartnership, unless all of the copartners are qualified to obtain a license;

(5)(4) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(6)(5) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the

(continued)

provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) ~~The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1) and K.S.A. 2020 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license.~~ If the applicant is not a Kansas resident, no license shall be issued until the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

- (1) Has been convicted of a felony under the laws of this state, any other state or the United States;
- (2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;
- (3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;
- (4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or
- (5) is less than 21 years of age.

Sec. 7. K.S.A. 2020 Supp. 41-311b is hereby amended to read as follows: 41-311b. (a) If an applicant for licensure is not a resident of the state of Kansas on the date of submission of such application ~~or has not been a resident for at least one year immediately preceding the date of submission of such application,~~ the director shall *may* require the individual applicant, or if the applicant is a corporation, partnership or trust, each individual officer, director, stockholder, copartner or trustee to:

- (1) Submit to a national criminal history record check and provide the director with a legible set of fingerprints;
- (2) disclose to the director any substantial financial interest the applicant owns in any entity that receives proceeds from the sale of alcoholic beverages; and
- (3) submit a release allowing the director to have access to and review of the applicant's financial records to verify ownership and to ensure applicant is not an agent of another person. This release shall remain in effect after the license has been issued until the license is canceled or revoked.

(b) The director shall submit the fingerprints provided under subsection (a) to the Kansas bureau of investigation and to the federal bureau of investigation and receive a reply to enable the director to verify the identity of such applicant or such individuals specified in subsection (a) and whether such applicant or such individuals have been convicted of any crimes that would disqualify the applicant or such individuals from holding a license under the liquor control act. The director is authorized to use the information obtained from the national criminal history record check to determine such applicant's or individual's eligibility to hold a license under the liquor control act.

(c) All costs incurred pursuant to this section to ensure that the applicant is qualified for licensure shall be paid by the applicant.

Sec. 8. K.S.A. 2020 Supp. 41-320a is hereby amended to read as follows: 41-320a. (a) The director may suspend, involuntarily cancel or revoke any license issued pursuant to the Kansas liquor control act if, after notice and an opportunity for a hearing, the director determines that the licensee has:

- (1) Fraudulently obtained the license by providing false information on the application therefor, or at any hearing thereon;
- (2) violated any of the provisions of the Kansas liquor control act, ~~or any rules or regulations adopted pursuant to such act or any lawful order issued by the director;~~ or
- (3) become ineligible to obtain a license or permit under K.S.A. 41-311 or K.S.A. 2020 Supp. 41-311b, and amendments thereto.

(b) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 9. K.S.A. 2020 Supp. 41-350 is hereby amended to read as follows: 41-350. (a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" have the meaning ascribed to these terms in K.S.A. 41-102, and amendments thereto.

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of \$100. The license term for a special order shipping license shall commence on the date ~~the license is issued by the director specified on the license~~ and shall end two years after that date.

(2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that he or she is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control, or the director's designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to comply with any provision of this section or K.S.A. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 41-501 et seq., and amendments thereto, shall *on a quarterly basis electronically* remit such taxes ~~annually~~ in a manner prescribed by the secretary and shall accompany such remittance with ~~such any~~ reports, documentation ~~and~~ or other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and amendments thereto, and any related laws and rules and regulations

and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.

(i) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 10. K.S.A. 2020 Supp. 41-352 is hereby amended to read as follows: 41-352. (a) Any manufacturer or supplier of alcoholic liquor or cereal malt beverage, whether licensed in this state or any other state, or a holder of a distilled spirits plant permit issued by the alcohol and tobacco tax and trade bureau of the United States department of treasury may apply for an annual packaging and warehousing facility permit. The application shall be on a form prescribed by the director and shall include all information the director deems necessary.

(b) A packaging and warehousing facility permit shall allow the:

(1) ~~The~~ Transfer of alcoholic liquor or cereal malt beverage to the licensed premises of a packaging and warehousing facility for the purpose of packaging or storage, or both;

(2) ~~the~~ sale and transfer from the licensed premises of a packaging and warehousing facility to the licensed premises of a spirits, wine or beer distributor licensed in Kansas or to a Kansas supplier; ~~and~~

(3) ~~the~~ transfer from the licensed premises of a packaging and warehousing facility to another state; ~~and~~

(4) ~~receipt and transfer of alcoholic liquor in a bulk container from any manufacturer, supplier, farm winery, microbrewery or microdistillery of alcoholic liquor or cereal malt beverage, whether licensed in this state or any other state, for purposes of packaging in cans or bottles.~~

(c) The annual fee for a packaging and warehousing facility permit shall be \$2,500.

(d) Each brand and label of alcoholic liquor or cereal malt beverage that is intended for sale to distributors in Kansas and is transported, packaged or stored at a licensed packaging and warehousing facility must be registered in accordance with the provisions of K.S.A. 41-331, and amendments thereto.

(e) The tax imposed pursuant to K.S.A. 41-501, and amendments thereto, shall be paid on alcoholic liquor or cereal malt beverage imported into this state under a packaging and warehousing facility permit only if the alcoholic liquor or cereal malt beverage is sold to a distributor for sale at wholesale in this state and shall be paid by the distributor who purchases the alcoholic liquor or cereal malt beverage for sale at wholesale.

(f) *For purposes of this section, the terms in subsections (a) and (b)(4), if not otherwise defined in K.S.A. 41-102, and amendments thereto, mean the same as such terms are defined in title 27, chapter I, subchapter A of the code of federal regulations, as in effect on July 1, 2021.*

(g) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 11. K.S.A. 2020 Supp. 41-712 is hereby amended to read as follows: 41-712. (a) Within any city where the days of sale at retail of alcoholic liquor in the original package have not been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, ~~and within any township where the days of sale at retail of alcoholic liquor in the original package have not been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto;~~ no person shall sell at retail any alcoholic liquor in the original package: (1) On Sunday; (2) on ~~Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day;~~ or (3) before 9 a.m. or after 11 p.m. on any day when the sale is permitted. The governing body of any city by ordinance may require the closing of premises prior to 11 p.m., but such ordinance shall not require closing prior to 8 p.m.

(b) Within any city where the days of sale at retail of alcoholic liquor in the original package have been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not been subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and within any township where the days of sale at retail of alcoholic liquor in the original package have been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not been subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, no person shall sell at retail alcoholic liquor in the original package: (1) On Sunday ~~before 12 noon or after not earlier than 9 a.m. and not later than 8 p.m.;~~ (2) on Easter Sunday, Thanksgiving Day or Christmas Day; or (3) before 9 a.m. or after 11

p.m. on any day when the sale is permitted. The governing body of any city by ordinance may require the closing of premises prior to 11 p.m., but such ordinance shall not require closing prior to 8 p.m.

Sec. 12. K.S.A. 2020 Supp. 41-718 is hereby amended to read as follows: 41-718. (a) No person except a manufacturer, distributor, microbrewery, microdistillery, farm winery or wholesaler shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor.

(b) No person shall have in the person's possession for sale at retail any bottles, casks or other containers containing alcoholic liquor, except in original packages.

(c) *This section shall not apply to the sale of beer, domestic beer or cereal malt beverage by a retailer in accordance with K.S.A. 41-308(c)(8), and amendments thereto.*

Sec. 13. K.S.A. 2020 Supp. 41-1201 is hereby amended to read as follows: 41-1201. (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption on licensed or unlicensed premises, or on premises that are otherwise subject to a separate temporary permit, that may be open to the public, subject to the terms of such permit. A temporary permit shall also authorize the permit holder to sell, in accordance with rules and regulations adopted by the secretary, alcoholic liquor at a charitable auction, or one or more limited issue porcelain containers containing alcoholic liquor.

(b) A temporary permit holder may charge a fee for entrance into the premises described in the permit, or any portion thereof.

(c) The director may issue a temporary permit to any one or more persons or organizations applying for such a permit, in accordance with rules and regulations of the secretary. The permit shall be issued in the names of the persons or organizations to which it is issued.

(d) Applications for temporary permits shall be required to be filed with the director not less than 14 days before the event for which the permit is sought, unless the director waives such requirement for good cause. The application shall be upon a form prescribed by the director. Each application shall be electronically submitted and accompanied by a non-refundable permit fee of \$25 for each day for which the permit is issued, and such fee shall be paid by a check or credit card in the full amount thereof. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(e) Each application for a temporary permit shall specify the premises for which ~~they are~~ such permit is issued, including a diagram of the premises covered by the temporary permit. The diagram shall clearly show the boundaries of the premises, entrances to and exits from the premises and the area in which the service of alcoholic liquor or cereal malt beverage would take place. A temporary permit shall be issued only for premises where the city, county or township zoning code allows the use for which the permit is issued. No temporary permit shall be issued for premises that are not located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, to adopt the proposition amending section 10 of article 15 of the constitution of the state of Kansas at the general election in November, 1986; or

(B) have approved a proposition to allow the sale of liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(f) (1) (A) A temporary permit may be issued for the consumption of alcoholic liquor or cereal malt beverage on a city, county or township street, alley, road, sidewalk or highway for an event if: ~~(A)~~ (i) Such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body of such city, county or township for such event; ~~(B)~~ (ii) a written request for such consumption and possession of such alcoholic liquor or cereal malt beverage has been made to the local governing body; and ~~(C)~~ (iii) the event has been approved by the governing body of such city, county or township by ordinance or resolution.

(B) The boundaries of any such event shall be clearly marked by signs, a posted map or other means ~~which~~ that reasonably identify the area in which alcoholic liquor or cereal malt beverage may be possessed or consumed at such event.

(continued)

(2) Drinking establishments that are immediately adjacent to, or located within the licensed premises of an event, for which a temporary permit has been issued and the consumption of alcoholic liquor or *cereal malt beverage* on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the event, for the duration of the temporary permit issued for such event.

(3) Each licensee selling alcoholic liquor or *cereal malt beverage* for consumption on the premises of an event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor or *cereal malt beverage*.

(4) Each temporary permit holder selling alcoholic liquor or *cereal malt beverage* for consumption on the permit premises shall be liable for all violations of laws governing the sale and consumption of alcoholic liquor and *cereal malt beverage* that occur in areas covered by multiple temporary permits.

(g) (1) Except as otherwise provided in this subsection, a temporary permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which shall be specified in the permit. An applicant may not be issued more than four temporary permits in a calendar year.

(2) The director may issue a sufficient number of temporary permits as required by the state fair board, valid for the entire period of time of the Kansas state fair, ~~which that~~ authorizes the sale of wine in its original, unopened container and the serving by the drink of wine or, beer; or ~~both~~ *cereal malt beverage, or any combination thereof*, on the state fairgrounds on premises specified in the temporary permit, by a person who has entered into an agreement with the state fair board for that purpose subject to the conditions imposed by the state fair board. Nothing in this paragraph shall be construed to limit the number of temporary permits the director may issue for the sale of wine or, beer; or ~~both~~ *cereal malt beverage, or any combination thereof*, on the state fairgrounds consistent with the requirements of the state fair board.

(3) For an event approved by the governing body of a city, county or township pursuant to subsection (e)(1), the director may issue a temporary permit, ~~which that~~ may, at the director's discretion, be valid for the entire period of such event, but in no event shall such permit be issued for a period of time that exceeds 30 consecutive days.

(h) An application for a temporary permit may be rejected by the director if:

(1) The applicant has been granted four permits in the current calendar year;

(2) the application was not filed with the director at least 14 days prior to the event;

(3) the applicant, or any officer, director, partner, registered agent, trustee, manager or owner of the applicant has previously owned or operated any entity holding a temporary permit, club, drinking establishment or caterer's license, had such permit or license surrendered, and at the time such permit or license was surrendered had been ordered to appear and show cause why the permit or license should not be revoked or suspended;

(4) the applicant has designated an area for an event that was the subject of the order to appear and show cause as set forth in paragraph (3), and it appears that the new application for a temporary permit covering the premises is an attempt to avoid any possible remedial action taken by the director against the former permit or license holder; or

(5) the applicant has had a license or permit revoked under the club and drinking establishment act, or has been convicted of a violation of the Kansas liquor control act, the club and drinking establishment act, the Kansas cereal malt beverage act or the provisions of K.S.A. 79-41a01 et seq., and amendments thereto.

(i) (1) A temporary permit holder may purchase and possess alcoholic liquor or *cereal malt beverage* for resale for a period of three days prior to the first day of sale of such alcoholic liquor or *cereal malt beverage*. A distributor may, without any further permission from the director, deliver such alcoholic liquor or *cereal malt beverage* to the permit premises.

(2) If a licensee has sold alcoholic liquor or *cereal malt beverage* to a temporary permit holder, and a distributor directly delivers such alcoholic liquor or *cereal malt beverage* to such temporary permit holder, but such licensee's normal hours of operation make immediate payment to the distributor impossible, the licensee may pay the retailer and the retailer may pay the distributor for such alcoholic liquor or *cereal malt beverage* within 48 hours of the sale.

(3) Within three business days after the end of an event conducted pursuant to a temporary permit, the temporary permit holder may sell

back to the retailer or farm winery from whom alcoholic liquor or *cereal malt beverage* was purchased any alcoholic liquor or *cereal malt beverage* sold to the temporary permit holder for such event.

(4) Upon written permission from the director and after four business days after the end of an event conducted pursuant to a temporary permit, the temporary permit holder may sell back to the licensee from whom alcoholic liquor or *cereal malt beverage* was purchased any alcoholic liquor or *cereal malt beverage* sold to the temporary permit holder for such event.

(j) A temporary permit shall not be transferable or assignable.

(k) Each temporary permit holder shall not employ or use the services of any person:

(1) Who is under ~~the age of~~ 18 years of age to serve alcoholic liquor or *cereal malt beverage*;

(2) who is under ~~the age of~~ 21 years of age to mix or dispense drinks containing alcoholic liquor or *cereal malt beverage*;

(3) who is under ~~the age of~~ 21 years of age and not supervised by the temporary permit holder or an employee who is at least 21 years of age;

(4) who has been convicted of a felony or of any crime involving a morals charge to dispense, mix or serve alcoholic liquor or *cereal malt beverage*; or

(5) who has been convicted within the previous two years of a violation of any intoxicating liquor law of this state, any other state or the United States; to dispense, mix or serve alcoholic liquor or *cereal malt beverage*.

Sec. 14. K.S.A. 2020 Supp. 41-1202 is hereby amended to read as follows: 41-1202. (a) A temporary permit holder shall only purchase alcoholic liquor or *cereal malt beverage* from a retailer or a farm winery and may receive delivery of such alcoholic liquor or *cereal malt beverage* from a distributor.

(b) Temporary permit holders shall only purchase alcoholic liquor or *cereal malt beverage* from a retailer who possesses a federal wholesaler's basic permit and who has a sign on display at the licensed premises that states that the licensee is a "Wholesale Liquor Dealer Under Federal Law." All alcoholic liquor or *cereal malt beverage* purchased on any one day shall be removed from the licensed premises of the retailer or farm winery within 48 hours. Temporary permit holders shall not warehouse any alcoholic liquor or *cereal malt beverage* on the licensed premises of any retailer or farm winery for more than 48 hours.

(c) Each temporary permit holder, when purchasing alcoholic liquor or *cereal malt beverage* from a retailer or farm winery, shall obtain and keep for at least one year from the date of purchase a sales receipt that contains the following information:

(1) The date of purchase;

(2) the name and address of the retailer or farm winery;

(3) the name and address of the temporary permit holder as it appears on the temporary permit;

(4) the brand, size, proof and amount of all alcoholic liquor or *cereal malt beverage* purchased; and

(5) the subtotal of the cost of all alcoholic liquor or *cereal malt beverage* purchased, and the total cost of such purchase, including enforcement tax.

(d) Each temporary permit holder shall be responsible for all violations of the club and drinking establishment act by the following people while on the permit premises:

(1) An employee of the temporary permit holder, or of any person contracting with the temporary permit holder to provide services or food in connection with an event; or

(2) any individual dispensing, mixing or serving alcoholic liquor or *cereal malt beverage* at an event.

(e) Except for a temporary permit holder who has obtained such permit for the sale of alcoholic liquor at a charitable auction or for the sale of one or more limited issue porcelain containers containing alcoholic liquor, no temporary permit holder shall sell alcoholic liquor or *cereal malt beverage* for removal from or consumption off the licensed premises, except that alcoholic liquor or *cereal malt beverage* may be removed to a drinking establishment that has extended its premises into the event area in accordance with K.S.A. 41-2608, and amendments thereto.

(f) The boundary of any premises covered by a temporary permit shall be marked by a line of demarcation.

Sec. 15. K.S.A. 2020 Supp. 41-1203 is hereby amended to read as follows: 41-1203. (a) All alcoholic liquor or *cereal malt beverage* sold at an event covered by a temporary permit shall be dispensed only from original containers.

(b) An individual may carry an original container of alcoholic liquor or cereal malt beverage onto the event premises with the approval of the temporary permit holder and under the following conditions:

(1) The temporary permit holder shall not store any such containers of alcoholic liquor or cereal malt beverage on the event premises; and

(2) each individual carrying any such container onto the event premises shall remove such container when the individual exits the event premises.

Sec. 16. K.S.A. 2020 Supp. 41-1204 is hereby amended to read as follows: 41-1204. Notwithstanding any other provisions of the Kansas liquor control act or the club and drinking establishment act to the contrary, any person or entity who is issued a temporary permit may provide samples of wine, beer, cereal malt beverage and distilled spirits on the permit premises as follows:

(a) All wine, beer, cereal malt beverage and distilled spirits sampled shall come from the inventory of the temporary permit holder. Except as provided by paragraph (2) subsection (b), a person other than the temporary permit holder, or such permit holder's agent or employee, may not dispense or participate in the dispensing of alcoholic beverages liquor or cereal malt beverage under this section.

(b) A supplier's permit holder, or such permit holder's agent or employee, may provide samples of wine, beer, cereal malt beverage and distilled spirits on the permit premises, and may open, touch or pour such alcoholic liquor or cereal malt beverage, make a presentation, or answer questions at such sampling events. Any alcoholic liquor or cereal malt beverage sampled under this subsection must be purchased from a retailer or the temporary permit holder on whose premises the sampling event is held.

(c) No charge of any sort may be made for a sample serving.

(d) A person may be served more than one sample. Samples may not be served to a minor. No samples may be removed from the permit premises.

(e) The act of providing samples to consumers shall be exempt from the requirement of holding a Kansas food service dealer license from the department of agriculture under the provisions of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 17. K.S.A. 2020 Supp. 41-2601 is hereby amended to read as follows: 41-2601. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings mean the same as provided by K.S.A. 41-102, and amendments thereto:

- (1) "Alcoholic liquor";
- (2) "director";
- (3) "original package";
- (4) "person";
- (5) "sale"; and
- (6) "to sell."

(b) "Beneficial interest" shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) "Caterer" means an individual, partnership or corporation which that sells alcoholic liquor or cereal malt beverage by the individual drink, and provides services related to the serving thereof, on unlicensed premises which that may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor or cereal malt beverage in accordance with the terms of such permit.

(d) "Cereal malt beverage" has the meaning means the same as provided by K.S.A. 41-2701, and amendments thereto.

(e) "Class A club" means a premises which that is owned or leased by a corporation, partnership, business trust or association and which that is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guests accompanying them, as provided in K.S.A. 41-2637, and amendments thereto.

(f) "Class B club" means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) "Club" means a class A or class B club.

(h) "Drinking establishment" means premises which that may be open to the general public, where alcoholic liquor or cereal malt beverage by the individual drink is sold. The term "Drinking establishment" includes a railway car.

(i) "Food" means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(j) "Food service establishment" has the meaning means the same as provided by K.S.A. 36-501, and amendments thereto.

(k) "Hotel" has the meaning means the same as provided by K.S.A. 36-501, and amendments thereto.

(l) "Individual drink" means a beverage containing alcoholic liquor or cereal malt beverage served to an individual for consumption by such individual or another individual, but which is not intended to be consumed by two or more individuals. The term "individual drink" includes beverages containing not more than:

- (1) Eight ounces of wine;
- (2) thirty-two ounces of beer or cereal malt beverage; or
- (3) four ounces of a single spirit or a combination of spirits.

(m) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which that requires the use of a key, magnetic card or similar device.

(n) "Minor" means a person under 21 years of age.

(o) "Morals charge" means a charge involving the sale of sexual relations; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(p) "Municipal corporation" means the governing body of any county or city.

(q) "Public venue" means an arena, stadium, hall or theater, used primarily for athletic or sporting events, live concerts, live theatrical productions or similar seasonal entertainment events, not operated on a daily basis, and containing:

- (1) Not less fewer than 4,000 permanent seats; and
- (2) not less fewer than two private suites, which that are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier.

(r) "Railway car" means a locomotive drawn conveyance used for the transportation and accommodation of human passengers that is confined to a fixed rail route and which derives from sales of food for consumption on the railway car not less than 30% of its gross receipts from all sales of food and beverages in a 12-month period.

(s) "Restaurant" means:

(1) In the case of a club, a licensed food service establishment which that, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment which that, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

(3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment.

(t) "RV resort" means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered for pay, primarily to transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

(u) "Sample" means a serving of alcoholic liquor or cereal malt beverage that contains not more than:

- (1) One-half ounce of distilled spirits;
- (2) one ounce of wine; or
- (3) two ounces of beer or cereal malt beverage.

A sample of a mixed alcoholic beverage shall contain not more than 1/2 ounce of distilled spirits.

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

(w) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 2020 Supp. 41-1201, and amendments thereto.

Sec. 18. K.S.A. 41-2604 is hereby amended to read as follows: 41-2604. (a) Any person allowing consumption of alcoholic liquor or cereal malt beverage in violation of this act on any property owned, leased or

(continued)

otherwise under ~~his~~ *such person's* control shall thereby subject ~~himself~~ *such person* and the property on which ~~said~~ *such* illegal consumption takes place to the penalties ~~hereinafter~~ provided in *this section*.

(a)(b) The person allowing such consumption shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed ~~five hundred dollars (\$500)~~ \$500 or confinement in the county jail not to exceed ~~six (6)~~ months, or both such fine and imprisonment.

(b)(c) The property on which the violation takes place is declared to be a public nuisance, and as such is subject to abatement as provided for any other liquor nuisance in K.S.A. 41-805, *and amendments thereto*.

Sec. 19. K.S.A. 2020 Supp. 41-2608 is hereby amended to read as follows: 41-2608. (a) Any public venue, club or drinking establishment license issued pursuant to this act shall be for one particular premises ~~which that~~ shall be stated in the application and in the license. Not more than one premises licensed under the club and drinking establishment act shall exist at a single legal address.

(b) No license shall be issued for a public venue, club or drinking establishment unless the city, township or county zoning code allows a club or drinking establishment at that location.

(c) The licensed premises of a license may be extend into a city, county or township street, alley, road, sidewalk or highway if:

(1) Such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body of such city, county or township at any time during which alcoholic liquor *or cereal malt beverage* is to be sold or consumed; and

(2) such extension has been approved by the city, county or township by ordinance or resolution that specifies the exact times during which alcoholic liquor *or cereal malt beverage* may be sold or consumed on the street, alley, road, sidewalk or highway.

Sec. 20. K.S.A. 2020 Supp. 41-2610 is hereby amended to read as follows: 41-2610. It shall be unlawful for any licensee or holder of a temporary permit under this act to:

(a) Employ any person under the age of 18 years in connection with the serving of alcoholic liquor *or cereal malt beverage*.

(b) Employ knowingly or continue in employment any person in connection with the dispensing or serving of alcoholic liquor *or cereal malt beverage* or the mixing of drinks containing alcoholic liquor *or cereal malt beverage* who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other state, or of the United States.

(c) Knowingly employ or continue to employ any person in connection with the dispensing or serving of alcoholic liquor *or cereal malt beverage*, or the mixing of drinks containing alcoholic liquor *or cereal malt beverage*, who has been adjudged guilty of two or more violations of K.S.A. 2020 Supp. 21-5607, and amendments thereto, furnishing alcoholic liquor *or cereal malt beverage* to minors or a similar law of any other state, or of the United States, pertaining to furnishing alcoholic liquor *or cereal malt beverage* to minors within the immediately preceding five years, or who has been adjudged guilty of three or more violations of any intoxicating liquor law of this or any other state, or of the United States, not involving the furnishing of alcoholic liquor *or cereal malt beverage* to minors within the immediately preceding five years.

(d) In the case of a club, fail to maintain at the licensed premises a current list of all members and their residence addresses or refuse to allow the director, any of the director's authorized agents or any law enforcement officer to inspect such list.

(e) Purchase alcoholic liquor *or cereal malt beverage* from any person except from a person authorized by law to sell such alcoholic liquor *or cereal malt beverage* to such licensee or permit holder.

(f) Permit any employee of the licensee or permit holder who is under the age of 21 years to work on premises where alcoholic liquor *or cereal malt beverage* is sold by such licensee or permit holder at any time when not under the on-premises supervision of either the licensee or permit holder, or an employee who is 21 years of age or over.

(g) Employ any person under 21 years of age in connection with the mixing or dispensing of drinks containing alcoholic liquor *or cereal malt beverage*.

Sec. 21. K.S.A. 2020 Supp. 41-2611 is hereby amended to read as follows: 41-2611. The director may suspend, involuntarily cancel or revoke any license issued pursuant to the club and drinking establishment act for any one or more of the following reasons:

(a) The licensee has fraudulently obtained the license by giving false information in the application therefor or any hearing thereon.

(b) The licensee has violated any of the provisions of ~~this the club~~

and drinking establishment act or, any rules or regulations adopted ~~here~~ *under pursuant to such act or any lawful order issued by the director*.

(c) The licensee has become ineligible to obtain a license or permit under this act.

(d) The licensee's manager or employee has been intoxicated while on duty.

(e) The licensee, or its manager or employee, has permitted any disorderly person to remain on premises where alcoholic liquor *or cereal malt beverage* is sold by such licensee.

(f) There has been a violation of a provision of the laws of this state, or of the United States, pertaining to the sale of intoxicating or alcoholic ~~liquors~~ *liquor* or cereal ~~malt beverages~~ *beverage*, or any crime involving a morals charge, on premises where alcoholic liquor *or cereal malt beverage* is sold by such licensee.

(g) The licensee, or its managing officers or any employee, has purchased and displayed, on premises where alcoholic liquor *or cereal malt beverage* is sold by such licensee, a federal wagering occupational stamp issued by the United States treasury department.

(h) The licensee, or its managing officers or any employee, has purchased and displayed, on premises where alcoholic liquor *or cereal malt beverage* is sold by such licensee, a federal coin operated gambling device stamp for the premises issued by the United States treasury department.

(i) The licensee holds a license as a class B club, drinking establishment or caterer and:

(1) Has been found guilty of a violation of article 10 of chapter 44 of the Kansas Statutes Annotated, and amendments thereto, under a decision or order of the Kansas human rights commission ~~which that~~ has become final; or

(2) such licensee has been found guilty of a violation of K.S.A. 21-4003, prior to its repeal, or K.S.A. 2020 Supp. 21-6102, and amendments thereto.

(j) There has been a violation of K.S.A. 21-4106 or 21-4107, prior to their repeal, or K.S.A. 2020 Supp. 21-6204, and amendments thereto, on premises where alcoholic liquor *or cereal malt beverage* is sold by such licensee.

Sec. 22. K.S.A. 2020 Supp. 41-2613 is hereby amended to read as follows: 41-2613. The right of immediate entry to and inspection of any premises licensed as a public venue, club or drinking establishment or any premises where alcoholic liquor *or cereal malt beverage* is sold by a holder of a temporary permit, or any premises subject to the control of any licensee or temporary permit holder, by any duly authorized officer or agent of the director, or by any law enforcement officer, shall be a condition on which every license or temporary permit is issued, and the application for, and acceptance of, any license or temporary permit shall conclusively be deemed to be the consent of the applicant and licensee or permit holder to such immediate entry and inspection. Such right of immediate entry and inspection shall be at any time when the premises are occupied and is not limited to hours when the club or drinking establishment is open for business. Such consent shall not be revocable during the term of the license or temporary permit. Refusal of such entry shall be grounds for revocation of the license or temporary permit.

Sec. 23. K.S.A. 2020 Supp. 41-2614 is hereby amended to read as follows: 41-2614. (a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor *or cereal malt beverage* on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor *or cereal malt beverage* between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

Sec. 24. K.S.A. 41-2619 is hereby amended to read as follows: 41-2619. The existence of any place for which a license or temporary permit has not been issued pursuant to this act and which purports, or is held out to the public or to any person by the proprietors or their agents or employees, to be a place where alcoholic liquor *or cereal malt beverage* is sold by the individual drink, shall be deemed to be sufficient probable cause for any judge of the district court to issue a search warrant to any law enforcement officer of the state or a subdivision of the state

for the purpose of searching such place for alcoholic liquor or *cereal malt beverage* being sold, possessed or consumed in violation of this act, any other law of the state or any ordinance of a municipal subdivision of the state.

Sec. 25. K.S.A. 2020 Supp. 41-2623 is hereby amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

(1) Any person described in K.S.A. 41-311(a)(1), (2), (4), (5), (6), (7), (8), (9), (12), (13) or (15), and amendments thereto, except that the provisions of ~~subsection K.S.A. 41-311(a)(7) of such section, and amendments thereto~~, shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) ~~A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.~~

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors *liquor or cereal malt beverage* or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment ~~which that~~ is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments ~~which that~~ are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) Any person who has a beneficial interest in a microbrewery, microdistillery or farm winery licensed pursuant to the Kansas liquor control act may be issued any or all of the following: (1) Class B club license; (2) drinking establishment license; and (3) caterer's license.

(F) ~~Any person who has a beneficial interest in a manufacturer licensed pursuant to the Kansas liquor control act may be issued one drinking establishment license.~~

~~(5)~~(4) A copartnership, unless all of the copartners are qualified to obtain a license.

~~(6)~~(5) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship ~~and residence~~ requirements.

~~(7)~~(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation ~~which that~~:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

~~(8) A corporation organized under the laws of any state other than this state.~~

~~(9)~~(7) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of K.S.A. 41-311(a)(6), and amendments thereto, shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) a person who does not own the premises for which a license is sought, or does not, at the time the application is submitted, have a written lease thereon, except that an applicant seeking a license for a premises ~~which that~~ is owned by a city or county, or is a stadium, arena, convention center, theater, museum, amphitheater or other similar premises may submit an executed agreement to provide alcoholic beverage services at the premises listed in the application in lieu of a lease.

~~(2) A person who is not a resident of the county in which the premises sought to be licensed are located.~~

Sec. 26. K.S.A. 41-2632 is hereby amended to read as follows: 41-2632. (a) As used in this section:

(1) ~~The word "Distributor"~~ means a person, firm, association or corporation ~~which that~~ is the holder of an alcoholic liquor distributor's license issued under the Kansas liquor control act;

(2) ~~the word "retailer"~~ means a person, copartnership or association ~~which that~~ is the holder of a retailer's license issued under the Kansas liquor control act; and

(3) ~~the word "manufacturer" shall have the meaning ascribed to it by means the same as such term is defined in K.S.A. 41-102, and amendments thereto.~~

(b) It shall be unlawful for a distributor of alcoholic liquor, or a manufacturer, or any officer, agent or employee thereof, to influence, coerce or induce or attempt to influence, coerce or induce, either directly or indirectly, any holder of a license issued under this act, or any officer, agent or employee of the holder of such a license, to: (1) Purchase any particular brand or kind of alcoholic liquor to be dispensed by the licensee, except that a distributor or manufacturer may provide to a licensee information regarding the availability of brands in the market and things of value as authorized by ~~subsection (d) of K.S.A. 41-703(d)~~, and amendments thereto; or (2) purchase from a particular retailer alcoholic liquor to be dispensed by the licensee.

(c) Violation of this section is a misdemeanor punishable by a fine of not less than \$100 nor more than \$1,000 or by imprisonment for not more than six months, or by both.

(d) ~~The provisions of this section shall not apply to any manufacturer who holds a drinking establishment license with respect to purchases made by such drinking establishment.~~

Sec. 27. K.S.A. 2020 Supp. 41-2637 is hereby amended to read as follows: 41-2637. (a) A license for a class A club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor or *cereal malt beverage* for consumption on the licensed premises by members and their families, and guests accompanying them; ~~and~~ (2) serve samples of alcoholic liquor or *cereal malt beverage* free of charge for consumption by members and their families and guests accompanying them; ~~and~~ (3) offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by individuals other than those individuals specified in paragraph (1) during an event held in accordance with subsection (d).

(b) No charge of any sort may be made for a sample serving. Samples may not be served to a minor. No samples may be removed from the licensed premises. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

~~(b)(c)~~ (1) Subject to the provisions of subsection ~~(b)(2)~~ (c)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs ~~which that~~ are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club ~~which that~~ is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club ~~which that~~ is a party to such agreement, alcoholic liquor or *cereal malt beverage* for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

~~(c)~~(d) (1) A licensee may offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by individuals other than members of the licensee, their families or guests during an event. The licensee shall provide electronic notification to the director at least 48 hours prior to any such event. The director shall make the electronic notification available to local law enforcement. Such notice shall consist of the date, time, location and the names of the contracting parties of the event. The licensee shall retain all documents for a period of three years for inspection by the director. The documents retained shall include agreements, receipts and records of alcohol purchased.

(2) For purposes of this subsection, the term "event" means any function, occasion, celebration or other event held on the licensed premises for a specified duration of time and during which individuals who are not members of the licensee, their families or guests are permitted to enter and use the licensed premises pursuant to an agreement between the licensee and the contracting party.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container.

(continued)

Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 28. K.S.A. 2020 Supp. 41-2640 is hereby amended to read as follows: 41-2640. (a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;

(3) sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;

(4) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes;

(5) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(6) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (5).

(b) No public venue, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;

(3) sell or serve alcoholic liquor in glass containers to customers in the general admission area;

(4) sell or serve more than two drinks per customer at any one time in the general admission area;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes;

(6) sell, offer to sell or serve free of charge any form of powdered alcohol, as defined in K.S.A. 41-102, and amendments thereto; or

(7) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (6).

(c) A public venue, club, drinking establishment, caterer or holder of a temporary permit may:

(1) Offer free food or entertainment at any time;

(2) sell or deliver wine by the bottle or carafe;

(3) sell, offer to sell and serve individual drinks at different prices throughout any day;

(4) sell or serve beer or cereal malt beverage or mixed alcoholic beverage in a pitcher capable of containing not more than 64 fluid ounces; or

(5) offer samples of alcohol liquor free of charge as authorized by this act; or

(6) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces.

(d) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor. The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.

(e) (1) A public venue, club or drinking establishment may offer customer self-service of beer or wine, or both, from automated devices on licensed premises so long as the licensee monitors and has the ability to control the dispensing of such beer or wine, or both, from the automated devices.

(2) (A) For purposes of this subsection, "automated device" shall mean any mechanized device capable of dispensing wine or beer, or both, directly to a customer in exchange for compensation that a licensee has received directly from the customer.

(B) No licensee shall allow an automated device to be used on its licensed premises without first providing written or electronic notification to the director of the licensee's intent to use the automated device.

The licensee shall provide this notification at least 48 hours before any automated device is used on the licensed premises.

(C) Each licensee offering customer self-service of wine or beer, or both, from any automated device shall provide constant video monitoring of the automated device at all times during which the licensee is open to the public. The licensee shall keep recorded footage from the video monitoring for at least 60 days and shall provide the footage, upon request, to any agent of the director or other authorized law enforcement agent.

(D) The compensation required by subsection (a) shall be in the form of a programmable, prepaid access card containing a fixed amount of monetary credit that may be directly exchanged for beer or wine dispensed from the automated device. Access cards may be sold, used or reactivated only during a business day. Each access card shall be purchased from the licensee by a customer. A licensee shall not issue more than one active access card to a customer. For purposes of this subsection, an access card shall be deemed active if the access card contains monetary credit or has not yet been used to dispense 15 ounces of wine or 32 ounces of beer. Each purchase of an access card under this subparagraph shall be subject to the liquor drink tax imposed by K.S.A. 79-41a02, and amendments thereto.

(E) In order to obtain a prepaid access card from a licensee, each customer shall produce a valid driver's license, identification card or other government-issued document that contains a photograph of the individual and demonstrates that the individual is at least 21 years of age. Each access card shall be programmed to require the production of the customer's valid identification before the access card can be used for the first time during any business day or for any subsequent reactivation as provided in subparagraph (D).

(F) Each access card shall become inactive at the end of each business day.

(G) Each access card shall be programmed to allow the dispensing of no more than 15 ounces of wine or 32 ounces of beer to a customer. Once an access card has been used to dispense 15 ounces of wine or 32 ounces of beer to a customer, the access card shall become inactive. Any customer in possession of an inactive access card may, upon production of the customer's valid identification to the licensee or licensee's employee, have the access card reactivated to allow the dispensing of an additional 15 ounces of wine or 32 ounces of beer from an automated device.

Subparagraph (D), (E), (F) or (G) shall not apply to wine or beer that is dispensed directly to the licensee or the licensee's agent or employee.

(3) The secretary shall adopt rules and regulations prior to January 1, 2019, as necessary to implement the provisions of this subsection.

(4) Notwithstanding any other provision of law, all laws and rules and regulations applicable to the sale of alcoholic liquor to persons under the legal age of consumption shall be applicable to the sales transaction of the prepaid access card.

(f) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall be not less than the acquisition cost of the drink plus the liquor drink tax for each drink served. The club or drinking establishment shall collect and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto.

(g) Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

(h) Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided by K.S.A. 41-2609, and amendments thereto, and for imposition of a civil fine on the licensee or temporary permit holder as provided by K.S.A. 41-2633a, and amendments thereto.

(i) For the purposes of this section, the term:

(1) "Day" means from 6:00 a.m. until 2:00 a.m. the following calendar day;

(2) "mixed alcoholic beverage" means a beverage that is made by combining alcoholic liquor with a non-alcoholic liquid or other edible substance and that is comprised of at least 25% non-alcoholic liquid or other edible substance, including, but not limited to, margarita, sangria, daiquiri or mojito; and

(3) "pitcher" means any container that is capable of containing more than 32 fluid ounces but not more than 64 fluid ounces that is used to serve alcoholic liquor or cereal malt beverage to one or more individuals.

Sec. 29. K.S.A. 2020 Supp. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt beverage* for consumption on the licensed premises by members of such club and guests accompanying them; and (2) serve samples of alcoholic liquor *or cereal malt beverage* free of charge on the licensed premises for consumption by such members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs ~~which that~~ are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club ~~which that~~ is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club ~~which that~~ is a party to such agreement, alcoholic liquor *or cereal malt beverage* for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

- (1) Be screened by the club for good moral character; and
- (2) pay an annual membership fee of not less than \$10.

(d) Notwithstanding the membership fee requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall not be subject to the fee requirement of this section.

(2) Any class B club located on property ~~which that~~ is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor *or cereal malt beverage* is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this ~~subsection (d)(3) paragraph~~ shall present the temporary duty orders to the club. Temporary membership issued under this ~~subsection (d)(3) paragraph~~ shall not be subject to the fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the fee requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if: (A) The hotel or RV resort is located in the same county as the club; (B) there is no class B club located on the premises of the hotel or RV resort; and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day

such person is attending such races, and such temporary membership shall not be subject to the fee requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 30. K.S.A. 2020 Supp. 41-2642 is hereby amended to read as follows: 41-2642. (a) A license for a drinking establishment shall allow the licensee to offer for sale, sell and serve alcoholic liquor *or cereal malt beverage* for consumption on the licensed premises which may be open to the public, and to serve samples of alcoholic liquor *or cereal malt beverage* free of charge on licensed premises subject to the requirements of subsection (c), but only if such premises are located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election in November 1986; or (B) have approved a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(b) A drinking establishment shall be required to derive from sales of food for consumption on the licensed premises not less than 30% of all the establishment's gross receipts from sales of food and beverages on such premises unless the licensed premises are located in a county where the qualified electors of the county:

(1) Have approved, at an election pursuant to K.S.A. 41-2646, and amendments thereto, a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(c) No charge of any sort may be made for a sample serving. Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(d) (1) A drinking establishment shall specify in the application for a license or renewal of a license the premises to be licensed, which may include all premises which are in close proximity and are under the control of the applicant or licensee.

(2) *If the drinking establishment licensee also holds a manufacturer's license issued under the Kansas liquor control act, the licensed premises specified in the drinking establishment license shall not be the same as the licensed premises specified in the manufacturer's license, but such specified premises shall be located not more than two miles by the usually traveled road from the licensed premises specified in the manufacturer's license.*

(e) Notwithstanding any other provision of law to the contrary, any hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment caterer may sell alcoholic liquor or cereal malt beverage by means of minibars located in guest rooms of such hotel, subject to the following:

(1) The key, magnetic card or other device required to attain access to a minibar in a guest room shall be provided only to guests who are registered to stay in such room and who are 21 or more years of age;

(2) containers or packages of spirits or wine sold by means of a minibar shall hold not less than 50 nor more than 200 milliliters; and

(3) a minibar shall be restocked with alcoholic liquor or cereal malt beverage only during hours when the hotel is permitted to sell alcoholic liquor and cereal malt beverage as a drinking establishment.

(f) A drinking establishment may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

(g) *If the drinking establishment licensee also holds a manufacturer's license issued under the Kansas liquor control act, the drinking establishment shall not*

(continued)

sell alcoholic liquor manufactured by such manufacturer's licensee to the exclusion of other alcoholic liquor. All beer and cereal malt beverage sold by the drinking establishment shall be acquired from a distributor or retailer licensed under the Kansas liquor control act, and all wine and spirits sold by the drinking establishment shall be acquired from a retailer or farm winery licensed under the Kansas liquor control act and who possesses a federal wholesaler's basic permit.

Sec. 31. K.S.A. 2020 Supp. 41-2643 is hereby amended to read as follows: 41-2643. (a) A caterer's license shall allow the licensee to offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption on unlicensed premises, which may be open to the public, but only if such premises are located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election in November, 1986; or (B) have approved a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(b) A caterer shall be required to derive from sales of food at catered events not less than 30% of the caterer's gross receipts from all sales of food and beverages at catered events in a 12-month period unless the caterer offers for sale, sells and serves alcoholic liquor or cereal malt beverage only in counties where the qualified electors of the county:

(1) Have approved, at an election pursuant to K.S.A. 41-2646, and amendments thereto, a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(c) Each caterer shall maintain the caterer's principal place of business in a county in this state where the caterer is authorized by this section to sell alcoholic liquor by the individual drink in a public place. All records of the caterer relating to the caterer's licensed business and the caterer's license shall be kept at such place of business. The caterer's principal place of business shall be stated in the application for a caterer's license and the caterer shall notify the director of any change in its location within 10 days after such change.

(d) Except as otherwise provided herein, a caterer shall provide electronic notification to the director at least 48 hours prior to any event at which the caterer will sell alcoholic liquor or cereal malt beverage by the individual drink. The director shall make the electronic notification available to local law enforcement. Notice shall consist of the time, location and the names of the contracting parties of the event. For events where ~~alcohol~~ alcoholic liquor or cereal malt beverage is served, a licensee shall retain all documents for a period of three years for inspection by the director. The documents retained shall include agreements, receipts, employees assigned to the event and records of ~~alcohol~~ alcoholic liquor and cereal malt beverage purchased. Notification shall not be required for weddings, funerals, events sponsored by religious institutions, or for business, industry or trade sponsored meetings, including, but not limited to, awards presentations and retirement celebrations.

(e) A caterer may rebate a portion of the caterer's receipts from the sale of alcoholic liquor or cereal malt beverage at an event to the person or organization contracting with the caterer to sell alcoholic liquor or cereal malt beverage at such event.

Sec. 32. K.S.A. 2020 Supp. 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, is hereby amended to read as follows: 41-2653. (a) In addition to the rights of a licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove alcoholic liquor or cereal malt beverage from the licensed premises in one or more ~~opened~~ containers of alcoholic liquor, including in the original unopened container, subject to the following conditions:

(1) It must be otherwise legal for the licensee to sell the alcoholic liquor or cereal malt beverage in its original container;

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

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

(~~4~~) (3) the licensee or the licensee's employee must provide the patron with a dated receipt for the ~~unfinished container or containers of~~ alcoholic liquor or cereal malt beverage; and

(~~5~~) (4) before the any container of alcoholic liquor or cereal malt beverage is removed from the licensed premises, the licensee or the licensee's employee must securely reseal ~~each container~~ any opened containers, and place the container in a tamper-proof, transparent bag ~~which that~~ is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened;

(5) no original unopened containers of spirits may be removed from the licensed premises; and

(6) no alcoholic liquor or cereal malt beverage may be removed from the licensed premises after 11:00 p.m. unless such alcoholic liquor is wine that was purchased and partially consumed on the licensed premises.

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

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

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

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

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

(2) The provisions of this subsection shall expire on March 31, 2021.

(~~c~~) (b) A patron may remove one or more containers of beer, domestic beer and cereal malt beverage, as those terms are defined in K.S.A. 41-102, and amendments thereto, that are sold on the licensed premises to consumers and served in refillable and sealable containers for consumption off the licensed premises if such containers:

(1) Contain between 32 and 64 fluid ounces;

(2) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container; and

(3) are not sold or removed from the premises after 11:00 p.m.

(d) All alcoholic liquor, cereal malt beverage and nonalcoholic malt beverage sold by a licensee shall be subject to the tax imposed by K.S.A. 79-41a02, and amendments thereto.

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

Sec. 33. K.S.A. 2020 Supp. 41-2655 is hereby amended to read as follows: 41-2655. (a) A license for a public venue shall allow the licensee to:

(1) Offer for sale, sell and serve alcoholic liquor or cereal malt beverage by the individual drink for consumption on the licensed premises;

(2) offer for sale, sell and serve unlimited drinks for a fixed price in designated areas of the licensed premises;

(3) offer for sale and sell ~~all inclusive~~ all-inclusive packages ~~which that~~ include unlimited drinks in designated areas of the licensed premises;

(4) offer for sale, sell and serve alcoholic liquor or cereal malt beverage in the original container for consumption on the licensed premises in private suites, ~~which that~~ are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier;

(5) store, in each private suite, ~~which that~~ is an enclosed or semi-enclosed seating area, having controlled access and separated from the general admission areas by a permanent barrier, alcoholic liquor or cereal malt beverage sold in the original container to a customer in that private suite; and

(6) with the approval of the retailer or distributor, return for a full refund of the original purchase price unopened containers of alcoholic liquor or cereal malt beverage to the retailer or distributor from whom such items were purchased upon the conclusion of an event if the next scheduled event for that premises is more than 90 days from the date of the concluded event.

(b) An applicant or public venue licensee shall specify in the application for a license, or renewal of a license, the premises to be licensed. No public venue licensee may offer for sale, sell or serve any alcoholic liquor or cereal malt beverage in any area not included in the licensed premises.

(c) The term “designated areas” for purposes of this section shall mean *means* an area identified in the license application, which may include suites, that has controlled access and is separated from the general admission by a barrier.

~~(d) The provisions of this section shall take effect and be in force from and after July 1, 2012.~~

~~(e)(d)~~ All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

~~(f)(e)~~ This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 34. K.S.A. 2020 Supp. 41-2658 is hereby amended to read as follows: 41-2658. (a) Alcoholic liquor or cereal malt beverage shall be dispensed only from original containers, except any drinking establishment licensee or its agent or employee, may dispense:

(1) Alcoholic liquor or cereal malt beverage from a machine or container used to mix alcoholic liquor or cereal malt beverage with other liquids or solids intended for human consumption;

(2) alcoholic liquor or cereal malt beverage from a machine or container used to chill alcoholic liquor, ~~which~~ or cereal malt beverage that may contain additional liquids or solids intended for human consumption; or

(3) infused alcoholic liquor or cereal malt beverage from a container used to infuse alcoholic liquor or cereal malt beverage with other substances intended for human consumption.

(b) A drinking establishment licensee, or its agent or employee, shall not refill any original container with any alcoholic liquor or cereal malt beverage or any other substance.

(c) Any drinking establishment licensee, or its agent or employee, may infuse alcoholic liquor or cereal malt beverage with spices, herbs, fruits, vegetables, candy or other substances intended for human consumption if no additional fermentation occurs during the process.

(d) As used in this section:

(1) “Dispense” means to portion out servings of alcoholic liquor or cereal malt beverage for consumption. This term ~~shall include~~ includes the pouring of drinks of alcoholic liquor or cereal malt beverage and opening original containers of alcoholic liquor or cereal malt beverage by the licensee or licensee’s employee for consumption by customers, and shall not include any self-dispensing by a customer.

(2) “Infuse” means to add flavor or scent to a liquid by steeping additional ingredients in the liquid.

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

Sec. 35. K.S.A. 2020 Supp. 41-2659 is hereby amended to read as follows: 41-2659. (a) (1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor or cereal malt beverage may be consumed therein. The ordinance or resolution shall require that any public street or roadway that lies within a common consumption area shall be blocked from motorized traffic during the hours in which ~~alcohol~~ alcoholic liquor or cereal malt beverage is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor or cereal malt beverage in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of \$100. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period of not to exceed one year. A common consumption area permit shall not be transferable or assignable.

(d) Any licensee immediately adjacent to, or located within a common consumption area may request that the licensee’s licensed premises participate in the common consumption area for the duration of the common consumption area permit. Such a request shall be made upon forms prescribed by the director.

(e) (1) Any licensee who has requested and received permission to participate in the common consumption area may allow its legal patrons to remove alcoholic liquor or cereal malt beverage purchased from the licensee into the premises described by the common consumption area permit. All alcoholic beverages liquor and cereal malt beverage removed from a licensed premises in such fashion shall be served in a container that displays the licensee’s trade name or logo or other identifying mark that is unique to the licensee.

(2) In addition to their licensed premises, one or more licensees that have requested and received permission to participate in a common consumption area may offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption from one non-contiguous service area within the common consumption area, as designated and approved by the common consumption area permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder at its non-contiguous service area.

(f) (1) Each licensee within a common consumption area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee’s premises.

(2) Each common consumption area permit holder shall be liable for violations that occur off the licensee’s premises, but within the common consumption area identified in the permit. No permit holder shall permit any person to remove any open container of alcoholic liquor or cereal malt beverage from the boundaries of the common consumption area.

(g) For the purposes of this section, “common consumption area” shall mean means a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act where the possession and consumption of alcoholic liquor or cereal malt beverage is allowed pursuant to a common consumption area permit. The boundaries of any common consumption area must be clearly marked using a physical barrier or any apparent line of demarcation.

(h) The secretary shall adopt rules and regulations to implement this section.

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

Sec. 36. K.S.A. 2020 Supp. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer’s license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.

(b) No retailer’s license shall be issued to:

~~(1) A person who is not a resident of the county in which the place of business covered by the license is located, has not been a resident of such county for at least six months or has not been a resident in good faith of the state of Kansas.~~

~~(2) A person who has not been a resident of this state for at least one year immediately preceding application for a retailer’s license.~~

~~(3) A person who is not of good character and reputation in the community in which the person resides.~~

~~(4)(2) A person who is not a citizen of the United States.~~

~~(5)(3) A person who, within two years immediately preceding the date of application approval, has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.~~

(continued)

(6)(4) A partnership, unless all the members of the partnership are otherwise qualified to obtain a license.

(7)(5) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship and residency requirements.

(8)(6) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee.

(9)(7) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, residence requirements or age, except that this subsection (b)(9) paragraph shall not apply in determining eligibility for a renewal license.

(10)(8) A person whose spouse has been convicted of a felony or other crime which that would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.

(c) After examination of an application for a retailer's license, the board of county commissioners or the governing body of a city may deny a license to a person, partnership or corporation if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager, director or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which that has:

(1) Had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or

(2) been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(d) *If an applicant has been issued a producer's license pursuant to K.S.A. 41-355, and amendments thereto, an application for a retailers' license shall be approved by the board of county commissioners or the director, subject to the requirements of subsections (b) and (c).*

(e) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

(f) In addition to, and consistent with the requirements of K.S.A. 41-2701 et seq., and amendments thereto, the board of county commissioners of any county or the governing body of any city may provide by resolution or ordinance for the issuance of a special event retailers' permit which that shall allow the permit holder to offer for sale, sell and serve cereal malt beverage for consumption on unpermitted premises, which that may be open to the public, subject to the following:

(1) A special event retailers' permit shall specify the premises for which the permit is issued;

(2) a special event retailers' permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;

(3) no not more than four special event retailers' permits may be issued to any one applicant in a calendar year; and

(4) a special event retailers' permit shall not be transferable or assignable.

(g) A special event retailers' permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto.

Sec. 37. K.S.A. 2020 Supp. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of the Kansas cereal malt beverage act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Within any city where the days of sale at retail of cereal malt beverage in the original package have not been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and within any township where the hours and days of sale at retail of cereal malt beverage in the original package have not been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto; no cereal malt beverages or beer containing not more than 6% alcohol by volume may be sold:

(1) Between the hours of 12 midnight and 6 a.m.; or

(2) on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(c) Within any city where the days of sale at retail of cereal malt beverage in the original package have been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not been subsequently restricted as provided in K.S.A. 2020 Supp. 41-2911, and amendments thereto, and within any township where the days of sale at retail of cereal malt beverage in the original package have been expanded as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not been subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto; no person shall sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume:

(1) Between the hours of 12 midnight and 6 a.m.;

(2) in the original package before 12 noon or after not earlier than 9 a.m. and not later than 8 p.m. on Sunday;

(3) on Easter Sunday; or

(4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(d) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises also are licensed as a club pursuant to the club and drinking establishment act.

(e) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers and not to the public.

(f) Except as otherwise provided by this subsection, no licensee shall permit a person under the legal age for consumption of cereal malt beverage or beer containing not more than 6% alcohol by volume to consume or purchase any cereal malt beverage in or about a place of business. A licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage or beer containing not more than 6% alcohol by volume, if:

(1) The licensee's place of business is licensed only to sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume in the original package and not for consumption on the premises; or

(2) the licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501, and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(g) No person shall have any alcoholic liquor, except beer containing not more than 6% alcohol by volume, in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act.

(h) Cereal malt beverages may be sold on premises which that are licensed pursuant to both the Kansas cereal malt beverage act and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.

Sec. 38. K.S.A. 2020 Supp. 41-2911 is hereby amended to read as follows: 41-2911. (a) (1) The board of county commissioners of any county may, by resolution:

(A) Expand the days of sale at retail of cereal malt beverage in the original package to allow such sale within the unincorporated area of the county on any Sunday, except Easter, between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the resolution and expand the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the unincorporated area of the county, to allow such sale

within the unincorporated area of the county on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the resolution; or~~

(B) restrict the days of sale at retail of cereal malt beverage in the original package to prohibit such sale within the unincorporated area of the county on Sunday and restrict the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the unincorporated area of the county, to prohibit such sale within the unincorporated area of the county on Sunday, ~~Memorial Day, Independence Day and Labor Day.~~

Such resolution shall be published once, within two weeks after its adoption, in the official county newspaper. Such resolution shall not become effective earlier than 60 days following the date of its publication ~~or November 15, 2005, whichever is later.~~ If, within 60 days following publication of the resolution, a petition requesting that a proposition be submitted for approval by the voters is filed in accordance with subsection (a)(2), such resolution shall not become effective until a proposition is submitted to and approved at an election as provided by this subsection (a).

(2) A petition to submit a proposition to the qualified voters of a county pursuant to this subsection (a) shall be filed with the county election officer. The petition shall be signed by qualified voters of the county who reside within the unincorporated area of the county equal in number to not less than 5% of the voters of the county residing within the unincorporated area of the county who voted for the office of president of the United States at the last preceding general election at which such office was elected. The appropriate version of the following shall appear on the petition:

(A) If licensing of sale at retail of alcoholic liquor in the original package is not authorized within the unincorporated area of the county, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) within the unincorporated area of _____ county."

(B) If licensing of sale at retail of alcoholic liquor is authorized within the unincorporated area of the county, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) within the unincorporated area of _____ county and whether sale at retail of alcoholic liquor in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the petition~~) (prohibited on Sunday, ~~Memorial Day, Independence Day and Labor Day~~) within the unincorporated area of _____ county."

(3) Upon submission of a valid petition calling for an election pursuant to this subsection (a), the county commission shall call a special election to be held not later than 45 days after submission of the petition unless a countywide primary or general election is to be held within 90 days after submission of the petition, in which case the proposition shall be submitted at such countywide election. Thereupon, the county election officer shall cause the appropriate version of the following proposition to be placed on the ballot in the unincorporated area of the county at such election:

(A) If licensing of sale at retail of alcoholic liquor is not authorized within the unincorporated area of the county, the following proposition shall be placed on the ballot: "Within the unincorporated area of _____ county shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday)?"

(B) If licensing of sale at retail of alcoholic liquor is authorized within the unincorporated area of the county, the following proposition shall be placed on the ballot: "Within the unincorporated area of _____ county shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) and shall the sale at retail of alcoholic liquor in the original package be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor~~

~~Day as established in the petition~~) (prohibited on Sunday, ~~Memorial Day, Independence Day and Labor Day~~)?"

(b) (1) The governing body of any city may, by ordinance:

(A) Expand the days of sale at retail of cereal malt beverage in the original package to allow such sale within the city on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the ordinance~~ and expand the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the city, to allow such sale within the city on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the ordinance; or~~

(B) restrict the days of sale at retail of cereal malt beverage in the original package to prohibit such sale within the city on Sunday and restrict the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the city, to prohibit such sale within the city on Sunday, ~~Memorial Day, Independence Day and Labor Day.~~

Such ordinance shall be published at least once each week for two consecutive weeks in the official city newspaper. Such ordinance shall not become effective earlier than 60 days following the date of its publication ~~or November 15, 2005, whichever is later.~~ If, within 60 days following publication of the ordinance, a petition requesting that a proposition be submitted for approval by the voters is filed in accordance with subsection (b)(2), such ordinance shall not become effective until a proposition is submitted to and approved at an election as provided by this subsection (b).

(2) A petition to submit a proposition to the qualified voters of a city pursuant to this subsection (b) shall be filed with the county election officer. The petition shall be signed by qualified voters of the city equal in number to not less than 5% of the voters of the city who voted for the office of president of the United States at the last preceding general election at which such office was elected. The appropriate version of the following shall appear on the petition:

(A) If licensing of sale at retail of alcoholic liquor in the original package is not authorized within the city, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) within the city of _____."

(B) If licensing of sale at retail of alcoholic liquor is authorized within the city, the petition shall read: "We request an election to determine whether sale at retail of cereal malt beverage in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) within the city of _____ and whether sale at retail of alcoholic liquor in the original package shall be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the petition~~) (prohibited on Sunday, ~~Memorial Day, Independence Day and Labor Day~~) within the city of _____."

(3) Upon submission of a valid petition calling for an election pursuant to this subsection (b), the city governing body shall call a special election to be held not later than 45 days after submission of the petition unless a citywide primary or general election is to be held within 90 days after submission of the petition, in which case the proposition shall be submitted at such citywide election. Thereupon, the county election officer shall cause the appropriate version of the following proposition to be placed on the ballot in the city at such election:

(A) If licensing of sale at retail of alcoholic liquor is not authorized within the city, the following proposition shall be placed on the ballot: "Within the city of _____ shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday)?"

(B) If licensing of sale at retail of alcoholic liquor is authorized within the city, the following proposition shall be placed on the ballot: "Within the city of _____ shall sale at retail of cereal malt beverage in the original package be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. as established in the petition~~) (prohibited on Sunday) and shall the sale at retail of alcoholic liquor in the original package be (allowed on

(continued)

any Sunday, except Easter, between the hours of 12 noon and not earlier than 9 a.m. and not later than 8 p.m. and on Memorial Day, Independence Day and Labor Day as established in the petition) (prohibited on Sunday; Memorial Day, Independence Day and Labor Day)?"

(c) The county election officer shall transmit to the director a copy of the results of an election pursuant to this section.

(d) An election provided for by this section shall be called and held in the manner provided by the general bond law.

Sec. 39. K.S.A. 41-2604, 41-2619 and 41-2632 and K.S.A. 2020 Supp. 41-102, 41-308, 41-308a, 41-308b, 41-311, 41-311b, 41-320a, 41-350, 41-352, 41-712, 41-718, 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2632, 41-2637, 41-2640, 41-2641, 41-2642, 41-2643, 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, 41-2655, 41-2658, 41-2659, 41-2703, 41-2704 and 41-2911 are hereby repealed.

Sec. 40. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 049174

State of Kansas

Real Estate Appraisal Board

Permanent Administrative Regulation

Article 8.—UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

117-8-3. "Uniform standards of professional appraisal practice"; adoption by reference. The 2020-2021 edition of the "uniform standards of professional appraisal practice," as published by the appraisal standards board of the appraisal foundation and effective January 1, 2020, is hereby adopted by reference, except for the following:

- (a) All materials before page 1; and
(b) standards 7, 8, 9, and 10. (Authorized by K.S.A. 2019 Supp. 58-4105; implementing K.S.A. 2019 Supp. 58-4105 and K.S.A. 2019 Supp. 58-4121; effective March 25, 2016; amended Feb. 23, 2018; amended June 11, 2021.)

Sally L. Pritchett
Executive Director

Doc. No. 049169

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-3661. "Super Red Hot Crossword" instant ticket lottery game number 286. (a) The Kansas lottery may conduct an instant winner lottery game entitled "Super Red Hot Crossword." The rules for this game are contained in K.A.R. 111-3-1 et seq. and 111-4-3661.

(b) The "play and prize symbols" and "captions" for this game are as follows:

Table with 2 columns: Prize Symbols and Captions. Values include \$5.00, 10.00, 15.00, FIVE\$, TEN\$, FIFTEEN.

Table with 2 columns: Values and Text. Values include 20.00, 25.00, 50.00, 75.00, \$100. Text includes TWENTY, TWEN-FIV, FIFTY, SVTYFIV, ONE-HUN.

Play Symbols

- A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
Y
Z

(c) The ticket numbers in each book of tickets in this game shall start with 000 and end with 059.

(d) The price of instant tickets sold by a retailer for this game shall be \$5.00 each.

(e) "Super Red Hot Crossword" will feature four separate play areas: "YOUR LETTERS," two "CROSSWORD" puzzles, and a "BONUS" area. The top puzzle grid will be imaged in black. The bottom puzzle grid will be imaged in red.

In the "CROSSWORD" games, the player will scratch the "YOUR LETTERS" play area to reveal 20 "YOUR LETTERS." Each of the "YOUR LETTERS" may be used in both crossword puzzles. A player matches the corresponding letters in both crossword puzzles by removing the translucent scratch-off material covering the matching letter. If a player scratches a total of four or more completed words across both puzzles, the player wins the corresponding prize in the prize legend. The entire word must be uncovered to win the corresponding prize. Only the highest corresponding prize can be won.

In the "BONUS" play area, if a player reveals two matching prize symbols, the player wins that amount instantly. A player can win once in this game play area.

The following prize legend will be displayed on the ticket:

FIND	WIN
4-black words	Free Ticket
2-black words + 2 red words	\$5
4-red words	\$10
5-black words	\$20
3-black words + 2 red words	\$25
2-black words + 3 red words	\$50
6-black words	\$100
4-black words + 2 red words	\$200
3-black words + 3 red words	\$1,000
2-black words + 4 red words	\$5,000
6-red words	\$50,000

(f) To qualify as a complete word to win a prize in this game, the words revealed must meet the following requirements:

- (1) must contain at least three letters;
- (2) cannot be formed diagonally, run right to left or from bottom to top;
- (3) must appear in an unbroken horizontal or vertical string of letters in the "crossword" puzzle;
- (4) an unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces;
- (5) every single letter in the unbroken string must be revealed in the "YOUR LETTERS" area and be included to form a word.

(g) Each ticket in this game may win up to two times.

(h) Approximately 1,200,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(i) The expected number and value of instant prizes in this game shall be as follows:

Crossword	Bonus	Prizes	Winners Per 1,200,000	Expected Value in Game
Free Ticket		Free Ticket	200,000	\$0
\$5		\$5	38,280	191,400
\$10		\$10	22,800	228,000
	\$10	\$10	6,400	64,000
\$5	\$5	\$10	8,000	80,000
\$20		\$20	11,600	232,000
	\$20	\$20	5,200	104,000
\$10	\$10	\$20	5,200	104,000
\$25		\$25	6,360	159,000
	\$25	\$25	4,520	113,000
\$10	\$15	\$25	4,400	110,000
\$50		\$50	5,600	280,000
	\$50	\$50	3,560	178,000
\$25	\$25	\$50	3,600	180,000
	\$75	\$75	800	60,000
\$50	\$25	\$75	800	60,000
\$100		\$100	2,896	289,600
	\$100	\$100	800	80,000
\$50	\$50	\$100	1,800	180,000
\$200		\$200	152	30,400
\$1,000		\$1,000	100	100,000
\$5,000		\$5,000	24	120,000
\$50,000		\$50,000	4	200,000
Players Loyalty Program		\$31,600		31,600
TOTAL			332,896	\$3,175,000

(j) The odds of winning a prize in this game are approximately one in 3.60. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8720; effective, T-111-5-7-21, April 14, 2021.)

111-4-3662. "Electric 8S" instant ticket lottery game number 228. (a) The Kansas lottery may conduct an instant winner lottery game entitled "Electric 8S." The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-3662.

(b) The "play and prize symbols" and "captions" for this game are as follows:

Play Symbols	Captions
1	ONE
2	TWO
3	THREE
4	FOUR
5	FIVE
6	SIX
7	SEVEN
9	NINE
8 (outlined)	EIGHT
Symbol of a moneybag	WIN

Prize Symbols	Captions
FREE	\$1TICKET
\$1 ^{.00}	ONES\$
\$2 ^{.00}	TWO\$
\$4 ^{.00}	FOUR\$
\$5 ^{.00}	FIVE\$
\$10 ^{.00}	TEN\$
\$15 ^{.00}	FIFTN\$
\$20 ^{.00}	TWENTY
\$30 ^{.00}	THIRTY
\$50 ^{.00}	FIFTY
\$100	HUNDRED
\$250	TWO-FTY
\$500	FIV-HUN
\$1,888	EGTNEGTEGT

(c) For this game, a play/prize symbol shall appear in 11 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(f) "Electric 8S" is a tic-tac-toe style game with an instant win and bonus area. The player will scratch the play area. If the player reveals three symbols of an "8" in the same row, column or diagonal line, the player wins the prize in the prize box. If a player reveals a moneybag symbol in any spot, the player wins the prize amount in the bonus prize box

(g) Each ticket in this game may win up to 2 times.

(h) Approximately 1,800,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(continued)

(i) The expected number and value of instant prizes in this game shall be as follows:

	Bonus	Prize	Winners Per 300,000	Prize Cost
\$1 FREE TICKET		Ticket	180,000.00	\$0.00
\$1		\$1	60,000.00	\$60,000.00
	\$1	\$1	30,000.00	\$30,000.00
\$2		\$2	18,000.00	\$36,000.00
	\$2	\$2	54,000.00	\$108,000.00
\$4		\$4	6,000.00	\$24,000.00
	\$4	\$4	6,000.00	\$24,000.00
\$2		\$4	18,000.00	\$72,000.00
\$5		\$5	6,000.00	\$30,000.00
\$1		\$5	12,000.00	\$60,000.00
	\$5	\$5	6,000.00	\$30,000.00
\$10		\$10	3,000.00	\$30,000.00
	\$10	\$10	3,000.00	\$30,000.00
\$5		\$10	6,000.00	\$60,000.00
\$15		\$15	1,500.00	\$22,500.00
	\$15	\$15	1,500.00	\$22,500.00
\$10		\$15	3,000.00	\$45,000.00
\$20		\$20	1,500.00	\$30,000.00
	\$20	\$20	1,500.00	\$30,000.00
\$15		\$20	3,000.00	\$60,000.00
\$30		\$30	300.00	\$9,000.00
	\$30	\$30	300.00	\$9,000.00
\$10		\$30	1,200.00	\$36,000.00
\$15		\$30	1,200.00	\$36,000.00
\$50		\$50	120.00	\$6,000.00
	\$50	\$50	120.00	\$6,000.00
\$30		\$50	360.00	\$18,000.00
\$100		\$100	30.00	\$3,000.00
	\$100	\$100	30.00	\$3,000.00
\$50		\$100	60.00	\$6,000.00
\$250		\$250	12.00	\$3,000.00
	\$250	\$250	12.00	\$3,000.00
\$500		\$500	3.00	\$1,500.00
	\$500	\$500	3.00	\$1,500.00
\$250		\$500	6.00	\$3,000.00
\$1,888		\$1,888	9.00	\$16,992.00
	\$1,888	\$1,888	2.00	\$3,776.00
PLAYER LOYALTY PROGRAM				\$9,800.00
TOTAL PRIZES			423,767.00	\$978,568.00

(j) The odds of winning a prize in this game are approximately one in 4.25. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8720; effective, T-111-5-7-21, April 14, 2021.)

Article 5. — MULTI-STATE ONLINE GAMES AND DRAWINGS

111-5-22. Name of the game; rules and regulations.

The Kansas lottery shall conduct a lotto game entitled "Powerball" conducted twice weekly on Wednesdays and Saturdays beginning April 19, 1992 at 6:00 a.m. Beginning on August 23, 2021 the "Powerball" game will be conducted three times weekly on Mondays, Wednesdays, and Saturdays.

The rules and regulations for "Powerball" game are contained in K.A.R. 111-5-22 through 111-5-34, and applicable generic rules are contained in K.A.R. 111-6-1 *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-5-92, Feb. 21, 1992; amended, T-111-3-

24-92, March 20, 1992; amended, T-111-8-26-94, Aug. 19, 1994; amended, T-111-10-15-02, Sept. 13, 2002; amended, T-111-5-7-21, April 14, 2021.)

111-5-24. Game description; retail sale of tickets. (a)

"Powerball" is a five out of 69 plus one out of 26 numbers lottery game, drawn every Wednesday and Saturday until August 23, 2021, and thereafter drawn every Monday, Wednesday and Saturday effective on and after August 23, 2021, as part of the Powerball drawing event, which pays the grand prize, at the election of the player made in accordance with the rules or by a default election made in accordance with these rules, either on an annuitized pari-mutuel basis, or as a single lump sum payment of the total funding held in the grand prize pool for the winning drawing on a pari-mutuel basis. Except as provided in these rules, all other prizes are paid on a single payment basis. Powerball winning numbers applicable to determine Powerball prizes will be determined in the Powerball drawing event. The drawing procedures shall include procedures for randomly selecting the Powerball game winning numbers and the Power Play multiplier.

To play "Powerball" a player shall select or computer pick five different numbers from one through 69 and one additional number from one through 26 for input into a terminal. The additional number may be the same as one of the first five numbers selected by the player.

(b) A "Powerball" play shall sell for two dollars.

(c) Plays shall not be sold to any person under the age of 18 years. Each retailer may require a person purchasing plays to produce proof of age.

(d) Each play shall be purchased from a terminal operated by a retailer. The player may select a set of five numbers and one additional number by:

- (1) communicating the six numbers to the retailer;
- (2) marking six numbered circles in any one game board on a play slip and submitting the play slip to the retailer; or
- (3) requesting a computer pick from the retailer.

A player may choose the multiplier option by marking the appropriate box on the play slip or by communicating to the retailer the desire to play the multiplier option. If the multiplier option is chosen, it shall apply to all boards played on that play slip. For each board upon which the multiplier option is chosen, the player shall pay one additional dollar.

The retailer shall then issue a ticket from the terminal containing the selected set or sets of numbers, each of which constitutes a game play, and if applicable, whether or not the multiplier option has been chosen for all plays on that play slip.

(e) A validated ticket shall be the only proof of a game play or plays. The only method of claiming a prize or prizes shall be the submission of the winning ticket to and receipt of the ticket by the lottery or its authorized agent. A play slip shall have no pecuniary or prize value and shall not be used as evidence of a play purchase or of numbers selected.

(f) A play may not be voided or cancelled by returning the ticket to the selling retailer, including tickets that are printed in error. The Kansas lottery has an approved method of compensating retailers for plays that are not transferred to a player for reasons acceptable to the Kan-

sas lottery. No play that is eligible for a prize can be returned to the Kansas lottery for credit. Plays accepted by retailers as returned plays and that cannot be re-sold shall be deemed owned by the bearer thereof unless the ticket has been signed.

(g) Ticket sales will end at approximately 8:59 p.m. central time (CT) on Wednesdays and Saturdays, until August 23, 2021 on which date and thereafter ticket sales will end at approximately 8:59 p.m. central time (CT) on Wednesdays, Saturdays and Mondays, and will resume at approximately 9:05 p.m. central time (CT).

(h) Drawings will be conducted twice weekly, on Wednesdays and Saturdays, until August 23, 2021 at which time the drawings will be conducted three times a week to include Mondays, at approximately 9:58 p.m. central time (CT), after the game is closed at approximately 8:59 p.m. central time (CT) and the draw official has verified that the game is closed, under conditions and procedures promulgated by the executive director of the lottery.

(i) Each player shall be responsible for verifying the accuracy of the game play or plays and other data printed on the ticket. The placing of plays is done at the player's own risk through the online retailer who is deemed to be acting on behalf of the player in entering the play or plays. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710; effective, T-111-3-5-92, Feb. 21, 1992; amended, T-111-3-24-92, March 20, 1992; amended, T-111-5-21-92, May 15, 1992; amended, T-111-10-27-97, Sept. 12, 1997; amended, T-111-1-21-99, Jan. 15, 1999; amended, T-111-3-14-01, Feb. 16, 2001; amended, T-111-10-15-02, Sept. 13, 2002; amended, T-111-7-29-05, July 15, 2005; amended, T-111-2-20-09, Dec. 11, 2008; amended, T-111-2-9-12, Dec. 14, 2011; amended, T-111-10-8-15, Sept. 9, 2015; amended, T-111-5-7-21, April 14, 2021.)

Article 9.—PULL-TAB GAMES

111-9-226. "Hit \$10" pull tab ticket lottery game number 283. (a) The Kansas lottery may conduct a pull tab lottery game entitled "Hit \$10." The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-226.

(b) The play symbols for this game are as follows:

- Symbol of a stack of cash
- Symbol of a heart
- Symbol of a dollar sign
- Symbol of a wing
- Symbol of a star
- Symbol of a lightning bolt

(c) For this game, three play symbols shall appear under each of four tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three symbols of a lightning bolt equal \$1.00; three symbols of a star equal \$5.00; three symbols of a wing equal \$10.00; three symbols of a dollar sign equal \$25.00; three symbols of a heart equal \$50.00; three symbols of a stack of cash equal \$1,000.00.

(d) The ticket numbers in each pack in this game shall start with 000 and end with 299.

(e) The price of pull tab tickets sold by a retailer for this game shall be \$1.00 each.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in subsection (c) above. All winning combinations shall be within a single window in a horizontal line.

(g) Each ticket in the game may win up to four times.

(h) Approximately 2,400,000 tickets shall be ordered initially for this pull tab game. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(i) The expected number and value of prizes in this game shall be as follows:

	Prize Amount	Winners Per 2,400,000	Prize Cost
\$1	\$1	432,000	\$432,000
\$5	\$5	77,840	\$389,200
\$10	\$10	36,000	\$360,000
\$5 + \$5	\$10	12,000	\$120,000
\$25	\$25	1,760	\$44,000
\$10 + \$10 + \$5	\$25	1,760	\$44,000
\$50	\$50	456	\$22,800
\$25 + \$25	\$50	360	\$18,000
\$25 + \$10 + \$10 + \$5	\$50	360	\$18,000
\$1,000	\$1,000	25	\$25,000
Players Loyalty Program	\$14,880		\$14,880
TOTAL		562,561	\$1,487,880

(j) The overall odds of winning a prize in this game are approximately one in 4.27. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8720; effective, T-111-5-7-21, April 14, 2021.)

111-9-227. "Hit \$20" pull tab ticket lottery game number 284. (a) The Kansas lottery may conduct a pull tab lottery game entitled "Hit \$20." The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-227.

(b) The play symbols for this game are as follows:

- Symbol of cash
- Symbol of a moneybag
- Symbol of a diamond
- Symbol of a horseshoe
- Symbol of a flower
- Symbol of a butterfly
- Symbol of an anchor
- Symbol of a bird

(c) For this game, three play symbols shall appear under each of eight tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three symbols of a bird equal \$2.00; three symbols of an anchor equal \$4.00; three symbols of a butterfly equal \$5.00; three symbols of a flower equal \$10.00; three symbols of a horseshoe equal \$20.00; three symbols of a diamond equal \$50.00; three symbols of a moneybag equal \$100.00; three symbols of cash equal \$2,000.00.

(continued)

(d) The ticket numbers in each pack in this game shall start with 000 and end with 149.

(e) The price of pull tab tickets sold by a retailer for this game shall be \$2.00 each.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in subsection (c) above. All winning combinations shall be within a single window in a horizontal line.

(g) Each ticket in the game may win up to eight times.

(h) Approximately 1,800,000 tickets shall be ordered initially for this pull tab game. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(i) The expected number and value of prizes in this game shall be as follows:

	Prize Amount	Winners Per 1,800,000	Prize Cost
\$2	\$2	252,000	\$504,000
\$4	\$4	48,000	\$192,000
\$2 + \$2	\$4	48,000	\$192,000
\$5	\$5	81,120	\$405,600
\$10	\$10	12,000	\$120,000
\$5 + \$5	\$10	12,000	\$120,000
\$20	\$20	30,000	\$600,000
\$5 + \$5 + \$10	\$20	2,400	\$48,000
\$5 + \$5 + \$5 + \$5	\$20	2,364	\$47,280
\$2 + \$2 + \$2 + \$2 + \$2 + \$5 + \$5	\$20	2,340	\$46,800
\$50	\$50	150	\$7,500
\$5 + \$5 + \$5 + \$5 + \$5 + \$5 + \$10 + \$10	\$50	150	\$7,500
\$100	\$100	60	\$6,000
\$2,000	\$2,000	10	\$20,000
Players Loyalty Program	\$23,400		\$23,400
TOTAL		490,594	\$2,340,080

(j) The overall odds of winning a prize in this game are approximately one in 3.67. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8720; effective, T-111-5-7-21, April 14, 2021.)

111-9-228. "Liquid Gold" pull tab ticket lottery game number 282. (a) The Kansas lottery may conduct a pull tab lottery game entitled "Liquid Gold." The rules for this game are contained in K.A.R. 111-8-1 *et seq.* and K.A.R. 111-9-228.

(b) The play symbols for this game are as follows:

- Symbol of crown
- Symbol of a dollar sign
- Symbol of gold bars
- Symbol of a stack of coins
- Symbol of dice
- Symbol of a pot of gold
- Symbol of a star
- Symbol of a ring

(c) For this game, three play symbols shall appear under each of eight tabs on the back of each ticket. On the front of each ticket shall appear a legend of all winning combinations using the play symbols for this game along with the corresponding prize amount for each combination, as follows: three symbols of a ring equal \$2.00; three

symbols of a star equal \$5.00; three symbols of a pot of gold equal \$10.00; three symbols of dice equal \$25.00; three symbols of a stack of coins equal \$50.00; three symbols of gold bars equal \$100.00; three symbols of a dollar sign equal \$250.00; three symbols of a crown equal \$2,500.00.

(d) The ticket numbers in each pack in this game shall start with 000 and end with 149.

(e) The price of pull tab tickets sold by a retailer for this game shall be \$2.00 each.

(f) All tabs on the back of each ticket are to be pulled open. For each combination of three play symbols matching the legend on the front of the ticket, the player wins the prize amount corresponding to each combination as shown in subsection (c) above. All winning combinations shall be within a single window in a horizontal line.

(g) Each ticket in the game may win up to eight times.

(h) Approximately 1,800,000 tickets shall be ordered initially for this pull tab game. Additional ticket orders shall have the same prize structure, the same number of prizes per pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(i) The expected number and value of prizes in this game shall be as follows:

	Prize Amount	Winners Per 1,800,000	Prize Cost
\$2	\$2	246,000	\$492,000
\$2 + \$2	\$4	85,200	\$340,800
\$5	\$5	78,000	\$390,000
\$5 + \$2	\$7	48,000	\$336,000
\$10	\$10	12,600	\$126,000
\$5 + \$5	\$10	12,600	\$126,000
\$25	\$25	3,000	\$75,000
\$5 + \$10 + \$10	\$25	3,168	\$79,200
\$5 + \$5 + \$5 + \$5 + \$5	\$25	3,600	\$90,000
\$2 + \$2 + \$2 + \$2 + \$2 + \$5 + \$10	\$25	3,600	\$90,000
\$5 + \$5 + \$5 + \$5 + \$5 + \$10	\$35	1,380	\$48,300
\$5 + \$10 + \$10 + \$10	\$35	1,380	\$48,300
\$50	\$50	240	\$12,000
\$5 + \$5 + \$5 + \$5 + \$5 + \$5 + \$10 + \$10	\$50	240	\$12,000
\$100	\$100	120	\$12,000
\$250	\$250	36	\$9,000
\$2,500	\$2,500	12	\$30,000
Players Loyalty Program	\$23,400		\$23,400
TOTAL		499,176	\$2,340,000

(j) The overall odds of winning a prize in this game are approximately one in 3.61. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8720; effective, T-111-5-7-21, April 14, 2021.)

Article 301. — SPECIFIC LOTTERY FACILITY GAMES AT LOTTERY GAMING FACILITIES

111-301-3. Definitions. The following definitions, when used in the Southwest Kansas Lottery Gaming Zone, when pertaining to the game of "Blackjack" or "21," shall have the following meanings unless the context clearly indicates otherwise.

(a) "A blackjack" shall mean an ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer, except that this shall not include an ace and a ten point value card dealt to a player who has split pairs.

- (b) "Burned" shall mean to remove a card from play.
- (c) "Dealer" shall mean the person responsible for dealing the cards at a Blackjack table.
- (e) "Discard rack" shall mean the receptacle into which cards are placed after each round of decisions is rendered in a game.
- (f) "Flush" shall mean three cards in the same suit.
- (g) "Hard total" shall mean the total point count of a hand which contains no aces or which contains one or more aces that are each counted as having one point in value.
- (h) "Push" or "tie" shall mean the player does not lose or win the hand played.
- (i) "Shoe" shall mean the receptacle into which cards are placed to be held for dealing to the players and dealer.
- (j) "Soft total" shall mean the total point count of a hand containing an ace when the ace is counted as having 11 points in value.
- (k) "Straight" shall mean three cards in consecutive rank order.
- (l) "Straight flush" shall mean three cards in consecutive rank order that are all in the same suit.
- (l) "Three-of-a-kind" shall mean three cards of the same rank. (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009; amended, T-111-5-7-21, April 14, 2021.)

111-301-5. Wagers. (a) Prior to receiving the first card for each round of play, each player at the game of blackjack shall make a wager against the dealer which shall win if:

- (1) The score of the player is 21 or less and the score of the dealer is in excess of 21;
- (2) The score of the player exceeds that of the dealer without either score exceeding 21; or
- (3) The player has achieved a score of 21 in two cards and the dealer has achieved a score of 21 in more than two cards.

(b) Except as otherwise provided in these rules a wager made in accordance with this section shall be void when the score of the player is the same as the dealer; provided, however, that a player's wager shall be lost when the dealer has a blackjack and the player has a score of 21 which is not a blackjack.

(c) Except as otherwise provided in these rules, a player shall not make, increase or withdraw any wager after the player has the first card of the round.

(d) All wagers at blackjack shall be made by placing gaming chips on the appropriate areas of the blackjack layout.

(e) After each round of play is complete, the dealer shall collect all losing wagers and pay off all winning wagers, except that if the cards in a player's hand exceed a total of 21 points, the wager for that hand shall be lost and the wager shall be collected by the dealer. All winning wagers made against the dealer in accordance with these rules shall be paid at odds of one to one with the exception of a blackjack which shall be paid at odds of three to two.

(f) Once the first card of any hand has been dealt to a player, the player shall not handle, remove or alter any wagers that have been made until a decision has been

rendered and implemented with respect to that wager except as permitted by these rules.

(g) Once a wager on the insurance line, a wager to double down, or a wager to split pairs has been made and confirmed by the dealer, no player shall handle, remove or alter such wagers until a decision has been rendered and implemented with respect to that wager except as permitted by these regulations.

(h) A double down wager shall win if the total of the player's cards exceeds the total of the dealer's cards without exceeding a total of 21. A double down wager shall push or tie if the player's hand and the dealer's hand are equal. A double down wager shall lose if the total of the player's cards exceeds 21 or is less than the total of the dealer's cards. A double down wager shall be paid at the rate of one to one on both the original wager and the double down portion of the wager. A player may double down after splitting pairs.

(i) A split bet shall win if the total of the player's cards exceeds the total of the dealer's cards without exceeding a total of 21. A split bet shall lose if the total of the player's cards exceeds 21 or is less than the total of the dealer's cards. A split bet shall tie or push if the player's hand and the dealer's hand are equal. A split bet shall be paid at the rate of one to one on both the original wager and the split wager.

(j) An optional Blazing 7's Progressive side wager may be offered at gaming tables.

(1) Prior to receiving the first card for each round of play, each player who makes a wager against the dealer may also make the progressive wager by placing gaming chips on the designated area on the blackjack layout, which wager shall also cause a light to illuminate on the gaming table to verify the wager was made. If the light fails to illuminate, the progressive wager shall be returned to the player.

(2) The dollar amount required for the Blazing 7's Progressive side wager shall be posted at the gaming table.

(3) Prior to the first card being dealt for each round of play, the dealer shall remove all progressive wagers but the light verifying the wager shall remain illuminated until the progressive wager is resolved.

(4) All Blazing 7's Progressive side wagers use only the player's first two cards and the dealer's card that is turned face up. The progressive wager shall win if either or both of the player's first two cards are 7's, or if both of the player's first two cards and the dealer's card turned face up are all 7's.

(5) After two cards have been dealt to all players at the table and the dealer, all winning Blazing 7's Progressive wagers shall be paid as follows:

Three 7's of diamonds	100% of progressive pot
Three 7's all in the same suit other than diamonds	10% of progressive pot
Three 7's of the same color but in different suits	Odds of 500 for 1
Three 7's in mixed suits and colors	Odds of 200 for 1
Two 7's in the player's hand	Odds of 25 for 1
One 7 in the player's hand	Odds of 2 for 1

Only the highest progressive prize for which a hand qualifies shall be paid. If during a round of play two or more hands qualify for any portion of the progressive
(continued)

pot, the applicable portion of the progressive pot shall be evenly divided between all qualifying hands and if necessary rounded up by the lottery gaming facility manager so that all qualifying hands are paid equal amounts.

(6) The Blazing 7's Progressive prize pot shall be initially funded by the lottery gaming facility manager in the amount of \$10,000. Twenty-four percent (24%) of each progressive wager made thereafter shall be added to the progressive prize pot amount. The running total amount of the progressive prize pot shall be displayed on a meter at the gaming table and all progressive prizes shall be paid based upon the amount on the meter at the time the prize is won.

(7) After the top progressive prize is awarded, the lottery gaming facility manager shall again fund the progressive prize in the amount of \$10,000.

(k) If offered at a gaming table, a player may make an optional "21 + 3" or "TriLux" three-card wager prior to receiving the player's first card for the round of play. The minimum and maximum three-card wager will be posted at the table. An additional three-card wager may be made as a tip for the dealer. The following describes a list of the permissible wagers, payout odds, and what constitutes a win or loss for three-card wagers:

(1) A three-card wager will win only if the dealer's card turned face up and the player's original two cards combined equal a flush, straight, three-of-a-kind, or straight flush.

(2) Winning three-card wagers will be paid out as follows:

(A) When the player's original two cards and the dealer's card turned face up combined equal a flush, straight, three-of-a-kind, or a straight flush, the hand will be paid at the rate of 9 to 1.

(B) All three-card wagers will be taken or paid before the blackjack portion of the game continues.

(l) If an optional TriLux Super 3 side wager is offered at a gaming table, prior to receiving the first card for each round of play, any player making a three-card wager may also make a TriLux Super 3 wager, and if posted at the gaming table players not making a three-card wager may also make a TriLux Super 3 wager. The minimum and maximum TriLux Super 3 wager and whether the three-card wager is required in order to make the TriLux Super 3 wager will be posted at the table and/or on the gaming table layout. Following describes a list of the permissible wagers, payout odds, and what constitutes a win or loss for TriLux Super 3 wagers:

(1) An additional TriLux Super 3 wager may be made as a tip for the dealer.

(2) A TriLux Super 3 wager will win only if the dealer's card turned face up and the player's original two cards combined equal a three-of-a-kind with all three cards in the same suit, straight flush or three of a kind and not all three cards are in the same suit.

(3) Winning TriLux Super 3 wagers will be paid out as follows:

(A) When the player's original two cards and the dealer's card turned face up combined equal a three-of-a-kind with all three cards in the same suit, the wager will be paid at the rate of 270 to 1;

(B) When the player's original two cards and the dealer's card turned face up combined equal a straight flush, the wager will be paid at the rate of 180 to 1; and

(C) When the player's original two cards and the dealer's card turned face up combined equal a three-of-a-kind and all three cards are not in the same suit the wager will be paid at the rate of 90 to 1.

(m) If offered at a blackjack table at which six (6) decks of cards are being used, a player making a blackjack wager may also make an optional royal match 21 wager in the area on the table designated for the optional wager so long as the wager is made prior to the player receiving the player's first card of the round. The amount required to make the optional royal match 21 wager shall be posted at the table.

(1) If a player makes an optional royal match 21 wager, the player may also make a royal match 21 wager as a tip for the dealer so long as the tip wager is made prior to the first card of the hand being removed from the shoe.

(2) Resolution of all royal match 21 wagers shall be made after all players and the dealer have received their second card and before the blackjack game continues.

(3) A royal match 21 wager shall win only if both of the player's two cards are in the same suit.

(4) Winning royal match 21 wagers shall be paid at odds of 2.5 to one, unless the two cards constitute a blackjack in which case the player's wager shall be paid at odds of 5 to one, or unless the two cards are a king and queen in which case the player's wager shall be paid at odds of 25 to one. (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009; amended, T-111-10-12-11, Sept. 14, 2011; amended, T-111-4-9-20, Jan. 15, 2020; amended, T-111-5-7-21, April 14, 2021.)

111-301-6. Play. (a) After the cards have been shuffled, the dealer shall offer the stack of cards to a player to be cut. The player may cut the cards by placing a cutting card provided by the dealer. The cut card must be placed in the stack so there are no fewer than 52 cards on either side of the cut card for a six deck game or no fewer than 26 cards on either side of the cut card for a double deck game.

(b) At the commencement of each round of play, the dealer shall, starting on the dealer's left and continuing around the table, deal the cards in the following order:

(1) One card face upwards to each spot on the blackjack layout in which a wager is contained;

(2) One card face down to the dealer; and,

(3) A second card face upwards to each spot in which a wager is contained.

(4) A second card face down to the dealer at which time the dealer's first card shall be turned face up and placed on top of the dealer's second card.

(c) After two cards have been dealt to each player and the appropriate number to the dealer, all optional side wagers shall be resolved. After the side wagers are resolved, the dealer shall, beginning from his left, have each player indicate whether the player wishes to double down, split pairs, stand or draw.

(d) As each player indicates the player's decision(s), the dealer shall deal face upwards whatever additional cards, if any, which are necessary to effectuate such decision.

(e) After the decision(s) of each player have been implemented and all additional cards have been dealt, the dealer shall expose the dealer hole card. Any additional cards authorized to be dealt to the hand of the dealer shall be dealt face upwards.

(f) If the dealer has a blackjack, each player's wager shall be settled.

(g) Payment of blackjack shall be made as follows:

(1) If the first card dealt to the dealer is a 2, 3, 4, 5, 6, 7, 8, or 9 and a player has a blackjack, the dealer shall pay the blackjack at odds of 3 to 2. If the first card dealt to the dealer is a king, queen, jack or 10 and a player has a blackjack, the dealer shall check the dealer's hole card for an ace. If the dealer's hole card does not give the dealer a blackjack, the player having a blackjack shall be paid at odds of 3 to 2. If the dealer's hole card gives the dealer a blackjack, the wager of the player having a blackjack shall be void and constitute a push.

(2) Whenever the first card dealt to the dealer is an ace, each player shall have the right to make an insurance bet which, except as otherwise provided herein, shall win if the dealer's second card is a king, queen, jack or 10 and shall lose if the dealer's second card is an ace, 2, 3, 4, 5, 6, 7, 8, or 9. An insurance bet may be made by placing on the insurance line of the layout an amount not more than half the amount staked on the player's initial wager, except that a player may bet an amount in excess of half the initial wager to the next unit that can be wagered in chips, when because of the limitation of the value of chip denominations, half the initial wager cannot be bet. After all insurance wagers have been placed, the dealer will check the dealer's hole card for blackjack. If the dealer has a blackjack, the dealer will collect all of the losing original wagers and then pay all insurance wagers at odds of 2 to 1. The wager of a player having the blackjack shall be void and constitute a push. If the dealer does not have a blackjack, the dealer will collect all of the losing insurance wagers. When a player has a blackjack, the player shall be given the option of taking even money for the player's wager instead of making an insurance wager. In such circumstances, the dealer shall pay the wager at 1 to 1 odds before checking the dealer's hole card and shall remove that player's cards before any player receives a third card.

(3) Except for a blackjack, a player may elect to double down, which means to make an additional wager not in excess of the amount of the player's original wager on the first two cards dealt to the player on the condition that one and only one additional card shall be dealt to the hand on which the player has elected to double down. If a dealer obtains a blackjack after a player doubles down, the dealer shall only collect the amount of the original wager of such player and shall not collect the additional amount wagered in doubling down. Upon a player's election to double down, the dealer shall deal the player's hand one additional card face upwards or sideways on the layout. In the alternative, if the one additional card is dealt face down, such card shall be turned face upward prior to settling the player's wager. A double down wager shall win if the total of the player's cards exceeds the total of the dealer's cards without exceeding a total of 21. A double down wager shall push or tie if the

player's hand and the dealer's hand are equal. A double down wager shall lose if the total of the player's cards exceeds 21 or is less than the total of the dealer's cards, provided the total of the dealer's cards does not exceed 21. A double down wager shall be paid at the rate of 1:1 on both the original wager and the double down portion of the wager.

(h) If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that the player makes a wager on the second hand so formed in an amount equal to the player's original wager. When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to any other hand. After a second card is dealt to a split pair, the player shall indicate the player's decision to stand or draw with respect thereto except that:

(1) A player may split pairs a maximum of three times to make a total of four hands; and

(2) A player splitting aces shall only have one card dealt to each ace and may not elect to receive additional cards.

(i) A player may elect to draw one or more additional cards whenever the player's point count total is less than 21 except that:

(1) A player electing to double down shall draw one and only one additional card;

(2) A player splitting aces shall only have one card dealt to each ace and may not elect to receive additional cards.

(j) A dealer shall draw additional cards to the dealer's hand until the dealer has:

(1) A hard total of 17, 18, 19, 20, or 21, whichever comes first; or

(2) A soft total of 18, 19, 20, or 21, whichever comes first. A dealer shall draw no additional cards to the dealer's hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will have no effect on the outcome of the round of play. A split bet shall win if the total of the player's cards exceeds the total of the dealer's cards without exceeding a total of 21. A split bet shall lose if the total of the player's cards exceeds 21 or is less than the total of the dealer's cards, provided the total of the dealer's cards does not exceed 21. A split bet shall tie or push if the player's hand and the dealer's hand are equal. A winning split bet shall be paid at the rate of 1:1 on both the original wager and the split wager.

(k) A card found turned face upwards in the shoe shall not be used in the game and shall be placed in the discard rack.

(l) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(m) If the dealer has a hard total of 17 and accidentally draws a card for the dealer, such card shall be burned.

(n) If the dealer misses dealing a first or second card to the dealer, the dealer shall continue dealing the first two cards to each player, and then deal the appropriate number of cards to the dealer. (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009; amended, T-111-5-

(continued)

17-11, April 13, 2011; amended, T-111-7-6-11, May 18, 2011; amended, T-111-4-12-12, March 14, 2012; amended, T-111-4-9-20, Jan. 15, 2020; amended, T-111-5-7-21, April 14, 2021.)

111-301-74. Card and hand rankings. (a) The rank of the cards used in "I Luv Suits," in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, and 2. All suits shall be considered equal in rank. Notwithstanding the foregoing, an ace may also be used as the equivalent of a "1" card to complete a straight flush. An ace may only be used as the highest ranking card in a flush. The only permissible hands in the game of I Luv Suits are certain straight flushes and flushes.

(b) The permissible straight flushes in order of highest to lowest rank, shall be as follows:

(1) Seven card straight flush, with ace, king, queen, jack, 10, 9, and 8 being the highest ranking seven card straight flush and 7, 6, 5, 4, 3, 2 and ace being the lowest ranking seven card straight flush.

(2) Six card straight flush, with ace, king, queen, jack, 10 and 9 being the highest ranking six card straight flush and 6, 5, 4, 3, 2 and ace being the lowest ranking six card straight flush.

(3) Five card straight flush, with ace, king, queen, jack and 10 being the highest ranking five card straight flush and 5, 4, 3, 2 and ace being the lowest ranking five card straight flush.

(4) Four card straight flush, with ace, king, queen and jack being the highest ranking four card straight flush and 4, 3, 2 and ace being the lowest ranking four card straight flush.

(5) Three card straight flush, with ace, king and queen being the highest ranking three card straight flush and 3, 2 and ace being the lowest ranking three card straight flush.

(c) The permissible flushes in order of highest to lowest rank, shall be as follows:

(1) Seven card flush.

(2) Six card flush.

(3) Five card flush.

(4) Four card flush.

(5) Three card flush.

(6) Two card flush.

(d) Ranking of hands containing a flush is based upon the number of cards of the same suit in the player's and dealer's hands. In the event both the dealer and the player have the same number of cards in their flush, the winning hand is determined by the highest ranking card of the flush in each hand. If the highest ranking card is the same in both hands, the second highest card shall determine the winner. If the highest and second highest ranking cards are the same in both hands, the third highest ranking card shall be used to determine the winner. This same procedure shall be used for each successively lower ranked card in each hand until a winner or a tie is determined. If the hands are of identical rank after the application of this comparison, the hands shall be considered a tie or draw and any ante wager and play wager are returned to the player. When determining the winning hand between the player and dealer, it is irrelevant whether the flush also constitutes a straight flush. Straight flushes are only relevant to the optional super

flush rush wager and optional progressive wager. (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-10-9-20, Aug. 19, 2020; amended, T-111-5-7-21, April 14, 2021.)

111-301-75. Wagers. (a) The following wagers may be placed in the game of I Luv Suits:

(1) In order to participate in a round of play, a player must place an ante wager that is in any amount within the minimum and maximum wagers posted at the table before receiving cards.

(2) After examination of his or her cards, each player who has placed an ante wager shall have the option to either forfeit the ante wager and end his or her participation against the dealer's hand or compete against the dealer. If a player chooses to compete against the dealer, the player may discard all cards the player will not utilize in the round of play and must place one of the following play wagers:

(A) if the player's hand contains fewer than five cards of the same suit, the play wager must be in the same amount as the player's ante wager;

(B) if the player's hand contains five or more cards of the same suit, the play wager may be in any amount up to two times the player's ante wager; or,

(C) if the player's hand contains six or seven cards of the same suit, the play wager may be in any amount up to three times the player's ante wager.

(3) A player placing an ante wager may also compete against a payable by placing a flush rush wager and/or super flush rush wager in any amount within the minimum and maximum wagers posted at the table.

(b) All wagers at I Luv Suits shall be made by placing gaming chips or authorized vouchers on the appropriate betting areas of the game table layout approved by the Kansas lottery.

(c) Only players who have placed wagers at a gaming position at a I Luv Suits game table are eligible to receive cards.

(d) No wager shall be made, increased, or withdrawn after the first card has been dealt to the player in that round of play.

(e) An additional wager may be made as a tip for the dealer on the ante wager, play wager, flush rush wager, and the super flush rush wager. In order to place a play wager for the dealer, the player must have previously placed an ante wager as a tip for the dealer.

(4) If a progressive wager is offered at the gaming table, before receiving any cards a player may also place a progressive wager in the amount posted at the gaming table. (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-10-9-20, Aug. 19, 2020; amended, T-111-5-7-21, April 14, 2021.)

111-301-76. Play. (a) The game of I Luv Suits is played with a standard 52-card deck of playing cards.

(b) A shuffling machine may be used in the game of I Luv Suits. When a shuffling machine is used, the machine will deal seven cards at a time. Beginning with the first player to the left of the dealer and continuing clockwise in order around the table, the dealer shall deal each player and the dealer seven cards one stack at a time face down. In the event a shuffling machine is not used and

the dealer manually shuffles the cards, beginning with the first player to the left of the dealer and continuing clockwise in order around the table, the dealer shall deal each player and the dealer seven cards face down. Each player shall be dealt all seven cards before the next player or dealer is dealt his or her seven cards.

(c) After all cards have been dealt, each player may examine his or her cards. Each player who places a wager shall be responsible for his or her own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(d) After examination of his or her cards, each player shall have the option to either forfeit the ante wager and end his or her participation against the dealer's hand or make a play wager. If the player's hand consists of five cards of the same suit, the player may make a play wager up to two times the amount of the player's ante wager. If the player's hand consists of six or seven cards of the same suit, the player may make a play wager up to three times the amount of the player's ante wager. If a player has placed an ante wager along with a flush rush wager and/or super flush rush wager but does not make a play wager, the player shall forfeit the ante wager.

(e) After each player has either placed a play wager on the designated area of the table or forfeited his or her ante wager, the dealer shall collect all forfeited wagers and associated cards, placing them in the discard rack or automatic shuffling device. Any qualifying cards for bonus wagers remain in play. The dealer shall then reveal the dealer's cards and determine the highest possible ranking hand available for the dealer's cards.

(f) The dealer shall then settle the wagers remaining on the table by performing the procedure in subsection (h) below. All cards collected during the procedure shall be placed in the discard rack or automatic shuffling machine.

(g) Starting with the player farthest to the dealer's right and continuing counterclockwise around the table the dealer shall:

- (1) Reveal the cards of each remaining player, one player at a time;
- (2) Determine the highest ranking hand of each remaining player;
- (3) Collect all losing wagers;
- (4) Pay each winning wager in accordance with the payout odds listed below; and,
- (5) Collect all player cards and place them in the discard rack or automatic shuffling machine.

(h) All cards collected by the dealer shall be picked up in order and placed in the discard rack or automatic shuffling machine in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

(i) There are three winning payout types, as follows:

(1) A player in competition against the dealer shall be paid at odds of one to one on both the ante wager and the play wager if the player's hand is ranked higher than the dealer's hand, except that to win both wagers the dealer's hand must contain at least a three card flush containing a 9 or higher ranking card and the player's hand must be ranked higher than the dealer's hand. If the dealer does not hold a hand with at least a three card flush containing

a 9 or higher ranking card, the player's ante wager shall automatically be paid at odds of one to one and the player's play wager shall be a tie.

(2) A player placing a flush rush wager shall be paid at the following odds:

Four card flush	1 to 1
Five card flush	10 to 1
Six card flush	100 to 1
Seven card flush	300 to 1

(3) A player placing a super flush rush wager shall be paid at the following odds:

Three card straight flush	7 to 1
Four card straight flush	75 to 1
Five card straight flush	100 to 1
Six card straight flush	200 to 1
Seven card straight flush	500 to 1

(4) Notwithstanding the payout odds, the maximum aggregate payout limit for any flush rush or super flush rush hand shall be the posted maximum wager times the maximum posted odds, exclusive of the ante or the play wager.

(5) If the progressive wager is offered at the gaming table, the lottery gaming facility manager shall initially fund the progressive pot in the amount of \$1,000 and 22% of each progressive wager made by a player shall be added to the progressive pot. The running total amount of the progressive pot shall be displayed on a meter at the gaming table and all progressive prizes shall be paid based upon the amount on the meter at the time the prize is won. Only the highest progressive prize for which a hand qualifies shall be paid. If during a round of play two or more hands qualify for any portion of the progressive pot, the applicable portion of the progressive pot shall be evenly divided between all qualifying hands and if necessary rounded up by the lottery gaming facility manager so that all qualifying hands are paid equal amounts.

(6) A player placing a progressive wager shall be paid at the following odds:

Three card straight flush	3 for 1
Four card straight flush	50 for 1
Five card straight flush	300 for 1
Six card straight flush not containing an ace	10% of the progressive pot
Six card straight flush containing an ace	100% of the progressive pot
Seven card straight flush	100% of the progressive pot

(Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-10-9-20, Aug. 19, 2020; amended, T-111-5-7-21, April 14, 2021.)

Article 501. — SOUTH CENTRAL GAMING ZONE

111-501-44. Rules of the game and bet definitions.

(a) The stickperson, boxperson, table games supervisor or a higher-ranking casino employee shall have the authority to invalidate a roll of the dice by calling "no roll" for any of the following reasons:

- (1) If the wrong player picks up the dice and throws or rolls them.
- (2) If the dice do not hit the end of the table opposite the shooter.

(continued)

(3) The dice do not leave the shooter's hand simultaneously.

(4) Either or both of the dice come to rest on the chips constituting the craps bank (the chips in front of the boxperson).

(5) Either or both of the dice come to rest in the dice bowl in front of the stickperson or on one of the rails surrounding the table.

(6) Either or both of the dice go off the table.

(7) Whenever one die comes to rest on top of the other.

(8) The shooter does not have either a pass or don't pass bet.

(9) Either or both of the dice do not move with forward motion.

(10) If the player shooting the dice removes either one or both dice from the view of the boxperson or table games supervisor or higher-ranking casino official immediately before he shoots them.

(11) If the player attempts to deface the dice purposely or unintentionally immediately before the player shoots the dice.

(b) Whenever new dice are put into the game or existing dice are returned to the game, they shall be inspected by the boxperson before being put into the dice bowl.

(c) Permissible wagers shall be as follows:

(1) "Pass bet" shall mean a wager placed on the pass line of the layout immediately prior to the come-out roll.

(2) The "pass bet" shall win if, on the come-out roll a total of 7 or 11 is thrown, or a total of 4, 5, 6, 8, 9, or 10 is thrown and that total is again thrown before a total of 7 appears.

(3) The "pass bet" shall lose if, on the come-out roll a total of 2, 3 or 12 is thrown, or a total of 4, 5, 6, 8, 9, or 10 is thrown and a 7 subsequently appears before that total is thrown again.

(4) "Don't pass bet" shall mean a wager placed on the don't pass line of the layout immediately prior to the come-out roll.

(5) The "don't pass bet" shall win if, on the come-out roll a total of 2 or 3 is thrown, or a total of 4, 5, 6, 8, 9, or 10 is thrown and a 7 subsequently appears before that total is again thrown.

(6) The "don't pass bet" shall lose if, on the come-out roll a total of 7 or 11 is thrown, or a total of 4, 5, 6, 8, 9, or 10 is thrown and that total is again thrown before a 7 appears.

(7) The "don't pass bet" shall be void if, on the come-out roll a total of 12 is thrown.

(8) "Come bet" shall mean a wager placed on the come line of the layout at any time after the come-out roll.

(9) The "come bet" shall win if, on the roll immediately following placement of such bet a total of 7 or 11 is thrown, or a total of 4, 5, 6, 8, 9, or 10 is thrown and that total is again thrown before a 7 appears.

(10) The "come bet" shall lose if, on the roll immediately following placement of such bet a total of 2, 3, or 12 is thrown, or a total of 4, 5, 6, 8, 9, or 10 is thrown and a 7 subsequently appears before that total is again thrown.

(11) "Don't come bet" shall mean a wager placed on the "don't come" area of the layout at any time after the come-out roll.

(12) The "don't come bet" shall win if, on the roll immediately following placement of such bet a total of 2

or 3 is thrown, or a total of 4, 5, 6, 8, 9, or 10 is thrown and a 7 subsequently appears before that total is again thrown.

(13) The "don't come bet" shall lose if, on the roll immediately following placement of such bet a total of 7 or 11 is thrown, or a total of 4, 5, 6, 8, 9, or 10 is thrown and that total is again thrown before a 7 appears.

(14) The "don't come bet" shall be void if, on the roll following placement of such bet a total of 12 is thrown.

(15) "Place bet to win" shall mean a wager that may be made at any time on any of the numbers 4,5,6,8,9 or 10 which shall win if the number on which wager was placed is thrown before a 7 and shall lose if a 7 is thrown before such number. All place bets shall be active on any roll, except the come-out roll, unless called "on" by the player and confirmed by the dealer through placement of an "on" button on top of such player's wager.

(16) "Buy bets" shall mean a wager that may be made at any time, on the 4, 5, 6, 8, 9, and 10. A buy bet shall win if the particular number is thrown before a 7 is thrown and shall lose if a 7 is thrown before that number is thrown. In addition to the payout odds set forth in these rules for place bets on 4, 5, 6, 8, 9, and 10, the player may also be offered the option of receiving true odds on these bets in return for the player paying at the time of making the bet an amount not to exceed five percent of such wager.

(17) "Lay bets" shall mean a wager that may be made at any time, against any of the numbers 4, 5, 6, 8, 9, and 10. A lay bet shall win if a 7 is thrown before the particular number against which the wager is placed and shall lose if a particular number against which the wager is placed is thrown before a 7 is thrown. The player may also be offered true odds on these bets, for which the player may be charged a fee not to exceed five percent on the amount to be won.

(18) "Four the hardway" shall mean a wager, that may be made at any time, which shall win if a total of 4 is thrown the hardway (i.e., with 2 appearing on each die, before a 4 is thrown in any other way and before a 7 is thrown).

(19) "Six the hardway" shall mean a wager, that may be made at any time, which shall win if a total of 6 is thrown the hardway (i.e., with 3 appearing on each die before 6 is thrown in any other way and before a 7 is thrown).

(20) "Eight the hardway" shall mean a wager, that may be made at any time, which shall win if a total of 8 is thrown the hardway (i.e., with 4 appearing on each die before 8 is thrown in any other way and before a 7 is thrown).

(21) "Ten the hardway" shall mean a wager that may be made at any time, which shall win if a total of 10 is thrown the hardway (i.e., with 5 appearing on each die before 10 is thrown in any other way and before a 7 is thrown).

(22) "Field bet" shall mean a one-roll wager that may be made at any time which shall win if any of the totals of 2, 3, 4, 9, 10, 11, or 12 is thrown on the roll immediately following placement of such bets and shall lose if a total of 5, 6, 7, or 8 is thrown on such a roll.

(23) "Any seven" or "big red" shall mean a one-roll wager that may be made at any time which shall win if a total of 7 is thrown on the roll immediately following

placement of such a bet and shall lose if any other total is thrown.

(24) "Any craps" shall mean a one roll wager that may be made at any time which shall win if a total of 2, 3, or 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(25) "Two Craps," "aces," or "low" shall mean a one-roll wager that may be made at any time which shall win if a total of 2 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(26) "Three Craps" or "ace-deuce" shall mean a one-roll wager that may be made at any time which shall win if a total of 3 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(27) "Twelve Craps," "high," or "boxcars" shall mean a one-roll wager that may be made at any time which shall win if a total of 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(28) "Eleven" or "yo" shall mean a one-roll wager that may be made at any time which shall win if a total of 11 is thrown on the next roll and shall lose if any other total is thrown.

(29) "Horn bet" shall mean a one-roll wager that may be made at any time which shall win if a total of 2, 3, 11, or 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(30) "Horn high bet" shall mean a one-roll wager that may be made at any time, which shall win if any one of the totals 2, 3, 11, or 12 is thrown on the roll immediately following placement of such bet and shall lose, if any other total is thrown. A horn high bet will be placed in units of five, with four units wagered as a horn bet and an additional unit wagered on one of the totals 2, 3, 11, or 12.

(31) "World bet" shall mean a one-roll wager that may be made at any time, which shall win if any one of the totals 2, 3, 7, 11, or 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown. A world bet shall be placed on the lower line of the any seven wager area in units of five with one unit wagered on each of the totals 2, 3, 7, 11, or 12.

(32) "3 way craps" shall mean a one-roll wager, that may be made at any time, which shall win, if any one of the following totals 2, 3, or 12 is thrown on the roll immediately following the placement of such bet and shall lose if any other total is thrown. A "3 way craps" bet will be placed with one unit wagered on each of the totals 2, 3, or 12. The dealer shall place such a wager touching the "C" of the any craps wager area and the horn or horn higher area.

(33) "Hop bet" means a one-roll wager that may be made at any time on a specific combination designated by the player which will win if the combination is thrown on a roll immediately following placement of such bet and will lose if any other combination is thrown.

(34) "Hop bet all others" means a one-roll wager that may be made at any time on an allowable specific combination designated by the player that will win if the combination is thrown on a roll immediately following

placement of such wager and will lose if any other combination is thrown. The allowable specific combinations include 4, 5, 6, 7, 8, 9, or 10 but do not include any hardway wagers.

(35) "Hop bet hard" means a one-roll wager that may be made at any time on an allowable specific combination designated by the player that will win if the combination is thrown on a roll immediately following placement of such wager and will lose if any other combination is thrown. The allowable specific combinations include four the hardway, six the hardway, eight the hardway, and ten the hardway.

(36) "Big six" or "big 6" means a wager placed in the area of the layout marked "big six" or "big 6," which shall win if a total of 6 is thrown before a 7 and shall lose if a 7 is thrown before a 6.

(37) "Big eight" or "big 8" means a wager placed on the area of the layout marked "big eight" or "big 8" and shall win if a total of eight is thrown before a 7, and shall lose if a 7 is thrown before an 8.

(38) "Split bet" means a one-roll wager that is placed on the line or area between two proposition bets. One half of the split bet is being bet on each side. Both bets will be left up and a net payoff is made to the player.

(39) "Craps-eleven" or "C and E" means a one-roll split bet on any craps and eleven.

(40) "High-low" means a one-roll split bet aces (2) and twelve (12).

(41) "Ace deuce - any craps" means a one-roll bet which is unique because if ace deuce (3) rolls, both sides of the bet win.

(42) "Put bets" are bets that are made directly on any number at any time, including the point, after the come-out roll has already been made. Put bets are allowed full odds as well.

(43) "All small" is an optional wager that may be offered on selected craps tables that is placed before the point is established by a new shooter. The wager will win if each of the totals 2, 3, 4, 5, and 6 are all rolled by the shooter before a 7 is rolled. The totals 2, 3, 4, 5, and 6 may be rolled in any order, the same total may be rolled more than once, and rolling the totals 8, 9, 10, 11, or 12 are irrelevant to the wager. The wager will lose if a 7 is rolled before each of the totals 2, 3, 4, 5, and 6 are all rolled by the shooter.

(44) "All tall" is an optional wager that may be offered on selected craps tables that is placed before the point is established by a new shooter. The wager will win if each of the totals 8, 9, 10, 11, and 12 are all rolled by the shooter before a 7 is rolled. The totals 8, 9, 10, 11, or 12 may be rolled in any order, the same totals may be rolled more than once, and rolling the totals 2, 3, 4, 5, or 6 are irrelevant to the wager. The wager will lose if a 7 is rolled before each of the totals 8, 9, 10, 11, and 12 are all rolled by the shooter.

(45) "Make 'em all" is an optional wager that may be offered on selected craps tables that is placed before the point is established by a new shooter. The wager will win if totals 2, 3, 4, 5, 6, 8, 9, 10, 11, and 12 are all rolled by the shooter before a 7 is rolled. The totals 2, 3, 4, 5, 6, 8, 9, 10, 11, and 12 may be rolled in any order and the same total

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may be rolled more than once. The wager will lose if a 7 is rolled before totals 2, 3, 4, 5, 6, 8, 9, 10, 11, and 12 are all rolled by the shooter.

(46) "Hot shooter jackpot" is an optional wager that may be offered on selected craps tables that is placed by a player prior to the come out roll after a seven out is rolled. The minimum and maximum amounts of the wager allowed to be made, if any, shall be posted at the gaming table. A player shall win the wager if, beginning with the next roll and continuing for at least seven more rolls thereafter, a seven out is not rolled. A player shall lose the wager if beginning with the next roll of the dice a seven out is rolled in seven or fewer rolls. For all winning wagers the number of rolls made prior to a seven out and payout odds are as follows:

- (A) eight to fifteen rolls pays one times the wager;
- (B) sixteen to twenty-three rolls pays three times the wager;
- (C) twenty-four to thirty-one rolls pays five times the wager;
- (D) thirty-two to thirty-nine rolls pays seven times the wager;
- (E) forty to forty-four rolls pays twelve times the wager;
- (F) forty-five to forty-nine rolls pays thirty times the wager; and
- (G) fifty or more rolls pays one-hundred times the wager.

Only the highest amount for which the wager qualifies shall be paid.

(47) "Power odds" may be offered on selected craps tables. Power odds may be randomly applied to one or more of the following wagers: any craps; craps; any seven; eleven; hop; horn; and all hardway wagers. Power odds shall only apply to wagers for the roll immediately following activation of the indicator light. An indicator light on the table game layout shall appear when power odds are active, but the indicator light shall not appear until after the time allowed for making wagers has expired. The lottery gaming facility manager shall pre-select either payable one or payable two, below. Winning wagers to which power odds apply shall be paid at the following odds:

- (A) Paytable one:
 - (1) any craps or craps pays ten to one;
 - (2) any seven pays thirteen to two;
 - (3) eleven, hop bet all others, or horn with a 3 and 11 pays twenty-two to one;
 - (4) horn with a 2 and 12 pays forty-six to one;
 - (5) hop bet pairs pays forty-six to one;
 - (6) four the hardway pays ten to one;
 - (7) six the hardway pays thirteen to one;
 - (8) eight the hardway pays thirteen to one; and
 - (9) ten the hardway pays ten to one.
- (B) Paytable two:
 - (1) any craps or craps pays fourteen to one;
 - (2) any seven pays eighteen to two;
 - (3) eleven, hop bet all others, or horn with a 3 and 11 pays thirty to one;
 - (4) horn with a 2 and 12 pays sixty-two to one;
 - (5) hop bet pairs pays sixty-two to one;
 - (6) four the hardway pays fourteen to one;

- (7) six the hardway pays eighteen to one;
- (8) eight the hardway pays eighteen to one; and
- (9) ten the hardway pays fourteen to one. (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-12-22-11, Oct. 12, 2011; amended, T-111-5-31-13, May 15, 2013; amended, T-111-7-11-18, June 6, 2018; amended, T-111-11-16-18, Aug. 8, 2018; amended, T-111-5-7-21, April 14, 2021.)

111-501-45. Making and removal of wagers. (a) All wagers at craps shall be made by placing gaming chips on the appropriate areas of the craps layout.

- (b) Wagers shall be made before the dice are thrown.
- (c) Wagers may be made by a player or may be made by verbal confirmation of a desired bet communicated to the dealer by the player with subsequent placement of said bet on the appropriate portion of the layout by the dealer.
- (d) A wager made on any bet may be removed or reduced at any time prior to a roll that decided the outcome of such wager except that a pass line bet and a come bet shall not be removed or reduced after a come-out point or some point is established with respect to such bet. Pass line and come bets are always active.

(e) A don't come bet and a don't pass bet may be removed or reduced at any time but may not be replaced or increased after such removal or reduction until a new come-out roll.

(f) All place bets, come odds and hardways shall be inactive on any come-out roll unless requested "on" by the player and confirmed by the dealer through placement of an "on" button on top of the wager. All other wagers shall be considered active unless a player requests to have his bets inactive. The dealer through placement of an "off" button must confirm this.

- (g) Minimum and maximum table limits will be posted.
- (h) If a player wagers less than the table minimum bet and the dealer does not notice it, the dealer shall take or pay the amount actually bet and instruct the player of the minimum amount that must be wagered on subsequent bets.

(i) If in error a player has been permitted to wager more than the table maximum, the dealer shall remove the excess and return it to the player, pay the bet at the correct odds, and inform the player of the permissible amount that can be wagered on subsequent bets.

(j) In the event of a dealer placing a bet for a player, chips shall not be taken from the player's hands or from the rack in front of the player. All chips for the bet shall be set down on the layout by the player and the dealer shall clarify the purpose of the chips before picking them up.

(k) Wager and payout odds shall be as follows:

Wager	Payout odds
Pass	1 to 1
Don't pass	1 to 1
Come	1 to 1
Don't come	1 to 1
Big six	1 to 1
Big eight	1 to 1
Place bet 4 to win	9 to 5
Place bet 5 to win	7 to 5
Place bet 6 to win	7 to 6

Place bet 8 to win	7 to 6
Place bet 9 to win	7 to 5
Place bet 10 to win	9 to 5
Four the hardway	7 to 1
Six the hardway	9 to 1
Eight the hardway	9 to 1
Ten the hardway	7 to 1
Field bet	1 to 1 on 3, 4, 9, 10, 11
	2 to 1 on 2
	2 to 1 on 12
Any seven	4 to 1
Any craps	7 to 1
Craps 2	30 to 1
Craps 3	15 to 1
Craps 12	30 to 1
Eleven	15 to 1
Hop bet-pairs	30 to 1
Hop bet-all others	15 to 1
Buy bet 4 or 10 to win	2 to 1
Buy bet 5 or 9 to win	3 to 2
Buy bet 6 or 8 to win	6 to 5
Lay bet 4 or 10 to lose	1 to 2
Lay bet 5 or 9 to lose	2 to 3
Lay bet 6 or 8 to lose	5 to 6

(l) A horn bet shall be paid as if it were four separate wagers on 2, 3, 11, and 12.

(m) All charges for vigorish that are less than one dollar amounts, will be rounded down to the nearest dollar figure.

(n) For lay bets against a 4, 5, 6, 8, 9, and 10, a player shall receive true odds on these bets in return for the player paying at the time of making the bet a percentage of the amount the player could win on such bet, which in no event shall exceed five percent of such amount.

(o) A lay bet against a number shall win if a seven rolls before the number is rolled.

(p) A lay bet against a number shall lose if the number rolls before a seven is rolled.

(q) A player may remove the player's lay bet at any time before the number or seven is rolled. If the player removes the lay bet, the amount of the vigorish will also be returned.

(r) Lay bets pay at the following odds:

Bets	Odds
4 or 10	1 to 2

5 or 9	2 to 3
6 or 8	5 to 6

(s) Players may take odds on their pass and come bets as follows:

(1) On a pass line point/come bet of 4 and 10, odds can be taken up to 100 times the pass line bet.

(2) On a pass line point/come bet of 5 and 9, odds can be taken up to 100 times the pass line bet.

(3) On a pass line point/come bet of 6 and 8, odds can be taken up to 100 times the pass line bet.

(t) Players may take odds on their put bets. Put bets are made the same way as pass line and come bets, except that put bets are placed directly on the number without going through the pass or come, as follows:

(1) On a put bet of 4 and 10, odds can be taken up to 100 times the pass line bet.

(2) On a put bet of 5 and 9, odds can be taken up to 100 times the pass line bet.

(3) On a put bet of 6 and 8, odds can be taken up to 100 times the pass line bet.

(u) Players may lay odds on their don't pass and don't come bets up to:

(1) 4 and 10 can lay to win 100 times the don't pass/don't come bet.

(2) 5 and 9 can lay to win 100 times the don't pass/don't come bet.

(3) 6 and 8 can lay to win 100 times the don't pass/don't come bet.

(v) Players may make an optional wager on either the All Small, All Tall or Make Em All bonus bet. The payout odds on winning "All small," "All Tall," and "Make 'em All" wagers are as follows:

(1) All small 34 to 1

(2) All tall 34 to 1

(3) Make 'em all 175 to 1

(w) Minimum and maximum odds will be posted at each table. (Authorized by K.S.A. 74-8710 and 74-8748; implementing K.S.A. 74-8710; effective, T-111-12-22-11, Oct. 12, 2011; amended, T-111-5-31-13, May 15, 2013; amended, T-111-7-11-18, June 6, 2018; amended, T-111-12-2-19, Oct. 16, 2019; amended, T-111-5-7-21, April 14, 2021.)

Stephen W. Durrell
Executive Director

Doc. No. 049170

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2020 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-8-13	Amended	V. 40, p. 320
4-8-14a	Amended	V. 40, p. 320
4-8-27	Amended	V. 40, p. 320
4-8-28	Amended	V. 40, p. 320
4-8-29	Amended	V. 40, p. 320
4-8-30	Amended	V. 40, p. 320
4-8-31	Amended	V. 40, p. 320
4-8-32	Amended	V. 40, p. 320
4-8-33	Amended	V. 40, p. 320
4-8-34	Amended	V. 40, p. 321
4-8-35	Amended	V. 40, p. 321
4-8-36	Amended	V. 40, p. 321
4-8-37	Amended	V. 40, p. 321
4-8-38	Amended	V. 40, p. 321
4-8-39	Amended	V. 40, p. 321
4-8-40	Amended	V. 40, p. 321
4-8-41	Revoked	V. 40, p. 321
4-8-42	Revoked	V. 40, p. 321
4-8-43	Revoked	V. 40, p. 321
4-8-44	New	V. 40, p. 321
4-8-45	New	V. 40, p. 322
4-8-46	New	V. 40, p. 322
4-8-47	New	V. 40, p. 322
4-8-48	New	V. 40, p. 322
4-34-1	Amended	V. 40, p. 191
4-34-22	New	V. 39, p. 1578
4-34-23	New	V. 39, p. 1579
4-34-24	New	V. 39, p. 1580
4-34-25	New	V. 39, p. 1581
4-34-26	New	V. 39, p. 1581
4-34-27	New	V. 39, p. 1581
4-34-28	New	V. 39, p. 1582
4-34-29	New	V. 39, p. 1582
4-34-30	New	V. 39, p. 1583

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-48-1	New	V. 40, p. 263

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

Reg. No.	Action	Register
9-2-35	New	V. 39, p. 1358
9-3-9	Amended	V. 39, p. 1359

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-24-1	New (T)	V. 39, p. 732
10-24-1	New	V. 39, p. 1074
10-24-2	New (T)	V. 39, p. 732
10-24-2	New	V.39, p. 1074

10-24-3	New (T)	V. 39, p. 732
10-24-3	New	V. 39, p. 1075

AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION

Reg. No.	Action	Register
11-9-5	Amended	V. 40, p. 427

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-14-1	Amended	V. 39, p. 1155
16-14-10	Amended	V. 39, p. 1155
16-14-11	Amended	V. 39, p. 1155
16-19-1	New	V. 39, p. 208
16-19-2	New	V. 39, p. 208
16-19-3	New	V. 39, p. 208
16-20-1	New (T)	V. 39, p. 462
16-20-1	New	V. 39, p. 1075

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-23-9	Revoked	V. 39, p. 146

AGENCY 21: HUMAN RIGHTS COMMISSION

Reg. No.	Action	Register
21-40-10	Revoked	V. 40, p. 265
21-41-1	Revoked	V. 40, p. 265
21-41-2	Amended	V. 40, p. 265
21-41-3	Amended	V. 40, p. 265
21-41-4	Revoked	V. 40, p. 265
21-41-6	Amended	V. 40, p. 265
21-41-8	Amended	V. 40, p. 265
21-41-10	Amended	V. 40, p. 265
21-41-11	Revoked	V. 40, p. 265

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-26-1	New (T)	V. 40, p. 161
22-26-2	New (T)	V. 40, p. 162
22-26-3	New (T)	V. 40, p. 163
22-26-4	New (T)	V. 40, p. 163
22-26-5	New (T)	V. 40, p. 164
22-26-6	New (T)	V. 40, p. 164
22-26-7	New (T)	V. 40, p. 164
22-26-8	New (T)	V. 40, p. 164
22-26-9	New (T)	V. 40, p. 164
22-26-10	New (T)	V. 40, p. 165
22-26-11	New (T)	V. 40, p. 165
22-26-12	New (T)	V. 40, p. 165
22-26-13	New (T)	V. 40, p. 166
22-26-14	New (T)	V. 40, p. 166
22-26-15	New (T)	V. 40, p. 167
22-26-16	New (T)	V. 40, p. 167

AGENCY 26: DEPARTMENT FOR AGING AND DISABILITY SERVICES

Reg. No.	Action	Register
26-38-1	New	V. 39, p. 1155
26-38-2	New	V. 39, p. 1156
26-38-3	New	V. 39, p. 1157
26-38-4	New	V. 39, p. 1157
26-38-5	New	V. 39, p. 1157
26-38-6	New	V. 39, p. 1158
26-38-7	New	V. 39, p. 1158
26-38-8	New	V. 39, p. 1159
26-38-9	New	V. 39, p. 1160
26-38-10	New	V. 39, p. 1160
26-38-11	New	V. 39, p. 1160

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-40	New (T)	V. 39, p. 1018

28-1-40	New	V. 39, p. 1384
28-1-41	New (T)	V. 39, p. 1018
28-1-41	New	V. 39, p. 1384
28-1-42	New (T)	V. 39, p. 1018
28-1-42	New	V. 39, p. 1384
28-1-43	New (T)	V. 39, p. 1018
28-1-43	New	V. 39, p. 1385
28-1-44	New (T)	V. 39, p. 1019
28-1-44	New	V. 39, p. 1385
28-15-52	Amended	V. 39, p. 171
28-15-53	Amended	V. 39, p. 171
28-19-719	Revoked	V. 39, p. 1459
28-19-720	Amended	V. 39, p. 1459
28-24-1	Amended	V. 39, p. 336
28-24-2	Amended	V. 39, p. 336
28-24-3	Amended	V. 39, p. 336
28-24-4	Amended	V. 39, p. 337
28-24-5	Amended	V. 39, p. 337
28-24-6	Amended	V. 39, p. 337
28-24-7	Amended	V. 39, p. 337
28-24-8	Amended	V. 39, p. 337
28-24-9	Amended	V. 39, p. 337
28-24-10	Amended	V. 39, p. 338
28-24-11	Amended	V. 39, p. 338
28-24-12	Amended	V. 39, p. 338
28-24-13	Amended	V. 39, p. 339
28-24-14	Amended	V. 39, p. 339
28-38-18	Revoked	V. 39, p. 1160
28-38-19	Revoked	V. 39, p. 1160
28-38-20	Revoked	V. 39, p. 1160
28-38-21	Revoked	V. 39, p. 1160
28-38-22	Revoked	V. 39, p. 1161
28-38-23	Revoked	V. 39, p. 1161
28-38-26	Revoked	V. 39, p. 1161
28-38-28	Revoked	V. 39, p. 1161
28-38-29	Revoked	V. 39, p. 1161
28-38-30	Revoked	V. 39, p. 1161
28-44-12	Amended	V. 39, p. 819
28-44-13	Amended	V. 39, p. 819
28-44-14	Amended	V. 39, p. 819
28-44-15	Amended	V. 39, p. 820
28-44-16	Amended	V. 39, p. 820
28-44-17	Amended	V. 39, p. 820
28-44-18	Amended	V. 39, p. 821
28-44-19	Amended	V. 39, p. 821
28-44-20	Amended	V. 39, p. 821
28-44-21	Amended	V. 39, p. 821
28-44-22	Amended	V. 39, p. 822
28-44-23	Amended	V. 39, p. 822
28-44-24	Amended	V. 39, p. 822
28-44-25	Amended	V. 39, p. 822
28-44-26	Amended	V. 39, p. 823
28-44-27	Amended	V. 39, p. 823
28-44-28	Revoked	V. 39, p. 824
28-44-29	Amended	V. 39, p. 824
28-44-30	New	V. 39, p. 825
28-44-31	New	V. 39, p. 825
28-65-1	Amended	V. 40, p. 318
28-65-2	Amended	V. 40, p. 318
28-65-3	Amended	V. 40, p. 318
28-65-4	Amended	V. 40, p. 319

AGENCY 36: KANSAS DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-45-1	New (T)	V. 39, p. 1104
36-45-1	New	V. 39, p. 1490
36-45-2	New (T)	V. 39, p. 1105
36-45-2	New	V. 39, p. 1491
36-45-3	New (T)	V. 39, p. 1105
36-45-3	New	V. 39, p. 1491
36-45-4	New (T)	V. 39, p. 1106
36-45-4	New	V. 39, p. 1491
36-45-5	New (T)	V. 39, p. 1106
36-45-5	New	V. 39, p. 1492
36-45-6	New (T)	V. 39, p. 1106

36-45-6	New	V. 39, p. 1492
36-45-7	New (T)	V. 39, p. 1106
36-45-7	New	V. 39, p. 1492
36-45-8	New (T)	V. 39, p. 1107
36-45-8	New	V. 39, p. 1493
36-45-10	New (T)	V. 39, p. 1108
36-45-10	New	V. 39, p. 1494

AGENCY 40: INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 40, p. 191
40-1-52	New	V. 40, p. 191

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-11-116	Amended	V. 39, p. 1021
60-11-119	Amended	V. 39, p. 1022
60-13-110	Amended	V. 39, p. 1022
60-16-101	Amended	V. 39, p. 12
60-16-103	Amended	V. 39, p. 12
60-16-104	Amended	V. 39, p. 13

AGENCY 61: BOARD OF BARBERING

Reg. No.	Action	Register
61-4-3	New	V. 40, p. 161

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 39, p. 1425
66-6-10	Amended	V. 39, p. 1426
66-7-1	Amended	V. 39, p. 1427
66-8-3	Amended	V. 39, p. 1427
66-8-4	Amended	V. 39, p. 1427
66-9-5	Amended	V. 39, p. 1427
66-10-4	Amended	V. 39, p. 1427
66-10-9	Amended	V. 39, p. 1428
66-10-10b	Amended	V. 39, p. 1428
66-10-10c	New	V. 39, p. 1428
66-10-12	Amended	V. 39, p. 1428
66-10-13	Amended	V. 39, p. 1429
66-11-5	Amended	V. 39, p. 1429
66-12-1	Amended	V. 40, p. 670
66-14-1	Amended	V. 39, p. 1429
66-14-2	Amended	V. 39, p. 1430
66-14-3	Amended	V. 39, p. 1430
66-14-5	Amended	V. 39, p. 1430
66-14-6	Amended	V. 39, p. 1431
66-14-7	Amended	V. 39, p. 1431
66-14-8	Amended	V. 39, p. 1431
66-14-9	Amended	V. 39, p. 1431
66-14-10	Revoked	V. 39, p. 1431
66-14-11	Revoked	V. 39, p. 1431
66-14-12	Amended	V. 39, p. 1431
66-15-1	New	V. 39, p. 14

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-5	Amended	V. 39, p. 105
68-5-16	Amended	V. 39, p. 106

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-3-8	Amended (T)	V. 39, p. 1186
69-3-8	Amended	V. 39, p. 1583

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 39, p. 1495

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-3	Amended	V. 38, p. 1337

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-3a	Amended (T)	V. 39, p. 1188
82-4-3a	Amended	V. 39, p. 1608
82-4-30a	Amended (T)	V. 39, p. 1383
82-4-30a	Amended	V. 40, p. 160

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 39, p. 54
86-1-11	Amended	V. 39, p. 55
86-1-12	Amended	V. 39, p. 56
86-1-13	Revoked	V. 39, p. 56
86-1-16	Revoked	V. 39, p. 56
86-1-17	Amended	V. 39, p. 56
86-1-18	Revoked	V. 39, p. 56
86-3-6a	Revoked	V. 39, p. 56
86-3-7	Amended	V. 39, p. 56
86-3-10	Amended	V. 40, p. 497
86-3-18	Amended	V. 40, 497
86-3-20	Revoked	V. 39, p. 57
86-3-21	Revoked	V. 40, p. 498
86-3-22	Amended	V. 40, p. 498

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-10-1	Revoked	V. 39, p. 1270
88-10-2	Revoked	V. 39, p. 1270
88-10-3	Revoked	V. 39, p. 1270
88-10-4	Revoked	V. 39, p. 1270
88-10-5	Revoked	V. 39, p. 1270
88-10-6	Revoked	V. 39, p. 1270
88-10-7	Revoked	V. 39, p. 1270
88-10-8	Revoked	V. 39, p. 1270
88-10-10	Revoked	V. 39, p. 1270
88-10-12	Revoked	V. 39, p. 1270
88-11-1	Revoked	V. 39, p. 1270
88-11-2	Revoked	V. 39, p. 1270
88-11-3	Revoked	V. 39, p. 1270
88-11-4	Revoked	V. 39, p. 1270
88-11-5	Revoked	V. 39, p. 1270
88-11-6	Revoked	V. 39, p. 1270
88-11-7	Revoked	V. 39, p. 1270
88-11-8	Revoked	V. 39, p. 1270
88-11-9	Revoked	V. 39, p. 1270
88-11-11	Revoked	V. 39, p. 1270
88-11-12	Revoked	V. 39, p. 1270
88-25-1	New	V. 39, p. 748
88-25-2	New	V. 39, p. 748
88-25-3	New	V. 39, p. 748
88-25-4	New	V. 39, p. 748
88-25-5	New	V. 39, p. 748
88-29-1	Revoked	V. 39, p. 1215
88-29-3	Amended	V. 39, p. 1215
88-29-11	Revoked	V. 39, p. 1216
88-29-12	Amended	V. 39, p. 1216
88-29-13	Amended	V. 39, p. 1216
88-29-14	Amended	V. 39, p. 1218
88-29-15	Amended	V. 39, p. 1218
88-29-16	Amended	V. 39, p. 1219
88-29-17	Amended	V. 39, p. 1220
88-29-18	Revoked	V. 39, p. 1221
88-29-19	Revoked	V. 39, p. 1221
88-29a-1	Amended	V. 39, p. 1221
88-29a-5	Amended	V. 39, p. 1223
88-29a-6	Amended	V. 39, p. 1223
88-29a-7	Amended	V. 39, p. 1223
88-29a-7a	Amended	V. 39, p. 1224

88-29a-9	Amended	V. 39, p. 1224
88-29a-10	Amended	V. 39, p. 1225
88-29a-11	Amended	V. 39, p. 1227
88-29a-18	Amended	V. 39, p. 1228
88-29a-19	Amended	V. 39, p. 1229
88-29b-1	Amended	V. 39, p. 1229
88-29b-3	Amended	V. 39, p. 1231
88-29b-5	Amended	V. 39, p. 1231
88-29b-6	Amended	V. 39, p. 1232
88-29b-7	Amended	V. 39, p. 1233
88-29b-7a	Amended	V. 39, p. 1234
88-29b-9	Amended	V. 39, p. 1234
88-29b-10	Amended	V. 39, p. 1235
88-29c-1	Amended	V. 39, p. 1236
88-29c-5	Amended	V. 39, p. 1238
88-29c-7	Amended	V. 39, p. 1238
88-29c-9	Amended	V. 39, p. 1238
88-29c-10	Amended	V. 39, p. 1239
88-29d-1	Amended	V. 39, p. 1240
88-29d-5	Amended	V. 39, p. 1241
88-29d-7	Amended	V. 39, p. 1242
88-29d-9	Amended	V. 39, p. 1242
88-29d-10	Amended	V. 39, p. 1243
88-30-1	Amended (T)	V. 39, p. 890
88-30-1	Amended	V. 39, p. 1269
88-30-2	Amended	V. 39, p. 1270

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-47	Revoked	V. 40, p. 290
92-19-67	Revoked	V. 40, p. 290

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended	V. 40, p. 571
100-6-2a	New	V. 40, p. 290
100-7-1	Amended	V. 39, p. 1359
100-8-3	New	V. 40, p. 572
100-15-4	Amended	V. 40, p. 572
100-15-5	Amended	V. 40, p. 573
100-76-6	Amended	V. 39, p. 1360
100-78-1	New (T)	V. 39, p. 250
100-78-1	New	V. 39, p. 570
100-78-2	New (T)	V. 39, p. 250
100-78-2	New	V. 39, p. 570

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-5-2	Amended	V. 39, p. 252
105-5-3	Amended	V. 39, p. 252
105-5-6	Amended	V. 39, p. 252
105-5-7	Amended	V. 39, p. 252
105-5-8	Amended	V. 39, p. 252

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-3-3	Amended	V. 39, p. 30
109-3-4	Amended	V. 39, p. 31
109-5-1a	Amended	V. 39, p. 32
109-11-1a	Amended	V. 39, p. 32

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007

can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*.

Reg. No.	Action	Register
111-2-328	New	V. 39, p. 1460
111-4-3595	New	V. 39, p. 57
111-4-3596	New	V. 39, p. 58
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AGENCY 112: KANSAS RACING AND GAMING COMMISSION

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115-4-4	Amended	V. 39, p. 618
115-4-4a	Amended	V. 39, p. 1527
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115-5-1	Amended	V. 39, p. 1103
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115-7-3	Amended	V. 39, p. 1528
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AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION OF HEALTH CARE FINANCE

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129-9-9	New	V. 39, p. 1019
129-10-31	Amended	V. 39, p. 800

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