A U T H E N T I C A T I O N

STATE OF KANSAS
OFFICE OF SECRETARY OF STATE

I, Kris W. Kobach, Secretary of State of the state of Kansas, do hereby certify that the printed acts contained in this volume are true and correct copies of enrolled laws or resolutions which were passed during the 2018 regular session of the Legislature of the State of Kansas, begun on the 8th day of January, AD 2018, and concluded on the 4th day of May, AD 2018; and I further certify that all laws contained in this volume which took effect and went into force on and after publication in the Kansas Register were so published (on the date thereto annexed) as provided by law; and I further certify that all laws contained in this volume will take effect and be in force on and after the 1st day of July, AD 2018, except when otherwise provided.

Given under my hand and seal this 1st day of July, AD 2018.

Kris W. Kobach,
Secretary of State

(SEAL)
EXPLANATORY NOTES

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

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

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

Approval and publication dates are included.

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 The bill index, subject index, and list of statutes repealed or amended will assist you in locating bills of interest.

NOTICE

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

Kris W. Kobach
Secretary of State
1st Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594
(785) 296-4557
OFFICIAL DIRECTORY

ELECTIVE STATE OFFICERS

<table>
<thead>
<tr>
<th>Office</th>
<th>Name</th>
<th>Residence</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Governor</td>
<td>Jeff Colyer, MD</td>
<td>Topeka</td>
<td>Rep.</td>
</tr>
<tr>
<td>**Lieutenant Governor</td>
<td>Tracey Mann</td>
<td>Salina</td>
<td>Rep.</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>Kris W. Kobach</td>
<td>Lecompton</td>
<td>Rep.</td>
</tr>
<tr>
<td>State Treasurer</td>
<td>Jacob LaTurner</td>
<td>Pittsburg</td>
<td>Rep.</td>
</tr>
<tr>
<td>Attorney General</td>
<td>Derek Schmidt</td>
<td>Independence</td>
<td>Rep.</td>
</tr>
<tr>
<td>Commissioner of Insurance</td>
<td>Ken Selzer</td>
<td>Leawood</td>
<td>Rep.</td>
</tr>
</tbody>
</table>

* Jeff Colyer, MD sworn in on January 31 to replace Sam Brownback
** Tracey Mann sworn in on February 14 to replace Jeff Colyer, MD

STATE BOARD OF EDUCATION

<table>
<thead>
<tr>
<th>Dist.</th>
<th>Name and residence</th>
<th>Dist.</th>
<th>Name and residence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Janet Waugh, Kansas City</td>
<td>6</td>
<td>Deena Horst, Salina</td>
</tr>
<tr>
<td>2</td>
<td>Steve Roberts, Overland Park</td>
<td>7</td>
<td>Kenneth R. Willard, Hutchinson</td>
</tr>
<tr>
<td>3</td>
<td>John W. Bacon, Olathe</td>
<td>8</td>
<td>Kathy Busch, Wichita</td>
</tr>
<tr>
<td>4</td>
<td>Ann E. Mah, Topeka</td>
<td>9</td>
<td>Jim Porter, Fredonia</td>
</tr>
<tr>
<td>5</td>
<td>Sally Cauble, Dodge City</td>
<td>10</td>
<td>Jim McNiece, Wichita</td>
</tr>
</tbody>
</table>

UNITED STATES SENATORS

<table>
<thead>
<tr>
<th>Name and residence, Party</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pat Roberts, Dodge City, Republican</td>
<td>Term expires Jan. 3, 2021</td>
</tr>
<tr>
<td>Jerry Moran, Hays, Republican</td>
<td>Term expires Jan. 3, 2023</td>
</tr>
</tbody>
</table>

UNITED STATES REPRESENTATIVES

(Terms expire January 3, 2019)

<table>
<thead>
<tr>
<th>District</th>
<th>Name</th>
<th>Residence</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>Roger Marshall, MD</td>
<td>Salina</td>
<td>Rep.</td>
</tr>
<tr>
<td>Third</td>
<td>Kevin Yoder</td>
<td>Overland Park</td>
<td>Rep.</td>
</tr>
</tbody>
</table>
**LEGISLATIVE DIRECTORY**

### STATE SENATE

<table>
<thead>
<tr>
<th>Name</th>
<th>Residence</th>
<th>Party</th>
<th>Dist.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alley, Larry</td>
<td>517 Quail Nest Rd., Winfield 67156</td>
<td>Rep.</td>
<td>32</td>
</tr>
<tr>
<td>Baumgardner, Molly</td>
<td>29467 Masters Ct., Louisburg 66053</td>
<td>Rep.</td>
<td>37</td>
</tr>
<tr>
<td>Berger, Edward E.</td>
<td>2501 Briarwood, Hutchinson 67502</td>
<td>Rep.</td>
<td>34</td>
</tr>
<tr>
<td>Billinger, Richard (Rick)</td>
<td>Box 594, Goodland 67735</td>
<td>Rep.</td>
<td>40</td>
</tr>
<tr>
<td>Bollier, Barbara</td>
<td>6910 Overhill Rd., Mission Hills 66208</td>
<td>Rep.</td>
<td>7</td>
</tr>
<tr>
<td>Bowers, Elaine</td>
<td>1326 N. 150th Rd., Concordia 66901</td>
<td>Rep.</td>
<td>36</td>
</tr>
<tr>
<td>Denning, Jim</td>
<td>8416 W. 115th St., Overland Park 66210</td>
<td>Rep.</td>
<td>8</td>
</tr>
<tr>
<td>Doll, John</td>
<td>2927 Cliff Pl., Garden City 67846</td>
<td>Rep.</td>
<td>39</td>
</tr>
<tr>
<td>Estes, Bud</td>
<td>1405 Elbow Bend, Dodge City 67801</td>
<td>Rep.</td>
<td>38</td>
</tr>
<tr>
<td>Faust Goudeau, Oletha</td>
<td>4158 Regents Ln., Wichita 67208</td>
<td>Dem.</td>
<td>29</td>
</tr>
<tr>
<td>Fitzgerald, Steve</td>
<td>PO Box 390, Leavenworth 66048</td>
<td>Rep.</td>
<td>5</td>
</tr>
<tr>
<td>Francisco, Marci</td>
<td>1101 Ohio, Lawrence 66044</td>
<td>Dem.</td>
<td>2</td>
</tr>
<tr>
<td>Givens, Bruce</td>
<td>1525 Country Club Rd., El Dorado 67042</td>
<td>Rep.</td>
<td>14</td>
</tr>
<tr>
<td>Goddard, Daniel W.</td>
<td>3420 Mosher Rd., Parsons 67357</td>
<td>Rep.</td>
<td>15</td>
</tr>
<tr>
<td>Haley, David</td>
<td>936 Cleveland Ave., Kansas City 66101</td>
<td>Dem.</td>
<td>4</td>
</tr>
<tr>
<td>Hardy, Randall</td>
<td>816 Highland Ave., Salina 67401</td>
<td>Rep.</td>
<td>24</td>
</tr>
<tr>
<td>Hawk, Tom</td>
<td>2600 Woodhaven Ct., Manhattan 66502</td>
<td>Dem.</td>
<td>22</td>
</tr>
<tr>
<td>Hensley, Anthony</td>
<td>2226 SE Virginia Ave., Topeka 66605</td>
<td>Dem.</td>
<td>19</td>
</tr>
<tr>
<td>Hilderbrand, Richard</td>
<td>10337 SE 107th Terr., Galena 66739</td>
<td>Rep.</td>
<td>13</td>
</tr>
<tr>
<td>Holland, Tom</td>
<td>961 E. 1600 Rd., Baldwin City 66006</td>
<td>Dem.</td>
<td>3</td>
</tr>
<tr>
<td>Kelly, Laura</td>
<td>234 SW Greenwood, Topeka 66606</td>
<td>Dem.</td>
<td>18</td>
</tr>
<tr>
<td>Kerschen, Dan</td>
<td>645 S. 263 West, Garden Plain 67050</td>
<td>Rep.</td>
<td>26</td>
</tr>
<tr>
<td>Longbine, Jeff</td>
<td>2801 Lake Ridge Rd., Emporia 66801</td>
<td>Rep.</td>
<td>17</td>
</tr>
<tr>
<td>Lynn, Julia</td>
<td>18837 W. 115th Terr., Olathe 66061</td>
<td>Rep.</td>
<td>9</td>
</tr>
<tr>
<td>Masterson, Ty</td>
<td>1539 Phyllis Ln., Andover 67002</td>
<td>Rep.</td>
<td>16</td>
</tr>
<tr>
<td>McGinn, Carolyn</td>
<td>PO Box A, Sedgwick 67135</td>
<td>Rep.</td>
<td>31</td>
</tr>
<tr>
<td>Olson, Rob</td>
<td>15944 S. Clairborne St., Olathe 66062</td>
<td>Rep.</td>
<td>23</td>
</tr>
<tr>
<td>Petersen, Mike</td>
<td>2608 S. Southeast Dr., Wichita 67216</td>
<td>Rep.</td>
<td>28</td>
</tr>
<tr>
<td>Petty, Pat</td>
<td>5316 Lakewood St., Kansas City 66106</td>
<td>Dem.</td>
<td>6</td>
</tr>
<tr>
<td>Pilcher-Cook, Mary</td>
<td>13910 W. 58th Pl., Shawnee 66216</td>
<td>Rep.</td>
<td>10</td>
</tr>
<tr>
<td>Pyle, Dennis</td>
<td>2979 Kingfisher Rd., Hiawatha 66434</td>
<td>Rep.</td>
<td>1</td>
</tr>
<tr>
<td>Rogers, Lynn W.</td>
<td>912 N. Spaulding, Wichita 67203</td>
<td>Dem.</td>
<td>25</td>
</tr>
<tr>
<td>Schmidt, Vicki</td>
<td>5906 SW 43rd Ct., Topeka 66610</td>
<td>Rep.</td>
<td>20</td>
</tr>
<tr>
<td>Skubal, John</td>
<td>6503 W. 134th Terr., Overland Park 66209</td>
<td>Rep.</td>
<td>11</td>
</tr>
<tr>
<td>Suellentrop, Gene</td>
<td>6813 W. Northwind Cir., Wichita 67205</td>
<td>Rep.</td>
<td>27</td>
</tr>
<tr>
<td>Sykes, Dinah H.</td>
<td>10227 Theden Cir., Lenexa 66220</td>
<td>Rep.</td>
<td>21</td>
</tr>
<tr>
<td>Taylor, Mary Jo</td>
<td>114 N. Union, Stafford 67578</td>
<td>Rep.</td>
<td>33</td>
</tr>
<tr>
<td>Tyson, Caryn</td>
<td>PO Box 191, Parker 66072</td>
<td>Rep.</td>
<td>12</td>
</tr>
<tr>
<td>Wagle, Susan</td>
<td>4 N. Sagebrush St., Wichita 67230</td>
<td>Rep.</td>
<td>30</td>
</tr>
</tbody>
</table>
### HOUSE OF REPRESENTATIVES

<table>
<thead>
<tr>
<th>Name and residence</th>
<th>Party</th>
<th>Dist.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcala, John, 520 NE Lake, Topeka 66616</td>
<td>Dem.</td>
<td>57</td>
</tr>
<tr>
<td>Armerger, Tory Marie, PO Box 103, Great Bend 67530</td>
<td>Rep.</td>
<td>112</td>
</tr>
<tr>
<td>Aurand, Clay, 810 Shady Ln., Belleville 66935</td>
<td>Rep.</td>
<td>106</td>
</tr>
<tr>
<td>Awerkamp, Francis, 807 W. Linn St., St. Marys 66536</td>
<td>Rep.</td>
<td>61</td>
</tr>
<tr>
<td>Baker, Dave, PO Box 252, Council Grove 66846</td>
<td>Rep.</td>
<td>68</td>
</tr>
<tr>
<td>Ballard, Barbara W., 1532 Alvamar Dr., Lawrence 66047</td>
<td>Dem.</td>
<td>44</td>
</tr>
<tr>
<td>Barker, John E., 103 Wassinger Ave., Abilene 67410</td>
<td>Rep.</td>
<td>70</td>
</tr>
<tr>
<td>Becker, Steven R., PO Box 384, Buhler 67522</td>
<td>Rep.</td>
<td>104</td>
</tr>
<tr>
<td>Bergquist, Emil, 6430 N. Hydraulic, Park City 67219</td>
<td>Rep.</td>
<td>91</td>
</tr>
<tr>
<td>Bishop, Elizabeth, 8518 E. Longlake St., Wichita 67207</td>
<td>Dem.</td>
<td>88</td>
</tr>
<tr>
<td>Blex, Doug, 3131 CR 2600, Independence 67301</td>
<td>Rep.</td>
<td>12</td>
</tr>
<tr>
<td>Brim, Shelee, 6756 Longview Rd., Shawnee 66218</td>
<td>Rep.</td>
<td>39</td>
</tr>
<tr>
<td>Burris, Jesse, 1545 E. 119th St., Mulvane 67110</td>
<td>Rep.</td>
<td>82</td>
</tr>
<tr>
<td>Burroughs, Tom, 3131 S. 73rd Terr., Kansas City 66106</td>
<td>Dem.</td>
<td>33</td>
</tr>
<tr>
<td>Carlin, Sydney, 1650 Sunny Slope Ln., Manhattan 66502</td>
<td>Dem.</td>
<td>66</td>
</tr>
<tr>
<td>Carmichael, John, 1475 N. Lieunett, Wichita 67203</td>
<td>Dem.</td>
<td>92</td>
</tr>
<tr>
<td>Carpenter, Blake, 2425 N. Newberry, Apt. 3202, Derby 67037</td>
<td>Rep.</td>
<td>81</td>
</tr>
<tr>
<td>Claeys, J.R., 2157 Redhawk Ln., Salina 67401</td>
<td>Rep.</td>
<td>69</td>
</tr>
<tr>
<td>Clark, Lonnie G., PO Box 991, Junction City 66441</td>
<td>Rep.</td>
<td>65</td>
</tr>
<tr>
<td>Clayton, Stephanie S., 9825 Woodson Dr., Overland Park 66207</td>
<td>Rep.</td>
<td>19</td>
</tr>
<tr>
<td>Concannon, Susan, 921 N. Mill St., Beloit 67420</td>
<td>Rep.</td>
<td>107</td>
</tr>
<tr>
<td>Corbet, Ken, 10351 SW 61st St., Topeka 66610</td>
<td>Rep.</td>
<td>54</td>
</tr>
<tr>
<td>Cox, Tom, 13510 W. 72nd St., Shawnee 66216</td>
<td>Rep.</td>
<td>17</td>
</tr>
<tr>
<td>Crum, Steven, 315 Linden Ln., Haysville 67060</td>
<td>Dem.</td>
<td>98</td>
</tr>
<tr>
<td>Curtis, Pam, 322 N. 16th St., Kansas City 66102</td>
<td>Dem.</td>
<td>32</td>
</tr>
<tr>
<td>Davis, Erin, 12018 S. Clinton St., Olathe 66061</td>
<td>Rep.</td>
<td>15</td>
</tr>
<tr>
<td>Deere, Debbie, 402 Maple Ct., Lansing 66043</td>
<td>Dem.</td>
<td>40</td>
</tr>
<tr>
<td>Delperdang, Leo G., 2103 N. Pintail St., Wichita 67235</td>
<td>Rep.</td>
<td>94</td>
</tr>
<tr>
<td>Dierks, Diana, 1221 Sunrise Dr., Salina 67401</td>
<td>Rep.</td>
<td>71</td>
</tr>
<tr>
<td>Dietrich, Brenda, 6110 SW 38th Terr., Topeka 66610</td>
<td>Rep.</td>
<td>52</td>
</tr>
<tr>
<td>Dove, Willie O., 14715 Timber Ln., Bonner Springs 66012</td>
<td>Rep.</td>
<td>38</td>
</tr>
<tr>
<td>Elliott, Roger, 12015 E. Tamarac, Wichita 67206</td>
<td>Rep.</td>
<td>87</td>
</tr>
<tr>
<td>Ellis, Ronald B., 9199 Highway 4, Meriden 66512</td>
<td>Rep.</td>
<td>47</td>
</tr>
<tr>
<td>Eplee, John R., 163 Deer Run, Atchison 66002</td>
<td>Rep.</td>
<td>63</td>
</tr>
<tr>
<td>Esau, Keith, 11702 S. Winchester St., Olathe 66061</td>
<td>Rep.</td>
<td>14</td>
</tr>
<tr>
<td>Finch, Blaine, 5 SW Fairview Dr., Ottawa 66067</td>
<td>Rep.</td>
<td>59</td>
</tr>
<tr>
<td>Finney, Gail, 1754 N. Madison Ave., Wichita 67214</td>
<td>Dem.</td>
<td>84</td>
</tr>
<tr>
<td>Francis, Shannon, 1501 Tucker Ct., Liberal 67901</td>
<td>Rep.</td>
<td>125</td>
</tr>
<tr>
<td>Frownfelter, Stan S., 5225 Crest Dr., Kansas City 66106</td>
<td>Dem.</td>
<td>37</td>
</tr>
<tr>
<td>Gallagher, Linda, 7804 Monrovia St., Lenexa 66216</td>
<td>Rep.</td>
<td>23</td>
</tr>
<tr>
<td>Garber, Randy, 2424 Timberline Terr., Sabetha 66534</td>
<td>Rep.</td>
<td>62</td>
</tr>
<tr>
<td>Gartner, Jim, 928 SW Woodbridge Ct., Topeka 66606</td>
<td>Dem.</td>
<td>53</td>
</tr>
<tr>
<td>Good, Mary Martha, 89 SE 20th St., El Dorado 67042</td>
<td>Rep.</td>
<td>75</td>
</tr>
<tr>
<td>Hawkins, Daniel, 9406 Harvest Ln., Wichita 67212</td>
<td>Rep.</td>
<td>100</td>
</tr>
<tr>
<td>Name and residence</td>
<td>Party</td>
<td>Dist.</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Helgerson, Henry, 12 E. Peach Tree, Wichita 67207</td>
<td>Dem.</td>
<td>83</td>
</tr>
<tr>
<td>Henderson, Broderick, 2710 N. 8th St., Kansas City 66101</td>
<td>Dem.</td>
<td>35</td>
</tr>
<tr>
<td>Hibbard, Larry, 858 EE 75 Rd., Toronto 66777</td>
<td>Rep.</td>
<td>13</td>
</tr>
<tr>
<td>Highberger, Dennis (Boog), 1024 New York, Lawrence 66044</td>
<td>Dem.</td>
<td>46</td>
</tr>
<tr>
<td>Highland, Ron, 27487 Wells Creek Rd., Wamego 66547</td>
<td>Rep.</td>
<td>51</td>
</tr>
<tr>
<td>Hineman, Don, 116 S. Longhorn Rd., Dighton 67839</td>
<td>Rep.</td>
<td>118</td>
</tr>
<tr>
<td>Hodge, Tim C., 2727 N. Main, North Newton 67117</td>
<td>Dem.</td>
<td>72</td>
</tr>
<tr>
<td>Hoffman, Kyle D., 1318 Ave. T, Coldwater 67029</td>
<td>Rep.</td>
<td>116</td>
</tr>
<tr>
<td>Holscher, Cindy, 12345 Westgate St., Overland Park 66213</td>
<td>Dem.</td>
<td>16</td>
</tr>
<tr>
<td>Houser, Michael, 6891 SW 10th St., Columbus 66725</td>
<td>Rep.</td>
<td>1</td>
</tr>
<tr>
<td>Huebert, Steve, 619 N. Birch, Valley Center 67147</td>
<td>Rep.</td>
<td>90</td>
</tr>
<tr>
<td>Humphries, Susan, 8 Sagebrush, Wichita 67230</td>
<td>Rep.</td>
<td>99</td>
</tr>
<tr>
<td>Jacobs, Trevor, 1927 Locust Rd., Fort Scott 66701</td>
<td>Rep.</td>
<td>4</td>
</tr>
<tr>
<td>Jennings, Russ, 515 Pleasantview, Lakin 67860</td>
<td>Rep.</td>
<td>122</td>
</tr>
<tr>
<td>Johnson, Steven C., 10197 S. Hopkins Rd., Assaria 67416</td>
<td>Dem.</td>
<td>72</td>
</tr>
<tr>
<td>Johnson, Russ, 515 Pleasantview, Lakin 67860</td>
<td>Rep.</td>
<td>122</td>
</tr>
<tr>
<td>Johnson, Steven C., 10197 S. Hopkins Rd., Assaria 67416</td>
<td>Dem.</td>
<td>108</td>
</tr>
<tr>
<td>Jones, Kevin, 416 E. 7th St., Wellsville 66092</td>
<td>Rep.</td>
<td>5</td>
</tr>
<tr>
<td>Judd-Jenkins, Anita, 225 N. C St., Arkansas City 67005</td>
<td>Rep.</td>
<td>80</td>
</tr>
<tr>
<td>Karleskint, Jim, 24542 Cantrell Rd., Tonganoxie 66066</td>
<td>Rep.</td>
<td>42</td>
</tr>
<tr>
<td>Kelly, Jim, 309 S. 5th St., Independence 67301</td>
<td>Rep.</td>
<td>11</td>
</tr>
<tr>
<td>Kessinger, Jan H., 12605 Walmer St., Overland Park 66209</td>
<td>Rep.</td>
<td>20</td>
</tr>
<tr>
<td>Koester, Patty, 12312 Nieman, Overland Park 66213</td>
<td>Rep.</td>
<td>8</td>
</tr>
<tr>
<td>Kuether, Annie, 1346 SW Wayne Ave., Topeka 66604</td>
<td>Dem.</td>
<td>55</td>
</tr>
<tr>
<td>Landwehr, Brenda K., 2611 N. Bayside Ct., Wichita 67205</td>
<td>Rep.</td>
<td>105</td>
</tr>
<tr>
<td>Lewis, Greg, 910 NE 30th Ave., St. John 67576</td>
<td>Rep.</td>
<td>113</td>
</tr>
<tr>
<td>Lusk, Nancy, 7700 W. 83rd St., Overland Park 66204</td>
<td>Dem.</td>
<td>22</td>
</tr>
<tr>
<td>Lusker Sr., Adam J., 452 S. 210th St., Frontenac 66763</td>
<td>Dem.</td>
<td>2</td>
</tr>
<tr>
<td>Markley, Patty, 12312 Nieman, Overland Park 66213</td>
<td>Rep.</td>
<td>8</td>
</tr>
<tr>
<td>Mason, Les, 108 Arcadian Ct., McPherson 67460</td>
<td>Rep.</td>
<td>73</td>
</tr>
<tr>
<td>Mastroni, Leonard A., 102 Fairway Dr., La Crosse 67548</td>
<td>Rep.</td>
<td>117</td>
</tr>
<tr>
<td>Miller, Vic, 1174 SW Fillmore, Topeka 66604</td>
<td>Rep.</td>
<td>58</td>
</tr>
<tr>
<td>Munnar, Monica, 1313 Mallory Ct., Pittsburg 66762</td>
<td>Dem.</td>
<td>3</td>
</tr>
<tr>
<td>Neighbor, Cindy, 10405 W. 52nd Terr., Shawnee 66203</td>
<td>Dem.</td>
<td>18</td>
</tr>
<tr>
<td>Ohaebosim, KC, PO Box 21271, Wichita 67208</td>
<td>Dem.</td>
<td>89</td>
</tr>
<tr>
<td>Orr, Boyd, 3011 H Rd., Fowler 67844</td>
<td>Rep.</td>
<td>115</td>
</tr>
<tr>
<td>Osterman, Leslie, 1401 W. Dallas, Wichita 67217</td>
<td>Rep.</td>
<td>97</td>
</tr>
<tr>
<td>Ousley, Jarrod, 6800 Farley St., Merriam 66203</td>
<td>Dem.</td>
<td>24</td>
</tr>
<tr>
<td>Parker, Brett, 8323 W. 108th St., Overland Park 66210</td>
<td>Dem.</td>
<td>29</td>
</tr>
<tr>
<td>Patton, Fred C., 339 NE 46th, Topeka 66617</td>
<td>Rep.</td>
<td>50</td>
</tr>
<tr>
<td>Phelps, Eber, 3103 Olympic Ln., Hays 67601</td>
<td>Dem.</td>
<td>111</td>
</tr>
<tr>
<td>Phillips, Tom, 1530 Barrington Dr., Manhattan 66503</td>
<td>Rep.</td>
<td>67</td>
</tr>
<tr>
<td>Pittman, Jeff, 1108 S. Broadway, Leavenworth 66048</td>
<td>Dem.</td>
<td>41</td>
</tr>
<tr>
<td>Powell, Randy, 14481 W. 122nd St., Olathe 66062</td>
<td>Rep.</td>
<td>30</td>
</tr>
<tr>
<td>Probst, Jason, 1202 Prairie St., Hutchinson 67501</td>
<td>Dem.</td>
<td>102</td>
</tr>
<tr>
<td>Rafie, Abraham B., 14513 Floyd St., Overland Park 66223</td>
<td>Rep.</td>
<td>48</td>
</tr>
<tr>
<td>Rahjes, Ken, 1798 E. 900 Rd., Agra 67621</td>
<td>Rep.</td>
<td>110</td>
</tr>
<tr>
<td>Ralph, Brad, 2009 Frederick Dr., Dodge City 67801</td>
<td>Rep.</td>
<td>119</td>
</tr>
<tr>
<td>Name</td>
<td>Residence</td>
<td>Party</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Resman, John</td>
<td>343 N. Persimmon Dr., Olathe 66061</td>
<td>Rep.</td>
</tr>
<tr>
<td>Rooker, Melissa A.</td>
<td>4124 Brookridge Dr., Fairway 66205</td>
<td>Rep.</td>
</tr>
<tr>
<td>Ruiz, Louis E.</td>
<td>2914 W. 46th Ave., Kansas City 66103</td>
<td>Dem.</td>
</tr>
<tr>
<td>Ryckman Jr., Ron</td>
<td>14234 W. 158th St., Olathe 66062</td>
<td>Rep.</td>
</tr>
<tr>
<td>Sawyer, Tom</td>
<td>1041 S. Elizabeth St., Wichita 67213</td>
<td>Dem.</td>
</tr>
<tr>
<td>Schreiber, Mark</td>
<td>1722 Yucca Ln., Emporia 66801</td>
<td>Rep.</td>
</tr>
<tr>
<td>Schroeder, Don</td>
<td>708 Charles St., Hesston 67062</td>
<td>Rep.</td>
</tr>
<tr>
<td>Schwab, Scott J.</td>
<td>10553 W. 140th Terr., Olathe 66062</td>
<td>Rep.</td>
</tr>
<tr>
<td>Seiwert, Joe</td>
<td>1111 E. Boundary Rd., Pretty Prairie 67570</td>
<td>Rep.</td>
</tr>
<tr>
<td>Sloan, Tom</td>
<td>772 Highway 40, Lawrence 66049</td>
<td>Rep.</td>
</tr>
<tr>
<td>Smith, Adam W.</td>
<td>1970 RD 3, Weskan 67762</td>
<td>Rep.</td>
</tr>
<tr>
<td>Smith, Eric L.</td>
<td>627 Kennebec St., Burlington 66839</td>
<td>Rep.</td>
</tr>
<tr>
<td>Stogsdill, Jerry W.</td>
<td>4414 Tomahawk Rd., Prairie Village 66208</td>
<td>Dem.</td>
</tr>
<tr>
<td>Sutton, William (Bill)</td>
<td>301 W. Westhoff Pl., Gardner 66030</td>
<td>Rep.</td>
</tr>
<tr>
<td>Swanson, Susie</td>
<td>1422 5th St., Clay Center 67432</td>
<td>Rep.</td>
</tr>
<tr>
<td>Tarwater Sr., Sean E.</td>
<td>16006 Meadow Ln., Stilwell 66085</td>
<td>Rep.</td>
</tr>
<tr>
<td>Thimesch, Jack</td>
<td>11716 SW 80th St., Spivey 67142</td>
<td>Rep.</td>
</tr>
<tr>
<td>Thompson, Kent L.</td>
<td>1816 2800 St., LaHarpe 66751</td>
<td>Rep.</td>
</tr>
<tr>
<td><strong>Trimboli, Frank</strong>, 16194 S. Bradley Dr., Olathe 66062</td>
<td>Rep.</td>
<td>26</td>
</tr>
<tr>
<td>Trimmer, Ed, 1402 E. 9th Ave., Winfield 67156</td>
<td>Dem.</td>
<td>79</td>
</tr>
<tr>
<td>Vickrey, Jene, 502 S. Countryside Dr., Louisburg 66053</td>
<td>Rep.</td>
<td>6</td>
</tr>
<tr>
<td>Victors, Ponka-We, PO Box 48081, Wichita 67201</td>
<td>Dem.</td>
<td>103</td>
</tr>
<tr>
<td>Ward, Jim, 3100 E. Clark, Wichita 67211</td>
<td>Dem.</td>
<td>86</td>
</tr>
<tr>
<td>Waymaster, Troy L., 3528 192nd St., Bunker Hill 67626</td>
<td>Rep.</td>
<td>109</td>
</tr>
<tr>
<td>Weber, Chuck, 2331 N. Winstead Cir., Wichita 67226</td>
<td>Rep.</td>
<td>85</td>
</tr>
<tr>
<td>Weigel, Virgil, 1900 SW Briarwood Dr., Topeka 66611</td>
<td>Dem.</td>
<td>56</td>
</tr>
<tr>
<td>Wheeler Jr., John P., 902 Anderson St., Garden City 67646</td>
<td>Rep.</td>
<td>123</td>
</tr>
<tr>
<td>Whipple, Brandon, 4455 S. Washington Ct., Wichita 67216</td>
<td>Dem.</td>
<td>96</td>
</tr>
<tr>
<td>Whitmer, John R., 12905 W. Red Rock, Wichita 67235</td>
<td>Rep.</td>
<td>93</td>
</tr>
<tr>
<td>Williams, Kristy S., 506 Stone Lake Ct., Augusta 67010</td>
<td>Rep.</td>
<td>77</td>
</tr>
<tr>
<td>Wilson, John, 1923 Ohio St., Lawrence 66046</td>
<td>Dem.</td>
<td>10</td>
</tr>
<tr>
<td>Winn, Valdenia C., PO Box 12327, Kansas City 66112</td>
<td>Dem.</td>
<td>34</td>
</tr>
<tr>
<td>Wolfe Moore, Kathy, 3209 N. 131st St., Kansas City 66109</td>
<td>Dem.</td>
<td>36</td>
</tr>
</tbody>
</table>

* Emil Bergquist sworn in on January 23 to replace Greg Lakin
** Frank Trimboli sworn in on March 5 to replace Larry Campbell
OFFICERS OF THE SENATE

Susan Wagle ................................................................. President
Jeff Longbine .............................................................. Vice President
Jim Denning ................................................................. Majority Leader
Anthony Hensley ......................................................... Minority Leader
Corey Carnahan ......................................................... Secretary
Charles (Nick) Nicolay .................................................. Sergeant at Arms

OFFICERS OF THE HOUSE

Ron Ryckman ................................................................. Speaker
Scott Schwab ............................................................ Speaker Pro Tem
Don Hineman ............................................................ Majority Leader
Jim Ward ................................................................. Minority Leader
Susan W. Kannarr ....................................................... Chief Clerk
Foster Chisholm .......................................................... Sergeant at Arms

LEGISLATIVE COORDINATING COUNCIL

Speaker of the House of Representatives: Ron Ryckman, Olathe, Chairman
President of the Senate: Susan Wagle, Wichita, Vice-Chairman
Speaker Pro Tem of the House of Representatives: Scott Schwab, Olathe
Senate Majority Leader: Jim Denning, Overland Park
House Majority Leader: Don Hineman, Dighton
Senate Minority Leader: Anthony Hensley, Topeka
House Minority Leader: Jim Ward, Wichita

LEGISLATIVE DIVISION OF POST AUDIT

Justin Stowe, Legislative Post Auditor
Chris Clarke, Deputy Post Auditor
Kristen Rottinghaus, Performance Audit Manager
Katrin Osterhaus, IT Audit Manager
Rick Riggs, Administrative Auditor
AN ACT authorizing the construction of a permanent statue honoring Dwight D. Eisenhower on the state capitol grounds; establishing the Dwight D. Eisenhower statue fund.

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

Section 1. (a) The capitol preservation committee shall approve plans to place a permanent statue of Dwight D. Eisenhower on the state capitol grounds pursuant to K.S.A. 75-2269, and amendments thereto.

(b) The secretary of administration is hereby authorized to receive moneys from any grants, gifts, contributions or bequests made for the purpose of financing the creation and construction of the statue and its pedestal and to expend such moneys for the purpose for which received. The secretary of administration shall remit all moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Dwight D. Eisenhower statue fund. No public funds shall be expended for the purpose of financing the creation or construction of the statue and its pedestal.

(c) There is hereby established in the state treasury the Dwight D. Eisenhower statue fund. Expenditures from the fund may be made for the purposes of creating and constructing the statue and its pedestal and for such other purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or the secretary’s designee.

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

Approved February 21, 2018.

Published in the Kansas Register March 1, 2018.
Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) The following findings and purpose shall apply to this section:

(1) A mental or physical disability does not diminish an individual’s right to health care;

(2) the federal Americans with disabilities act prohibits discrimination against individuals with disabilities, yet many individuals with disabilities still experience discrimination in accessing critical health care services;

(3) in other states nationwide, individuals with mental and physical disabilities have historically been denied life-saving organ transplants based on assumptions that their lives are less worthy, that they are incapable of complying with post-transplantation medical requirements or that they lack adequate support systems to ensure compliance with post-transplantation medical requirements;

(4) although organ transplant centers must consider medical and psychosocial criteria when determining if a patient is suitable to receive an organ transplant, transplant centers that participate in medicare, the state program for medical assistance and other federally funded programs are required to use patient selection criteria that result in a fair and nondiscriminatory distribution of organs; and

(5) state residents in need of organ transplants are entitled to assurances that they will not encounter discrimination on the basis of a disability.

(b) A covered entity may not solely on the basis of an individual’s disability:

(1) Consider a qualified individual ineligible to receive an anatomical gift or organ transplant;

(2) deny medical and other services related to organ transplantation, including evaluation, surgery, counseling, and post-transplantation treatment and services;

(3) refuse to refer the individual to a transplant center or a related specialist for the purpose of evaluation or receipt of an organ transplant;

(4) refuse to place a qualified individual on an organ transplant waiting list; or

(5) place a qualified individual at a lower-priority position on an organ transplant waiting list than the position at which the qualified individual would have been placed if not for the disability.

(c) 1 Subject to paragraph (2) of this subsection, a covered entity may take an individual’s disability into account when making treatment
or coverage recommendations or decisions, solely to the extent that the
disability has been found by a physician, following an individualized eval-
uation of the individual, to be medically significant to the provision of the
anatomical gift.

(2) If an individual has the necessary support system to assist the
individual in complying with post-transplantation medical requirements,
a covered entity may not consider the individual’s inability to indepen-
dently comply with the post-transplantation medical requirements to be
medically significant for the purposes of paragraph (1) of this subsection.

(d) A covered entity shall make reasonable modifications in policies,
practices or procedures, when the modifications are necessary to allow
an individual with a disability access to services, including transplantation-
related counseling, information, coverage or treatment, unless the cov-
ered entity can demonstrate that making the modifications would fund-
damentally alter the nature of the services.

(e) A covered entity shall take such steps as may be necessary to
ensure that an individual with a disability is not denied services, including
transplantation-related counseling, information, coverage or treatment,
due to the absence of auxiliary aids and services, unless the covered entity
can demonstrate that taking the steps would fundamentally alter the na-
ture of the services being offered or would result in an undue burden.

(f) Nothing in this section shall be construed to require a covered
entity to make a referral or recommendation for or perform a medically
inappropriate organ transplant.

(g) (1) If a covered entity violates this section, the affected individual
may bring an action in the appropriate district court for injunctive or other
equitable relief.

(2) In an action brought under paragraph (1) of this subsection, the
district court shall:

(A) Schedule a hearing as soon as possible; and

(B) apply the same standards in rendering a judgment in the action
as would be applied in an action brought in federal court under the federal
Americans with disabilities act.

(h) As used in this section:

(1) “Anatomical gift” means the donation of all or part of a human
body to take effect after the donor’s death for the purpose of transplan-
tation or transfusion.

(2) “Auxiliary aids and services” includes:

(A) Qualified interpreters or other effective methods of making aural-
delivered materials available to individuals with hearing impairments;

(B) qualified readers, taped texts, texts in accessible electronic format
or other effective methods of making visually delivered materials available
to individuals with visual impairments; and

(C) supported decision-making services, including:

(i) The use of a support individual to assist in making medical deci-
sions, communicating information to the individual or ascertaining an individual’s wishes;

(ii) the provision of information to a person designated by the individual consistent with the federal health insurance portability and accountability act and other applicable laws and regulations governing the disclosure of health information;

(iii) if an individual has a court-appointed guardian or other individual responsible for making medical decisions on behalf of the individual, any measures used to ensure that the individual is included in decisions involving the individual’s health care and that medical decisions are in accordance with the individual’s own expressed interests; and

(iv) any other aid or service that is used to provide information in a format that is easily understandable and accessible to individuals with cognitive, neurological, developmental or intellectual disabilities.

(3) “Covered entity” means:

(A) A licensed health care provider, as defined in K.S.A. 40-3401, and amendments thereto;

(B) a medical care facility as defined in K.S.A. 65-425, and amendments thereto;

(C) a laboratory;

(D) a state psychiatric hospital, as defined in K.S.A. 59-2946, and amendments thereto;

(E) an adult care home, as defined in K.S.A. 65-3501, and amendments thereto;

(F) a group home as defined in K.S.A. 12-736, and amendments thereto;

(G) an institutional medical unit in a correctional facility; or

(I) any entity responsible for potential recipients of the anatomical gift.

(4) “Disability” has the meaning stated in the federal Americans with disabilities act.

(5) “Organ transplant” means the transplantation or transfusion of a part of a human body into the body of another individual for the purpose of treating or curing a medical condition.

(6) “Qualified individual” means an individual who:

(A) Has a disability; and

(B) meets the essential eligibility requirements for the receipt of an anatomical gift, with or without:

(i) The support networks available to the individual;

(ii) the provision of auxiliary aids and services; or

(iii) reasonable modifications to the policies or practices of a covered entity, including modifications to allow:

(a) Communication with individuals responsible for supporting the individual with post-surgical and post-transplantation care, including medication; and
(b) the consideration of support networks available to the individual, including family, friends, and home and community based services funded through the state program of medical assistance, or another health plan in which the individual is enrolled, or any program or source of funding available to the individual, in determining whether the individual is able to comply with post-transplantation medical requirements.

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

Approved February 22, 2018.

CHAPTER 3

HOUSE BILL No. 2437

AN ACT concerning days of commemoration; relating to the national day of the cowboy; amending K.S.A. 2017 Supp. 35-208 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 35-208 is hereby amended to read as follows: 35-208. (a) The last fourth Saturday in July of each year is hereby designated as the national day of the cowboy in the state of Kansas.

(b) The governor of this state is hereby authorized and directed to issue annually a proclamation calling upon our state officials to display the United States flag on all state buildings on the last Friday of July of immediately preceding the national day of the cowboy each year, declaring the last fourth Saturday in July to be the national day of the cowboy and inviting people of the state to observe the day with appropriate ceremonies.

(c) The governor of this state is hereby authorized and directed to display the national day of the cowboy flag on the grounds of the state capitol building on the last Friday of July of immediately preceding the national day of the cowboy each year.

(d) The Kansas department of agriculture shall provide education and outreach concerning the national day of the cowboy to the public.

Sec. 2. K.S.A. 2017 Supp. 35-208 is hereby repealed.

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

Approved March 1, 2018.

Published in the Kansas Register March 8, 2018.
AN ACT concerning the regulation of financial institutions; relating to trust companies; office of the state bank commissioner; powers, duties and experience of certain employees; amending K.S.A. 2017 Supp. 9-1609, 9-1720, 9-1721 and 75-3135 and repealing the existing sections.

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

Section 1. On and after July 1, 2018, K.S.A. 2017 Supp. 9-1609 is hereby amended to read as follows: 9-1609. (a) Any bank or trust company authorized to act as fiduciary may establish common trust collective investment funds for the purpose of furnishing investments to:

(1) Such bank or trust company as fiduciary;

(2) such bank or trust company and others, as co-fiduciaries;

(3) another state or national bank or trust company, as fiduciary, which is a subsidiary of the same bank holding company of which the bank or trust company is a subsidiary, as such terms are defined in K.S.A. 9-519, and amendments thereto; or

(4) another state or national bank or trust company with which the bank or trust company is affiliated through common control, as defined in K.S.A. 9-1612, and amendments thereto.

(b) Any bank or trust company authorized to act as fiduciary may, as such fiduciary or co-fiduciary, invest funds which it lawfully holds for investment in interests in such common trust funds collective investment funds, if such investment is not prohibited by the instrument, judgment, decree or order creating such fiduciary relationship, and if, in the case of co-fiduciaries, the bank or trust company procures the consent of its co-fiduciaries to such investment.

Sec. 2. K.S.A. 2017 Supp. 9-1720 is hereby amended to read as follows: 9-1720. (a) Except with the prior written approval of the commissioner, or as otherwise permitted by the state banking code, it shall be unlawful for:

(1) A person, acting directly or indirectly or through in concert with one or more persons, either directly or indirectly, to acquire control of any engage in any activity that may result or results in acquiring control of any bank, bank holding company as defined in K.S.A. 9-519, and amendments thereto, or trust company without notifying the commissioner at least 30 days prior to acquiring control. The commissioner may determine if an activity may result or results in a change of control under this paragraph;

(2) a bank to merge or consolidate with any bank or institution, or either directly or indirectly acquire the assets of, or assume the liability to pay any deposit made in any other bank or institution, referred to hereinafter as a merger transaction; or
(3) a trust company to merge or consolidate with any trust company, or either directly or indirectly acquire the assets of any other trust company, referred to hereinafter as a merger transaction.

(b) The board of directors of any privately held bank, bank holding company or trust company shall notify the commissioner of any change of control of the bank, bank holding company or trust company at least 30 days prior to the date the change of control becomes effective.

(c) A trust company may merge or consolidate with a trust company, with the prior written approval of the commissioner chartered by:

(1) The comptroller of the currency; or
(2) another state. An application filed pursuant to this subsection shall be subject to the provisions of K.S.A. 9-1721, 9-1722 and 9-1724, and amendments thereto.

Sec. 3. On and after July 1, 2018, K.S.A. 2017 Supp. 9-1721 is hereby amended to read as follows: 9-1721. (a) The person proposing to acquire control or a bank or trust company undertaking a merger transaction, hereinafter referred to as the applicant, shall file an application with the commissioner at least 60 days prior to the proposed change of control or merger transaction. If the commissioner does not act on the application within the 60-day time period, the application shall stand approved. The commissioner may, for any reason, extend the time period to act on an application for an additional 30 days. The time period to act on an application may be further extended if the commissioner determines that the applicant has not furnished all the information required under K.S.A. 9-1722, and amendments thereto, or that, in the commissioner’s judgment, any material information submitted is substantially inaccurate. The commissioner may waive the 60-day prior notice requirement if the acquired bank or trust company is under a formal corrective action.

(b) Upon the filing of an application, the commissioner shall make an investigation of the applicant for the change of control or merger transaction. The commissioner may deny the application if the commissioner finds the:

(1) Proposed change of control or merger transaction would result in a monopoly or would be in furtherance of any combination or conspiracy to monopolize or attempt to monopolize the business of banking or trust services in any part of this state;
(2) financial condition of the applicant might jeopardize the financial stability of the bank or trust company or prejudice the interests of the depositors of a bank;
(3) competence, experience or integrity of the applicant or of any of the proposed management personnel of the bank or trust company or resulting bank or trust company indicates it would not be in the interest of the depositors of the bank, the clients of trust services, or in the interest of the public; or
(4) applicant neglects, fails or refuses to furnish the commissioner with all of the information required by the commissioner.

(c) Upon service of an order denying an application, the applicant shall have the right to a hearing to be conducted in accordance with the Kansas administrative procedure act before the state banking board. Any final order of the commissioner pursuant to this section is subject to review in accordance with the Kansas judicial review act.

Sec. 4. K.S.A. 2017 Supp. 75-3135 is hereby amended to read as follows: 75-3135. (a) The bank commissioner shall receive an annual salary to be fixed by the governor with the approval of the state finance council. The bank commissioner is hereby authorized to appoint two deputy commissioners who shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary in accordance with an equitable salary schedule established by the bank commissioner and approved by the governor for all unclassified positions. The average of the salaries shall not exceed the average compensation of corresponding state regulatory positions in similar areas. The bank commissioner's salary schedule shall be reported to the state banking board annually.

(b) (1) The deputy commissioner of the banking division shall supervise all banks and trust companies as directed by the bank commissioner and shall perform such other duties as may be required by the bank commissioner.

(2) The deputy commissioner of the consumer and mortgage lending division shall supervise all consumer and mortgage lending functions as directed by the bank commissioner and shall perform such other duties as may be required by the bank commissioner.

(c) If the office of the bank commissioner is vacant or if the bank commissioner is absent or unable to act, the deputy commissioner of the banking division shall be the acting bank commissioner.

(d) (1) The deputy commissioner of the banking division shall have at least five years' experience as a state bank officer, or five years' experience as an officer of a state bank holding company or a wholly-owned subsidiary conducting business that is related to banking, or five years' experience as a state or federal regulator, or a combination of the aforementioned experience.

(2) The deputy commissioner of consumer and mortgage lending shall have at least five years' experience in consumer or mortgage lending, regulatory, legal or related experience.

(e) The bank commissioner is also authorized to appoint or contract for, in accordance with the civil service law, such special assistants and other employees as are necessary to properly discharge the duties of the office.

Sec. 5. K.S.A. 2017 Supp. 9-1720 and 75-3135 are hereby repealed.
Sec. 6. On and after July 1, 2018, K.S.A. 2017 Supp. 9-1609 and 9-1721 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved March 1, 2018.
Published in the Kansas Register March 8, 2018.

CHAPTER 5
SENATE BILL No. 256

AN ACT designating a portion of United States highway 50 as the SGT Gregg Steimel and PFC Richard Conrardy memorial highway; amending K.S.A. 68-1027 and repealing the existing section.

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

New Section 1. The portion of United States highway 50 from the east city limits of Dodge City to 118 road in Ford county is hereby designated as the SGT Gregg Steimel and PFC Richard Conrardy memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the right-of-way at proper intervals to indicate that the highway is the SGT Gregg Steimel and PFC Richard Conrardy memorial highway.

Sec. 2. K.S.A. 68-1027 is hereby amended to read as follows: 68-1027. That portion of United States highway 50 from Emporia to 118 road in Ford county is hereby designated as the “turkey wheat trail highway,” and the secretary of transportation is hereby directed to erect suitable signs and markers along such highway showing such designation.

Sec. 3. K.S.A. 68-1027 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved March 5, 2018.
Published in the Kansas Register March 15, 2018.
CHAPTER 6
Substitute for SENATE BILL No. 323

AN ACT concerning utilities; relating to the retail electric suppliers act; concerning termination of service territory; relating to the state corporation commission; concerning regulation of municipal energy agencies; relating to electric cooperatives, regulation of certain transmission services; amending K.S.A. 12-8,111 and 66-1,176 and K.S.A. 2017 Supp. 66-104d and repealing the existing sections.

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

Section 1. K.S.A. 12-8,111 is hereby amended to read as follows: 12-8,111. (a) The provisions of K.S.A. 12-885 to through 12-8,109, inclusive, and any provisions amendatory or supplemental amendments thereto, shall constitute a certificate of public convenience, and any municipal energy agency is authorized to operate as a public utility pursuant to such provisions without obtaining a certificate described in K.S.A. 66-131 or any, and amendments thereto, except a municipal energy agency shall be required to file for a certificate for transmission rights for any electric facilities used to transmit electricity that are constructed in the certificated territory of a retail electric supplier, as defined in K.S.A. 66-1,170, and amendments thereto, after the effective date of this section. In determining public convenience and necessity, the state corporation commission shall apply the provisions of K.S.A. 66-1,170 et seq., and amendments thereto, to a municipal energy agency to the same extent it does to a retail electric supplier, as defined in K.S.A. 66-1,170, and amendments thereto.

(b) Except with respect to such certificate described in subsection (a), any municipal energy agency created under the provisions of K.S.A. 12-885 to through 12-8,109, inclusive, and any provisions amendatory or supplemental amendments thereto, shall be subject to the jurisdiction of the state corporation commission in the same manner as a public utility.

(c) Except as otherwise provided in subsection (g), a municipal energy agency may elect to be exempt from the jurisdiction, regulation, supervision and control of the state corporation commission by complying with the provisions of subsection (d).

(d) To be exempt under subsection (c), a municipal energy agency shall have an election of its voting members as established in the governing documents of the municipal energy agency as follows:

(1) An election under this subsection may be called by the governing body of the municipal energy agency or shall be called not less than 180 days after receipt of a valid petition signed by not less than 10% of the members of the municipal energy agency.

(2) The proposition for deregulation shall be presented to a meeting of the members, the notice of which shall set forth the proposition for deregulation and the time and place of the meeting. Notice to the members shall be written and delivered not less than 21 nor more than 45 days before the date of the meeting.
(3) If the municipal energy agency mails information to its members regarding the proposition for deregulation other than notice of the election, the municipal energy agency shall also include in such mailing any information in opposition to the proposition that is submitted by petition signed by not less than 1% of the municipal energy agency’s members. All expenses incidental to mailing the additional information, including any additional postage required to mail such additional information, shall be paid by the signatories to the petition.

(4) If the proposition for deregulation is approved by the affirmative vote of not less than a majority of the members voting on the proposition, the municipal energy agency shall notify the state corporation commission in writing of the results within 10 days after the date of the election.

(5) Voting on the proposition for deregulation shall be in accordance with the governing documents of the municipal energy agency.

(e) A municipal energy agency exempt under this section may elect to terminate its exemption in the same manner as prescribed in subsection (d).

(f) An election under subsection (d) or (e) may be held not more than once every two years.

(g) Nothing in this section shall be construed to affect the authority of the state corporation commission, as otherwise provided by law, over a municipal energy agency with regard to: (1) Service territory; (2) charges, fees or tariffs for transmission services, other than charges, fees or tariffs to its own members or those charges, fees or tariffs for transmission services that are recovered through an open access transmission tariff of a regional transmission organization which has its rates approved by the federal energy regulatory commission; (3) sales of power for resale, other than sales to its own members; and (4) wire stringing, transmission line siting and the extension of electric facilities used to transmit electricity pursuant to K.S.A. 66-131, 66-183, 66-1,170 et seq. or 66-1,177 et seq., and amendments thereto. Nothing in this subsection shall be construed to affect the authority of the commission pursuant to K.S.A. 66-144, and amendments thereto.

(h) (1) Notwithstanding a municipal energy agency’s election to be exempt under this section, the commission shall investigate all rates, joint rates, tolls, charges and exactions, classifications and schedules of charges or rates of such municipal energy agency if there is filed with the commission, not more than one year after a change in such municipal energy agency’s rates, joint rates, tolls, charges and exactions, classifications or schedules of charges or rates, a petition signed by not less than 20% of the municipal energy agency’s voting members as established in the governing documents of the municipal energy agency. If, after investigation, the commission finds that such rates, joint rates, tolls, charges or exactions, classifications or schedules of charges or rates are unjust, unreasonable, unjustly discriminatory or unduly preferential, the commission
shall have the power to fix and order substituted therefor such rates, joint
rates, tolls, charges and exactions, classifications or schedules of charges
or rates as are just and reasonable.

(2) The municipal energy agency’s rates, joint rates, tolls, charges and
exactions, classifications or schedules of rates complained of shall remain
in effect subject to change or refund pending the state corporation com-
mission’s investigation and final order.

(i) (1) If a municipal energy agency is exempt under this section, not
less than 10 days’ notice of the time and place of any meeting of the voting
members as established in the governing documents of the municipal en-
ergy agency at which rate changes or charges are to be discussed and
voted on shall be given to all members of the municipal energy agency
and such meeting shall be open to all members.

(2) Violations of this subsection shall be subject to civil penalties and
enforcement in the same manner as provided for by K.S.A. 75-4320 and
75-4320a, and amendments thereto, for violations of K.S.A. 75-4317 et
seq., and amendments thereto.

(j) (1) Any municipal energy agency exempt under this section shall
maintain a schedule of rates and charges at the municipal energy agency
headquarters and shall make copies of such schedule of rates and charges
available to the general public during regular business hours.

(2) Any municipal energy agency which fails, neglects or refuses to
maintain such copies of schedule of rates and charges under this subsec-
tion shall be subject to a civil penalty of not more than $500.

(k) A municipal energy agency that has elected to be exempt under
the provisions of subsection (d) shall include a provision in its notice to
its members, either before or after a rate change, of the member’s right
to request the commission to review the rate change, as allowed in sub-
section (h).

(l) Nothing in this section shall be construed to affect the single cer-
tificated retail service territory of any retail electric supplier, as defined
in K.S.A. 66-1,170, and amendments thereto.

Sec. 2. K.S.A. 2017 Supp. 66-104d is hereby amended to read as
follows: 66-104d. (a) As used in this section, “cooperative” means any: (1)
Corporation organized under the electric cooperative act, K.S.A. 17-4601
et seq., and amendments thereto, or which becomes subject to the elec-
tric cooperative act in the manner therein provided, or any (2) limited
liability company or corporation providing electric service at wholesale
in the state of Kansas that is owned by four or more electric cooperatives
that provide retail service in the state of Kansas; or any (3) member-
owned corporation formed prior to 2004.

(b) Except as otherwise provided in subsection (f), a cooperative may
elect to be exempt from the jurisdiction, regulation, supervision and con-
control of the state corporation commission by complying with the provisions of subsection (c).

(c) To be exempt under subsection (b), a cooperative shall poll its members as follows:

1. An election under this subsection may be called by the board of trustees or shall be called not less than 180 days after receipt of a valid petition signed by not less than 10% of the members of the cooperative.

2. The proposition for deregulation shall be presented to a meeting of the members, the notice of which shall set forth the proposition for deregulation and the time and place of the meeting. Notice to the members shall be written and delivered not less than 21 nor more than 45 days before the date of the meeting.

3. If the cooperative mails information to its members regarding the proposition for deregulation other than notice of the election and the ballot, the cooperative shall also include in such mailing any information in opposition to the proposition that is submitted by petition signed by not less than 1% of the cooperative’s members. All expenses incidental to mailing the additional information, including any additional postage required to mail such additional information, must be paid by the signatories to the petition.

4. If the proposition for deregulation is approved by the affirmative vote of not less than a majority of the members voting on the proposition, the cooperative shall notify the state corporation commission in writing of the results within 10 days after the date of the election.

5. Voting on the proposition for deregulation shall be by mail ballot.

(d) A cooperative exempt under this section may elect to terminate its exemption in the same manner as prescribed in subsection (c).

(e) An election under subsection (c) or (d) may be held not more often than once every two years.

(f) Nothing in this section shall be construed to affect the single certified service territory of a cooperative or the authority of the state corporation commission, as otherwise provided by law, over a cooperative with regard to: (1) Service territory; (2) charges, fees or tariffs for transmission services, except those charges or fees for transmission services that are recovered through an open access transmission tariff of a regional transmission organization which has its rates approved by the federal energy regulatory commission; (3) sales of power for resale, other than sales between a cooperative, as defined in subsection (a), that does not provide retail electric service and an owner of such cooperative; and (4) wire stringing and transmission line siting, pursuant to K.S.A. 66-131, 66-183, 66-1,170 et seq. or 66-1,177 et seq., and amendments thereto. Nothing in this subsection shall be construed to affect the authority of the commission pursuant to K.S.A. 66-144, and amendments thereto.

(g) (1) Notwithstanding a cooperative’s election to be exempt under this section, the commission shall investigate all rates, joint rates, tolls,
charges and exactions, classifications and schedules of rates of such cooperative if there is filed with the commission, not more than one year after a change in such cooperative’s rates, joint rates, tolls, charges and exactions, classifications or schedules of rates, a petition in the case of a retail distribution cooperative signed by not less than 5% of all the cooperative’s customers or 3% of the cooperative’s customers from any one rate class, or, in the case of a generation and transmission cooperative, not less than 20% of the generation and transmission cooperative’s members or 5% of the aggregate retail customers of such members. If, after investigation, the commission finds that such rates, joint rates, tolls, charges or exactions, classifications or schedules of rates are unjust, unreasonable, unjustly discriminatory or unduly preferential, the commission shall have the power to fix and order substituted therefor such rates, joint rates, tolls, charges and exactions, classifications or schedules of rates as are just and reasonable.

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

(3) Any customer of a cooperative wishing to petition the commission pursuant to subsection (g)(1) may request from the cooperative the names, addresses and rate classifications of all the cooperative’s customers or of the cooperative’s customers from any one or more rate classes. The cooperative, within 21 days after receipt of the request, shall furnish to the customer the requested names, addresses and rate classifications and may require the customer to pay the reasonable costs thereof.

(h) (1) If a cooperative is exempt under this section, not less than 10 days’ notice of the time and place of any meeting of the board of trustees at which rate changes are to be discussed and voted on shall be given to all members of the cooperative and such meeting shall be open to all members.

(2) Violations of this subsection (h)(1) shall be subject to civil penalties and enforcement in the same manner as provided by K.S.A. 75-4320 and 75-4320a, and amendments thereto, for violations of K.S.A. 75-4317 et seq., and amendments thereto.

(i) (1) Any cooperative exempt under this section shall maintain a schedule of rates and charges at the cooperative headquarters and shall make copies of such schedule of rates and charges available to the general public during regular business hours.

(2) Any cooperative which fails, neglects or refuses to maintain such copies of schedule of rates and charges under this subsection shall be subject to a civil penalty of not more than $500.

(j) A cooperative that has elected to be exempt under the provisions of subsection (b) shall include a provision in its notice to customers, either
before or after a rate change, of the customer’s right to request the commission to review the rate change, as allowed in subsection (g).

(k) Notwithstanding any provision of law to the contrary, a cooperative, as defined in subsection (a), shall be subject to the provisions of the renewable energy standards act.

Sec. 3. K.S.A. 66-1,176 is hereby amended to read as follows: 66-1,176. (a) (1) Whenever a city proposes to annex land that is located within the certified territory of a retail electric supplier, the city shall provide notice to the retail electric supplier in the manner prescribed by K.S.A. 12-520a, and amendments thereto no less than 30 days prior to the city making a selection pursuant to subsection (a)(2). All rights of a retail electric supplier to provide electric service in an area annexed by a city shall terminate 180 days from the date of annexation, unless such electric supplier is then holding a valid franchise for service in the area granted by the annexing city. Such period of 180 days shall be extended to 210 days from the date of annexation if a franchise is granted to the retail electric supplier pursuant to referendum conducted according to applicable franchise laws of the state of Kansas within such period of 210 days.

(2) Whenever the city annexes land that is located within the certified territory of a retail electric supplier, the city shall negotiate for the issuance of a franchise agreement pursuant to K.S.A. 12-2001, et seq., and amendments thereto, with a retail electric supplier holding a certificate within the annexed area. Nothing herein shall be construed to require a supplier holding both a certificate of convenience and a franchise for the area annexed to obtain a new franchise. The city shall make the selection of which supplier receives a franchise to operate within the annexed area. When making such selection, the city shall consider certain factors including, but not limited to: (A) The public convenience and necessity; (B) rates of various suppliers; (C) desires of the customer or customers to be served; (D) economic impact on the suppliers; (E) economic impact on the customers of the suppliers; (F) the utility’s supplier’s operational ability to serve the annexed area; (G) avoiding the wasteful duplication of facilities; (H) avoiding unnecessary encumbrance on the landscape; and (I) preventing the waste of materials and natural resources; (J) proposals from any retail electric supplier holding a certificate in the annexed area; and (K) whether the selection is in the public interest as it relates to all the factors considered by the city. Within 30 days after the final decision of the city, any supplier aggrieved thereby may file an appeal in the district court of the county in which the annexed area is located to determine the reasonableness of the final decision. In the event that an appeal of the decision is filed in the district court, the retail electric supplier providing service at the time of annexation shall continue to provide service until such time as the appeal has been concluded. In the event service rights are terminated pursuant to
this section, the commission shall certify such annexed area as a single certified territory to the supplier holding a franchise for or then providing retail electric service in the city immediately prior to the annexation.

(b) When considering the factors contained in subsection (a)(2), or any other factors, the city shall produce a record of the city’s deliberations and findings upon each factor and the basis for the city’s selection. Such record shall be available as a public record within 10 days after the city makes a selection.

(c) Within 30 days after the city makes its selection, any supplier aggrieved thereby may file an appeal of such selection in the district court of the county in which the annexed area is located. Such appeal shall be to determine whether the city met the requirements of subsections (a) and (b) and whether the city’s selection is based upon substantial, competent evidence. The appeal shall be docketed as a new civil action and the docket fee collected. The district court may take additional evidence on the factors in section (a)(2). The review of the city’s selection shall be limited to the record produced and supplemented by any additional evidence received by the court pursuant to this section.

(d)(1) In the event that an appeal of the selection is filed in the district court, the retail electric supplier providing service at the time of annexation shall continue to provide service at its ordinary rates until such time as the appeal has been concluded and service rights terminated.

(2) If the service rights of a supplier are terminated pursuant to this section, the commission shall certify such annexed area as a single certified territory to the supplier holding a franchise for or then providing retail electric service in the city immediately prior to the annexation.

(b)(e) In the event the supplier holding a franchise or then providing retail electric service that a new retail electric supplier does not effect the assumption of electric service to the annexed area at the termination of the applicable 180-day or 210-day period as provided in a retail electric service provider’s service rights pursuant to subsection (a), then the originally certified supplier shall have the right to continue service to the annexed area and charge its ordinary rates therefor until such supplier does assume service to the annexed area. Such service shall be free of any franchise fee or other compensation to the city or the electric supplier holding the franchise. If the supplier holding a franchise has not assumed service to the annexed area within 180 days following the applicable 180-day or 210-day period provided in subsection (a), the city may require the originally certified supplier to obtain a franchise in order to continue service to the annexed area. Unless otherwise mutually agreed upon by the affected suppliers, no assumption of electric service shall occur within 15 days following notice to the originally certified supplier of the intended changeover time.

(e)(f) Whenever the service rights of a retail electric supplier are terminated pursuant to subsection (a), fair and reasonable compensation
shall be paid to such retail electric supplier by the supplier subsequently authorized to provide electric service. Such compensation shall be an amount mutually agreed upon by the affected suppliers or the sum of the following:

(1) The depreciated replacement cost for the electric utility facilities in the territory in which the service rights have been terminated pursuant to subsection (a). As used in this paragraph, “depreciated replacement cost” shall mean the original installed cost of the facilities, adjusted to present value by utilizing a nationally recognized index of utility construction costs, less accumulated depreciation based on the book depreciation rates of the selling utility as filed with and approved by the state corporation commission, which are in effect at the time of acquisition;

(2) all reasonable and prudent costs of detaching the electric system facilities to be sold and all reasonable and prudent costs of reintegrating the remaining electric system facilities of the retail electric supplier whose service rights are terminated pursuant to subsection (a);

(3) an amount equal to two times the gross revenues attributable to the customers in the terminated territory during the 12 months next preceding the date of transfer of the service pursuant to subsection (a); and

(4) an amount equal to the state and federal tax liability created by the taxable income pursuant to the provisions of this paragraph and paragraphs (1), (2) and (3) and (5) by the retail electric supplier whose service rights are terminated pursuant to subsection (a), calculated without regard to any tax deductions or benefits not related to the sale of assets covered herein; and

(5) an amount equal to 8.5% of the gross revenues of total retail sales attributable to new customers in the territory in which service rights have been terminated for a period of 10 years following the date of termination of service rights of the retail electric supplier. Payments shall be made in annual installments to the retail electric supplier whose service rights are terminated pursuant to subsection (a). Gross revenues shall be determined based on the rates charged and billed at the time each annual payment is made. Such retail electric supplier shall have the right to review, audit or cause to be audited the subsequent supplier’s financial records with respect to retail electric service in the territory in which service rights have been terminated to determine the amount payable pursuant to this paragraph.

(g) In the event that the parties are unable to agree upon an amount of compensation to be paid compensation due pursuant to subsection (f) is disputed, after 60 days following the date of termination of service rights, either party may apply to the district court having jurisdiction where any portion of the facilities are located, for determination of compensation. Such determination shall be made by the court sitting without a jury.

(h) Notwithstanding the provisions of K.S.A. 66-1,176b, and amend-
ments thereto, a retail electric supplier shall be entitled to compensation pursuant to subsections (f) and (g) if a franchise agreement between a city and a retail electric supplier was agreed to pursuant to this section and K.S.A. 12-2001 et seq., and amendments thereto, but was terminated pursuant to K.S.A. 66-1,176b, and amendments thereto, within 10 years after such franchise agreement was effectuated by the parties.

Sec. 4. K.S.A. 12-8,111 and 66-1,176 and K.S.A. 2017 Supp. 66-104d are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved March 5, 2018.
Published in the Kansas Register March 8, 2018.

CHAPTER 7

HOUSE BILL No. 2439
(Amended by Chapter 106)

AN ACT concerning crimes, punishment and criminal procedure; relating to involuntary manslaughter; aggravated battery; involving certain violations of driving under the influence of alcohol or drugs; amending K.S.A. 2017 Supp. 8-262, 8-2,144, 8-1013, 8-1025, 8-1567, 21-5405, 21-5413, 21-6811, 38-2312 and 75-52,148 and repealing the existing sections.

WHEREAS, The provisions of the amendments to the sections in this act shall be known as Caitlin’s law.

Now, therefore:

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

Section 1. K.S.A. 2017 Supp. 21-5405 is hereby amended to read as follows: 21-5405. (a) Involuntary manslaughter is the killing of a human being committed:

1. Recklessly;
2. in the commission of, or attempt to commit, or flight from any felony, other than an inherently dangerous felony as defined in K.S.A. 2017 Supp. 21-5402, and amendments thereto, that is enacted for the protection of human life or safety or a misdemeanor that is enacted for the protection of human life or safety, including acts described in K.S.A. 8-1566 and subsection (a) of section 8-1568, and amendments thereto, but excluding the acts described in K.S.A. 8-1567, and amendments thereto;
3. in the commission of, or attempt to commit, or flight from an act described in K.S.A. 8-1567, and amendments thereto; or
4. during the commission of a lawful act in an unlawful manner; or
5. in the commission of, or attempt to commit, or flight from an act described in K.S.A. 8-1567, and amendments thereto, while:
(A) In violation of any restriction imposed on such person’s driving privileges pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto;

(B) such person’s driving privileges are suspended or revoked pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or

(C) such person has been deemed a habitual violator as defined in K.S.A. 8-285, and amendments thereto, including at least one violation of K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(b) Involuntary manslaughter as defined in:

(1) Subsection (a)(1), (a)(2) or (a)(4) is a severity level 5, person felony; and

(2) subsection (a)(3) is a severity level 4, person felony; and

(3) subsection (a)(5) is a severity level 3, person felony.

Sec. 2. K.S.A. 2017 Supp. 21-5413 is hereby amended to read as follows: 21-5413. (a) Battery is:

(1) Knowingly or recklessly causing bodily harm to another person; or

(2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner.

(b) Aggravated battery is:

(1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;

(B) knowingly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;

(2) (A) recklessly causing great bodily harm to another person or disfigurement of another person;

(B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(3) (A) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act; or

(B) committing an act described in K.S.A. 8-1567, and amendments thereto, when bodily harm to another person results from such act under
circumstances whereby great bodily harm, disfigurement or death can result from such act; or

(4) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act while:

(A) In violation of any restriction imposed on such person’s driving privileges pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto;

(B) such person’s driving privileges are suspended or revoked pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or

(C) such person has been deemed a habitual violator as defined in K.S.A. 8-285, and amendments thereto, including at least one violation of K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(c) Battery against a law enforcement officer is:

(1) Battery, as defined in subsection (a)(2), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty;

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer’s duty;

(C) judge, while such judge is engaged in the performance of such judge’s duty;

(D) attorney, while such attorney is engaged in the performance of such attorney’s duty; or

(E) community corrections officer or court services officer, while such officer is engaged in the performance of such officer’s duty;

(2) battery, as defined in subsection (a)(1), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty; or

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer’s duty;

(C) judge, while such judge is engaged in the performance of such judge’s duty;
(D) attorney, while such attorney is engaged in the performance of such attorney’s duty; or

(E) community corrections officer or court services officer, while such officer is engaged in the performance of such officer’s duty; or

(3) battery, as defined in subsection (a) committed against a:

(A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer’s or employee’s duty;

(B) state correctional officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer’s or employee’s duty;

(C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer’s or employee’s duty; or

(D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer’s or employee’s duty.

(d) Aggravated battery against a law enforcement officer is:

(1) An aggravated battery, as defined in subsection (b)(1)(A) committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer’s duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty;

(C) judge, while such judge is engaged in the performance of such judge’s duty;

(D) attorney, while such attorney is engaged in the performance of such attorney’s duty; or

(E) community corrections officer or court services officer, while such officer is engaged in the performance of such officer’s duty;

(2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)(C), committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer’s duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty;

(C) judge, while such judge is engaged in the performance of such judge’s duty;

(D) attorney, while such attorney is engaged in the performance of such attorney’s duty; or
(E) community corrections officer or court services officer, while such officer is engaged in the performance of such officer’s duty; or

(3) knowingly causing, with a motor vehicle, bodily harm to a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer’s duty; or

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty.

(e) Battery against a school employee is a battery, as defined in subsection (a), committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the performance of such employee’s duty.

(f) Battery against a mental health employee is a battery, as defined in subsection (a), committed against a mental health employee by a person in the custody of the secretary for aging and disability services, while such employee is engaged in the performance of such employee’s duty.

(g) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

(A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;

(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;

(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and

(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.

(3) Battery against a law enforcement officer as defined in:

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

(B) subsection (c)(2) is a severity level 7, person felony; and

(C) subsection (c)(3) is a severity level 5, person felony.

(4) Aggravated battery against a law enforcement officer as defined in:

(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and

(B) subsection (d)(2) is a severity level 4, person felony.

(5) Battery against a school employee is a class A person misdemeanor.

(6) Battery against a mental health employee is a severity level 7, person felony.

(h) As used in this section:

(1) “Correctional institution” means any institution or facility under the supervision and control of the secretary of corrections;
(2) “state correctional officer or employee” means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, whose duties include working at a correctional institution;

(3) “juvenile detention facility officer or employee” means any officer or employee of a juvenile detention facility as defined in K.S.A. 2017 Supp. 38-2302, and amendments thereto;

(4) “city or county correctional officer or employee” means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, whose duties include working at a city holding facility or county jail facility;

(5) “school employee” means any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12;

(6) “mental health employee” means: (A) An employee of the Kansas department for aging and disability services working at Larned state hospital, Osawatomie state hospital, Kansas neurological institute and Parsons state hospital and training center and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility;

(7) “judge” means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;

(8) “attorney” means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents’ defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

(9) “community corrections officer” means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs; and

(10) “court services officer” means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court.
Sec. 3. K.S.A. 2017 Supp. 8-262 is hereby amended to read as follows:
8-262. (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person’s privilege so to do is canceled, suspended or revoked or while such person’s privilege to obtain a driver’s license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a class B nonperson misdemeanor on the first conviction and a class A nonperson misdemeanor on the second or subsequent conviction.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person’s driver’s license.

(3) Except as otherwise provided by subsection (a)(4) or (c), every person convicted under this section shall be sentenced to at least five days’ imprisonment and fined at least $100 and upon a second conviction shall not be eligible for parole until completion of five days’ imprisonment.

(4) Except as otherwise provided by subsection (c), if a person: (A) Is convicted of a violation of this section, committed while the person’s privilege to drive or privilege to obtain a driver’s license was suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes; and (B) is or has been also convicted of a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes, committed while the person’s privilege to drive or privilege to obtain a driver’s license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days’ imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) The division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.

(c) (1) The person found guilty of a class A nonperson misdemeanor on a third or subsequent conviction of this section shall be sentenced to not less than 90 days’ imprisonment and fined not less than $1,500 if such person’s privilege to drive a motor vehicle is canceled, suspended or revoked because such person:

(A) Refused to submit and complete any test of blood, breath or urine
requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;
(B) was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;
(C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal, or K.S.A. 2017 Supp. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as defined in subsection (a)(3) of K.S.A. 2017 Supp. 21-5405(a)(3) and (a)(5), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or
(D) was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.
(2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.
(d) For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section.
Sec. 4. K.S.A. 2017 Supp. 8-2,144 is hereby amended to read as follows: 8-2,144. (a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this state while:
(1) The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.04 or more;
(2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of driving a commercial motor vehicle, is 0.04 or more; or
(3) committing a violation of K.S.A. 8-1567(a), and amendments
thereto, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder.

(b) (1) Driving a commercial motor vehicle under the influence is:
   (A) On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than $750 nor more than $1,000. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspension or reduction of sentence or parole or other release;

   (B) on a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,250 nor more than $1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and

   (C) on a third or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to con-
finement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) In addition, for any conviction pursuant to subsection (b)(1)(C), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. 2017 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the aging and disability services department designated treatment provider and the offender. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the
remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof.

(3) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person’s punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.
(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(i) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall: (1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and (2) suspend, restrict or suspend and restrict the person’s driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(j) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this section as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the: (A) Division of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the city attorney.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose
of permitting a person charged with a violation of this section, or a viola-
tion of any ordinance of a city or resolution of any county in this state
which prohibits the acts prohibited by this section, to avoid the mandatory
penalties established by this section or by the ordinance or resolution.

(m) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3)
may be pleaded in the alternative, and the state, city or county may, but
shall not be required to, elect one or two of the three prior to submission
of the case to the fact finder.

(n) For the purpose of determining whether a conviction is a first,
second, third or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments
thereto, or a violation of an ordinance of any city or resolution of any
county which prohibits the acts that such section prohibits, or entering
into a diversion agreement in lieu of further criminal proceedings on a
complaint alleging any such violations, shall be taken into account, but
only convictions or diversions occurring on or after July 1, 2001. Nothing
in this provision shall be construed as preventing any court from consid-
ering any convictions or diversions occurring during the person’s lifetime
during the sentence to be imposed within the limits provided for
a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring
during a person’s lifetime shall be taken into account: (A) This section;
(B) refusing to submit to a test to determine the presence of alcohol or
drugs, K.S.A. 2017 Supp. 8-1025, and amendments thereto; (C) operating
a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and
amendments thereto; (D) involuntary manslaughter while driving under
the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or
K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; (E)
aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3) or
(b)(4), and amendments thereto; and (F) aggravated vehicular homicide,
K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b,
prior to its repeal, if the crime was committed while committing a vio-
lation of K.S.A. 8-1567, and amendments thereto;

(3) “conviction” includes: (A) Entering into a diversion agreement in
lieu of further criminal proceedings on a complaint alleging a violation of
a crime described in subsection (n)(2); (B) conviction of a violation of an
ordinance of a city in this state, a resolution of a county in this state or
any law of another state which would constitute a crime described in
subsection (n)(1) or (n)(2); and (C) receiving punishment under the uni-
form code of military justice or Kansas code of military justice for an act
which was committed on a military reservation and which would consti-
tute a crime described in subsection (n)(1) or (n)(2) if committed off a
military reservation in this state;

(4) it is irrelevant whether an offense occurred before or after con-
viction for a previous offense; and
(5) multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction.

(o) For the purpose of this section:

(1) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) “imprisonment” shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) “drug” includes toxic vapors as such term is defined in K.S.A. 2017 Supp. 21-5712, and amendments thereto.

(p) On and after July 1, 2011, the amount of $250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2017 Supp. 75-52,113, and amendments thereto.

Sec. 5. K.S.A. 2017 Supp. 8-1013 is hereby amended to read as follows: 8-1013. As used in K.S.A. 8-1001 through 8-1010, 8-1011, 8-1012, 8-1014, 8-1015, 8-1016, 8-1017 and 8-1018, and amendments thereto, and this section:

(a) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(b) (1) “Alcohol or drug-related conviction” means any of the following: (A) Conviction of vehicular battery or aggravated vehicular homicide, prior to their repeal, if the crime is committed while committing a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by that statute, or conviction of a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or conviction of a violation of aggravated battery as described in subsection (b)(3) of K.S.A. 2017 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto, or conviction of a violation of involuntary manslaughter as described in K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; (B) conviction of a violation of a law of another state which would constitute a crime described in subsection (b)(1)(A) if committed in this state; (C) conviction of a violation of an ordinance of a city in this state or a resolution of a county in this state which would constitute a crime described in subsection (b)(1)(A), whether or not such conviction is in a court of record; or (D) conviction of an act which was committed on a military reservation and which would constitute a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or would
constitute a crime described in subsection (b)(1)(A) if committed off a military reservation in this state.

(2) For the purpose of determining whether an occurrence is a first, second or subsequent occurrence: (A) “Alcohol or drug-related conviction” also includes entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging commission of a crime described in subsection (b)(1), including a diversion agreement entered into prior to the effective date of this act; and (B) it is irrelevant whether an offense occurred before or after conviction or diversion for a previous offense.

(c) “Division” means the division of vehicles of the department of revenue.

(d) “Ignition interlock device” means a device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

(e) “Occurrence” means a test refusal, test failure or alcohol or drug-related conviction, or any combination thereof arising from one arrest, including an arrest which occurred prior to the effective date of this act.

(f) “Other competent evidence” includes: (1) Alcohol concentration tests obtained from samples taken three hours or more after the operation or attempted operation of a vehicle; and (2) readings obtained from a partial alcohol concentration test on a breath testing machine.

(g) “Samples” includes breath supplied directly for testing, which breath is not preserved.

(h) “Test failure” or “fails a test” refers to a person’s having results of a test administered pursuant to this act, other than a preliminary screening test, which show an alcohol concentration of .08 or greater in the person’s blood or breath, and includes failure of any such test on a military reservation.

(i) “Test refusal” or “refuses a test” refers to a person’s failure to submit to or complete any test of the person’s blood, breath, urine or other bodily substance, other than a preliminary screening test, in accordance with this act, and includes refusal of any such test on a military reservation.

(j) “Law enforcement officer” has the meaning provided by K.S.A. 2017 Supp. 21-5111, and amendments thereto, and includes any person authorized by law to make an arrest on a military reservation for an act which would constitute a violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, if committed off a military reservation in this state.

Sec. 6. K.S.A. 2017 Supp. 8-1025 is hereby amended to read as follows: 8-1025. (a) Refusing to submit to a test to determine the presence of alcohol or drugs is refusing to submit to or complete a test or tests
deemed consented to under K.S.A. 8-1001(a), and amendments thereto, if such person has:

(1) Any prior test refusal as defined in K.S.A. 8-1013, and amendments thereto, which occurred: (A) On or after July 1, 2001; and (B) when such person was 18 years of age or older; or

(2) any prior conviction for a violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, which occurred: (A) On or after July 1, 2001; and (B) when such person was 18 years of age or older.

(b) (1) Refusing to submit to a test to determine the presence of alcohol or drugs is:

(A) On a first conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,250 nor more than $1,750. The person convicted shall serve at least five consecutive days’ imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the five days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

(B) on a second conviction a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(C). The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’
imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours;

(C) on a second conviction a nonperson felony if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours; and
(D) on a third or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 72 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 72 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days’ imprisonment mandated by this subsection only after such person has served 72 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) The court may order that the term of imprisonment imposed pursuant to subsection (b)(1)(C) or (b)(1)(D) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 2017 Supp. 21-6804, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person’s discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review.
The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

(3) In addition, for any conviction pursuant to subsection (b)(1)(B), (b)(1)(C) or (b)(1)(D), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. 2017 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the aging and disability services department designated treatment provider and the offender. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof.

(4) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an
ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessments and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(e) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(f) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(g) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(h) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring: (A) On or after July 1, 2001; and (B) when such person was 18 years of age or older. Nothing in this provision shall be construed as preventing any court from considering any
convictions or diversions occurring during the person's lifetime in deter-
mning the sentence to be imposed within the limits provided for a first, 
second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections which oc-
curred during a person's lifetime shall be taken into account, but only 
convictions occurring when such person was 18 years of age or older: (A) 
This section; (B) driving a commercial motor vehicle under the influence, 
K.S.A. 8-2,144, and amendments thereto; (C) operating a vessel under 
the influence of alcohol or drugs, K.S.A. 32-1131, and amendments 
thereto; (D) involuntary manslaughter while driving under the influence 
of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 
Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; (E) aggravated 
battery as described in K.S.A. 2017 Supp. 21-5413(b)(3) or (b)(4), and 
amendments thereto; and (F) aggravated vehicular homicide, K.S.A. 21-
3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to 
its repeal, if the crime was committed while committing a violation of 
K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in 
lieu of further criminal proceedings on a complaint alleging a violation of 
a crime described in subsection (h)(2); (B) conviction of a violation of an 
ordinance of a city in this state, a resolution of a county in this state or 
any law of another state which would constitute a crime described in 
subsection (h)(1) or (h)(2); and (C) receiving punishment under the uni-
form code of military justice or Kansas code of military justice for an act 
which was committed on a military reservation and which would consti-
tute a crime described in subsection (h)(1) or (h)(2) if committed off a 
military reservation in this state;

(4) it is irrelevant whether an offense occurred before or after con-
viction for a previous offense;

(5) multiple convictions of any crime described in subsection (h)(1) 
or (h)(2) arising from the same arrest shall only be counted as one con-
viction;

(6) the prior conviction that is an element of the crime of refusing to 
submit to a test to determine the presence of alcohol or drugs shall not 
be used for the purpose of determining whether a conviction is a first, 
second, third or subsequent conviction in sentencing under this section 
and shall not be considered in determining the sentence to be imposed 
within the limits provided for a first, second, third or subsequent offense; and 

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

(i) Upon conviction of a person of a violation of this section or a 
violation of a city ordinance or county resolution prohibiting the acts 
prohibited by this section, the division, upon receiving a report of con-
viction, shall suspend, restrict or suspend and restrict the person’s driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(j) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) An ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

(4) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

(m) As used in this section, “imprisonment” shall include any restrained environment in which the court and law enforcement agency
intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.

(n) On and after July 1, 2012, the amount of $250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2017 Supp. 75-52,113, and amendments thereto.

Sec. 7. K.S.A. 2017 Supp. 8-1567 is hereby amended to read as follows: 8-1567. (a) Driving under the influence is operating or attempting to operate any vehicle within this state while:

1. The alcohol concentration in the person’s blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013 (f)(1), and amendments thereto, is .08 or more;
2. the alcohol concentration in the person’s blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is .08 or more;
3. under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
4. under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
5. under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) (1) Driving under the influence is:

A. On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months’ imprisonment, or in the court’s discretion 100 hours of public service, and fined not less than $750 nor more than $1,000. The person convicted shall serve at least 48 consecutive hours’ imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the remainder of the sentence only after such person has served 48 consecutive hours’ imprisonment;

B. on a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,250 nor more than $1,750. The person convicted shall serve at least five consecutive days’ imprisonment before the person is granted probation, suspension
or reduction of sentence or parole or is otherwise released. The five days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the five days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

(C) on a third conviction a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours;
(D) on a third conviction a nonperson felony if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours; and

(E) on a fourth or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 72 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 72 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days’ imprisonment mandated by this subsection only after such person has served 72 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring
device, which verifies the offender’s location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) The court may order that the term of imprisonment imposed pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 2017 Supp. 21-6804, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person’s discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

(3) In addition, for any conviction pursuant to subsection (b)(1)(C), (b)(1)(D) or (b)(1)(E), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. 2017 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by
the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the Kansas department for aging and disability services designated treatment provider and the offender. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof.

(4) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person’s punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified
community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the:

1. Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
2. Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(i) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

1. Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person’s lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
2. any convictions for a violation of the following sections occurring during a person’s lifetime shall be taken into account: (A) Refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 2017 Supp. 8-1025, and amendments thereto; (B) driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto; (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; (E) aggravated battery as described in subsection (b)(3) of K.S.A. 2017 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto; and (F) aggravated vehicular homicide, K.S.A. 21-
3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) “conviction” includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (i)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (i)(1) or (i)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state;

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person’s lifetime.

(j) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person’s driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(k) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

(4) Any such ordinance or resolution shall authorize the court to or-
der that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(l) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(m) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

(n) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county, but shall not be required to, may elect one or two of the three prior to submission of the case to the fact finder.

(o) As used in this section: (1) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) “imprisonment” shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) “drug” includes toxic vapors as such term is defined in K.S.A. 2017 Supp. 21-5712, and amendments thereto.

(p) (1) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the department of corrections.
alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

(2) On and after July 1, 2011, the amount of $250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2017 Supp. 75-52,113, and amendments thereto.

Sec. 8. K.S.A. 2017 Supp. 21-6811 is hereby amended to read as follows: 21-6811. In addition to the provisions of K.S.A. 2017 Supp. 21-6810, and amendments thereto, the following shall apply in determining an offender’s criminal history classification as contained in the presumptive sentencing guidelines grids:

(a) Every three prior adult convictions or juvenile adjudications of class A and class B person misdemeanors in the offender’s criminal history, or any combination thereof, shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes. Every three prior adult convictions or juvenile adjudications of assault as defined in K.S.A. 21-3408, prior to its repeal, or K.S.A. 2017 Supp. 21-5412(a), and amendments thereto, occurring within a period commencing three years prior to the date of conviction for the current crime of conviction shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes.

(b) A conviction of criminal possession of a firearm as defined in K.S.A. 21-4204(a)(1) or (a)(5), prior to its repeal, criminal use of weapons as defined in K.S.A. 2017 Supp. 21-6301(a)(10) or (a)(11), and amendments thereto, or unlawful possession of a firearm as in effect on June 30, 2005, and as defined in K.S.A. 21-4218, prior to its repeal, will be scored as a select class B nonperson misdemeanor conviction or adjudication and shall not be scored as a person misdemeanor for criminal history purposes.

(c) (1) If the current crime of conviction was committed before July 1, 1996, and is for K.S.A. 21-3404(b), as in effect on June 30, 1996, involuntary manslaughter in the commission of driving under the influence, then, each prior adult conviction or juvenile adjudication for K.S.A. 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(2) If the current crime of conviction was committed on or after July 1, 1996, and is for a violation of K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for: (A) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; or (B) a violation of a law of another state or an ordinance
of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, shall count as one person felony for criminal history purposes.

(3) If the current crime of conviction is for a violation of K.S.A. 2017 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto:

(A) The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one non-person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; and

(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto.

(d) Prior burglary adult convictions and juvenile adjudications will be scored for criminal history purposes as follows:

(1) As a prior person felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5807(a)(1), and amendments thereto.

(2) As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(b) or (c), prior to its repeal, or K.S.A. 2017 Supp. 21-5807(a)(2) or (a)(3), and amendments thereto.

The facts required to classify prior burglary adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(e) (1) Out-of-state convictions and juvenile adjudications shall be used in classifying the offender’s criminal history.

(2) An out-of-state crime will be classified as either a felony or a misdemeanor according to the convicting jurisdiction:

(A) If a crime is a felony in another state, it will be counted as a felony in Kansas.

(B) If a crime is a misdemeanor in another state, the state of Kansas shall refer to the comparable offense in order to classify the out-of-state crime as a class A, B or C misdemeanor. If the comparable misdemeanor crime in the state of Kansas is a felony, the out-of-state crime shall be classified as a class A misdemeanor. If the state of Kansas does not have
a comparable crime, the out-of-state crime shall not be used in classifying
the offender’s criminal history.

(3) The state of Kansas shall classify the crime as person or nonper-
son. In designating a crime as person or nonperson, comparable offenses
under the Kansas criminal code in effect on the date the current crime
of conviction was committed shall be referred to. If the state of Kansas
does not have a comparable offense in effect on the date the current
crime of conviction was committed, the out-of-state conviction shall be
classified as a nonperson crime.

(4) Convictions or adjudications occurring within the federal system,
other state systems, the District of Columbia, foreign, tribal or military
courts are considered out-of-state convictions or adjudications.

(5) The facts required to classify out-of-state adult convictions and
juvenile adjudications shall be established by the state by a preponderance
of the evidence.

(f) Except as provided in K.S.A. 21-4710(d)(4), (d)(5) and (d)(6), prior
to its repeal, or K.S.A. 2017 Supp. 21-6810(d)(3)(B), (d)(3)(C), (d)(3)(D),
(d)(4) and (d)(5), and amendments thereto, juvenile adjudications will be
applied in the same manner as adult convictions. Out-of-state juvenile
adjudications will be treated as juvenile adjudications in Kansas.

(g) A prior felony conviction of an attempt, a conspiracy or a solicita-
tion as provided in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their
repeal, or K.S.A. 2017 Supp. 21-5301, 21-5302 or 21-5303, and amend-
ments thereto, to commit a crime shall be treated as a person or non-
person crime in accordance with the designation assigned to the under-
lying crime.

(h) Drug crimes are designated as nonperson crimes for criminal his-
tory scoring.

(i) If the current crime of conviction is for a violation of K.S.A. 8-
1602(b)(3) through (b)(5), and amendments thereto, each of the following
prior convictions for offenses committed on or after July 1, 2011, shall
count as a person felony for criminal history purposes: K.S.A. 8-235, 8-
262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605 and 40-3104,
and amendments thereto, and K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5)
and 21-5406, and amendments thereto, or a violation of a city ordinance
or law of another state which would also constitute a violation of such
sections.

(j) The amendments made to this section by chapter 5 of the 2015
Session Laws of Kansas are procedural in nature and shall be construed
and applied retroactively.

Sec. 9. K.S.A. 2017 Supp. 38-2312 is hereby amended to read as
follows: 38-2312. (a) Except as provided in subsections (b) and (c), any
records or files specified in this code concerning a juvenile may be ex-
punged upon application to a judge of the court of the county in which
the records or files are maintained. The application for expungement may be made by the juvenile, if 18 years of age or older or, if the juvenile is less than 18 years of age, by the juvenile’s parent or next friend.

(b) There shall be no expungement of records or files concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402, prior to its repeal, or K.S.A. 2017 Supp. 21-5403, and amendments thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto, voluntary manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2017 Supp. 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto, indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and amendments thereto, aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child; K.S.A. 21-3510, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments thereto, indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, sexual exploitation of a child; K.S.A. 2017 Supp. 21-5514(a), and amendments thereto, internet trading in child pornography; K.S.A. 2017 Supp. 21-5514(b), and amendments thereto, aggravated internet trading in child pornography; K.S.A. 21-3603, prior to its repeal, or K.S.A. 2017 Supp. 21-5604(b), and amendments thereto, aggravated incest; K.S.A. 21-3605, prior to its repeal, or K.S.A. 2017 Supp. 21-5601(a), and amendments thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A. 2017 Supp. 21-5602, and amendments thereto, abuse of a child; or which would constitute an attempt to commit a violation of any of the offenses specified in this subsection.

(c) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender’s criminal record while the offender is required to register as provided in the Kansas offender registration act.

(d) When a petition for expungement is filed, the court shall set a
date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile’s full name; (2) the full name of the juvenile as reflected in the court record, if different than (1); (3) the juvenile’s sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $176. On and after July 1, 2017, through June 30, 2019, the supreme court may impose a charge, not to exceed $19 per case, to fund the costs of non-judicial personnel. All petitions for expungement shall be docketed in the original action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(e) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:

(A) (i) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge;

(ii) one year has elapsed since the final discharge for an adjudication concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto; or

(iii) the juvenile is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child, the adjudication concerned acts committed by the juvenile as a result of such victimization, including, but not limited to, acts which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6203 or 21-6419, and amendments thereto, and the hearing on expungement occurred on or after the date of final discharge. The provisions of this clause shall not allow an expungement of records or files concerning acts described in subsection (b);

(B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender under the revised Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and

(C) the circumstances and behavior of the petitioner warrant expungement.

(2) The court may require that all court costs, fees and restitution shall be paid.

(f) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the sentence to be imposed. The petitioner, the court and all law enforcement officers and other public offices and agencies shall properly reply on in-
quiry that no record or file exists with respect to the juvenile. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall be limited to inspection by the person who is the subject of the files or records and the person’s designees.

(g) A certified copy of any order made pursuant to subsection (a) or (d) shall be sent to the Kansas bureau of investigation, which shall notify every juvenile or criminal justice agency which may possess records or files ordered to be expunged. If the agency fails to comply with the order within a reasonable time after its receipt, such agency may be adjudged in contempt of court and punished accordingly.

(h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

(i) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile.

(j) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.

(k) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, except when requested by:

1. The person whose record was expunged;
2. A private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
3. A court, upon a showing of a subsequent conviction of the person whose record has been expunged;
4. The secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;
5. A person entitled to such information pursuant to the terms of the expungement order;
6. The Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
7. The governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the
request is being made to aid in determining qualifications for executive
director of the commission, for employment with the commission, for
work in sensitive areas in parimutuel racing as deemed appropriate by
the executive director of the commission or for licensure, renewal of
licensure or continued licensure by the commission;
(8) the Kansas sentencing commission; or
(9) the Kansas bureau of investigation, for the purposes of:
(A) Completing a person’s criminal history record information within
the central repository in accordance with K.S.A. 22-4701 et seq., and
amendments thereto; or
(B) providing information or documentation to the federal bureau of
investigation, in connection with the national instant criminal background
check system, to determine a person’s qualification to possess a firearm.
(I) The provisions of subsection (k)(9) shall apply to all records cre-
at on and after July 1, 2011.

Sec. 10. K.S.A. 2017 Supp. 75-52,148 is hereby amended to read as
follows: 75-52,148. (a) The department of corrections shall be required
to review and report on the following serious offenses committed by sex
offenders, as defined by K.S.A. 22-4902, and amendments thereto, while
such offenders are in the custody of the secretary of corrections:
(1) Murder in the first degree, as defined in K.S.A. 2017 Supp. 21-
5402, and amendments thereto;
(2) murder in the second degree, as defined in K.S.A. 2017 Supp. 21-
5403, and amendments thereto;
(3) capital murder, as defined in K.S.A. 2017 Supp. 21-5401, and
amendments thereto;
(4) rape, as defined in K.S.A. 2017 Supp. 21-5503, and amendments
thereto;
(5) aggravated criminal sodomy, as defined in subsection (b) of K.S.A.
2017 Supp. 21-5504(b), and amendments thereto;
(6) sexual exploitation of a child, as defined in K.S.A. 2017 Supp. 21-
5510, and amendments thereto;
(7) kidnapping, as defined in subsection (a) of K.S.A. 2017 Supp. 21-
5408(a), and amendments thereto;
(8) aggravated kidnapping, as defined in subsection (b) of K.S.A. 2017
Supp. 21-5408(b), and amendments thereto;
(9) criminal restraint, as defined in K.S.A. 2017 Supp. 21-5411, and
amendments thereto;
(10) indecent solicitation of a child, as defined in subsection (a) of
K.S.A. 2017 Supp. 21-5508(a), and amendments thereto;
(11) aggravated indecent solicitation of a child, as defined in subsec-
tion (b) of K.S.A. 2017 Supp. 21-5508(b), and amendments thereto;
(12) indecent liberties with a child, as defined in subsection (a) of
K.S.A. 2017 Supp. 21-5506(a), and amendments thereto;
(13) aggravated indecent liberties with a child, as defined in subsection (b) of K.S.A. 2017 Supp. 21-5506, and amendments thereto;
(14) criminal sodomy, as defined in subsection (a) of K.S.A. 2017 Supp. 21-5504, and amendments thereto;
(15) child abuse, as defined in K.S.A. 2017 Supp. 21-5602, and amendments thereto;
(16) aggravated robbery, as defined in subsection (b) of K.S.A. 2017 Supp. 21-5420, and amendments thereto;
(17) burglary, as defined in subsection (a) of K.S.A. 2017 Supp. 21-5807, and amendments thereto;
(18) aggravated burglary, as defined in subsection (b) of K.S.A. 2017 Supp. 21-5807, and amendments thereto;
(19) theft, as defined in K.S.A. 2017 Supp. 21-5801, and amendments thereto;
(20) vehicular homicide, as defined in K.S.A. 2017 Supp. 21-5406, and amendments thereto;
(21) involuntary manslaughter while driving under the influence, as defined in subsection (a)(3) of K.S.A. 2017 Supp. 21-5405, or (a)(5), and amendments thereto; or
(22) stalking, as defined in K.S.A. 2017 Supp. 21-5427, and amendments thereto.

(b) The secretary of corrections shall submit such report to the speaker of the house of representatives and the president of the senate annually, beginning January 1, 2007.

Sec. 11. K.S.A. 2017 Supp. 8-262, 8-2,144, 8-1013, 8-1025, 8-1567, 21-5405, 21-5413, 21-6811, 38-2312 and 75-52,148 are hereby repealed.

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

Approved March 9, 2018.

CHAPTER 8

HOUSE BILL No. 2502

AN ACT concerning alcoholic beverages; relating to the Kansas cereal malt beverage act; relating to the sale of beer by cereal malt beverage licensees; amending K.S.A. 2016 Supp. 41-2702, as amended by section 8 of chapter 56 of the 2017 Session Laws of Kansas, and 41-2704, as amended by section 9 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2017 Supp. 41-212 and 79-3602 and repealing the existing sections.

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

New Section 1. (a) The director, or any properly designated agent of the director, may issue a citation for any violation of the Kansas cereal malt beverage act, or any rules and regulations promulgated thereunder,
with regard to the sale, consumption or possession of beer containing not more than 6% alcohol by volume. Any such citation shall be issued in accordance with the provisions of K.S.A. 41-106, and amendments thereto.

(b) In addition to or in lieu of any other civil or criminal penalty provided by law, the director, upon a finding that a retailer, as defined by K.S.A. 41-2701(e), and amendments thereto, has violated a provision of the Kansas liquor control act or the Kansas cereal malt beverage act, or any rules and regulations promulgated thereunder, with regard to the sale, consumption or possession of beer containing not more than 6% alcohol by volume may impose upon such retailer a civil fine not exceeding $1,000 for each violation.

(c) No fine shall be imposed pursuant to this section except upon the written order of the director to the retailer who committed the violation. Such order shall state the violation, the fine to be imposed and the right of the retailer to appeal the order. Such order shall be subject to appeal and review in accordance with the Kansas administrative procedure act.

(d) Any fine imposed 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) This section shall be a part of and supplemental to the Kansas cereal malt beverage act.

Sec. 2. K.S.A. 2017 Supp. 41-212 is hereby amended to read as follows: 41-212. (a) Following the 10th anniversary of the effective date of this act, the director shall conduct, based on information available to the director, a market impact study of the sale of beer containing not more than 6% alcohol by volume by persons licensed as cereal malt beverage retailers pursuant to K.S.A. 41-2702, and amendments thereto. Such study shall include, but not be limited to, the changes subsequent to the effective date of this act, if any, in the number of retailers and the reasons for any changes; the changes subsequent to the effective date of this act, if any, in the number of persons licensed to sell cereal malt beverage in the original package for use or consumption off of and away from the licensed premises, and the reasons for any changes; the effect of this act on state and local tax revenues; the impact of this act on employment; and such other factors as the director deems pertinent. A report on the director’s findings from such study shall be submitted to the legislature prior to adjournment of the 2029 session of the legislature.

(b) The director shall have oversight over the sale of beer containing not more than 6% alcohol by volume by persons licensed as cereal malt beverage retailers pursuant to K.S.A. 41-2702, and amendments thereto, to ensure that such sales promote an orderly market. For such purpose,
the director may adopt such rules and regulations as the director deems
necessary and appropriate, including rules and regulations making appli-
cable to cereal malt beverage retailers selling beer containing not more
than 6% alcohol by volume such provisions of the existing rules and reg-
ulations concerning industry trade practices as are necessary and appro-
priate. The rules and regulations authorized by this section shall be prom-
ulgated by the director on or before July 1, 2018.

Sec. 3. K.S.A. 2016 Supp. 41-2702, as amended by section 8 of chap-
ter 56 of the 2017 Session Laws of Kansas, is hereby amended to read as
follows: 41-2702. (a) No retailer shall sell any cereal malt beverage or
beer containing not more than 6% alcohol by volume without having first
secured a license for each place of business as herein provided. In case
such place of business is located within the corporate limits of a city, the
application for license shall be made to the governing body of such city.
In all other cases, the application for license shall be made to the board
of county commissioners in the county in which such place of business is
to be located, except that the application for license to sell on railway cars
shall be made to the director as hereinafter provided.

(b) A board of county commissioners shall not issue or renew a re-
tailer’s license without giving the clerk of the township where the place
of business is to be located written notice by registered mail of the filing
of the application for licensure or renewal. The township board may
within 10 days file advisory recommendations as to the granting of such
license or renewal and such advisory recommendations shall be consid-
ered by the board of county commissioners before such license is issued.
If an original license is granted and issued, the board of county commis-
sioners shall grant and issue renewals thereof upon application of the
license holder, if the license holder is qualified to receive the same and
the license has not been revoked as provided by law.

(c) An application for a retailer’s license shall be verified and upon a
form prepared by the attorney general of the state and shall contain:
(1) The name and residence of the applicant;
(2) the length of time that the applicant has resided within the state
of Kansas;
(3) the particular place of business for which a license is desired;
(4) the name of the owner of the premises upon which the place of
business is located; and
(5) a statement that the applicant is a citizen of the United States and
not less than 21 years of age and that the applicant has not within two
years immediately preceding the date of making application been con-
victed of a felony, any crime involving moral turpitude, drunkenness, driv-
ing 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.
(d) In addition to the fee provided by subsection (e), each application for a retailer’s license to sell cereal malt beverages for consumption on the licensed premises shall be accompanied by a fee as follows:

(1) For licensure of a place of business other than a railway car, a fee of not less than $25 nor more than $200, as prescribed by the board of county commissioners or the governing body of the city, as the case may be; and

(2) for licensure to sell on railway cars, a fee of $100.

(e) Each applicant for a retailer’s license or renewal of such a license shall submit to the director a copy of the completed application for such license or license renewal, together with a fee of $25. Upon receipt of such application, the director shall authorize a state stamp to be affixed to the license. No such stamp shall be affixed to any license except such stamps as provided by the director and no retailer’s license shall be issued or renewed unless such stamp has first been affixed thereto. The director may refuse to issue a stamp if the applicant or licensee is not current in the payment of any fines imposed by the director relating to such license or a license previously issued pursuant to this section, the Kansas liquor control act or the club and drinking establishment act.

(f) The director shall remit all fees collected by the director 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, except that the director may provide for the deposit in the cereal malt beverage tax refund fund of such amounts as necessary for the refund of any license fees collected hereunder.

(g) The board of county commissioners of the several counties or the governing body of a city shall issue a license upon application duly made as otherwise provided for herein, to any retailer engaged in business in such county or city and qualified to receive such license, to sell only cereal malt beverages in original and unopened containers, and not for consumption on the premises. The annual license fee for such license, which shall be in addition to the fee provided by subsection (e), shall be not less than $25 nor more than $50.

(h) No license issued under this act shall be transferable.

Sec. 4. K.S.A. 2016 Supp. 41-2704, as amended by section 9 of chapter 56 of the 2017 Session Laws of Kansas, 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. 2016 Supp. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 2016 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. 2016 Supp. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 2016 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. 2016 Supp. 41-2911, and amendments thereto, and have not been subsequently restricted as provided in K.S.A. 2016 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. 2016 Supp. 41-2911, and amendments thereto, and have not been subsequently restricted as provided by K.S.A. 2016 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 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 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. 5. K.S.A. 2017 Supp. 79-3602 is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers’ sales tax act:

(a) “Agent” means a person appointed by a seller to represent the seller before the member states.

(b) “Agreement” means the multistate agreement entitled the streamlined sales and use tax agreement approved by the streamlined sales tax implementing states at Chicago, Illinois on November 12, 2002.

(c) “Alcoholic beverages” means beverages that are suitable for human consumption and contain 0.05% or more of alcohol by volume.

(d) “Certified automated system (CAS)” means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

(e) “Certified service provider (CSP)” means an agent certified under
the agreement to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases.

(6) “Computer” means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(7) “Computer software” means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(8) “Delivered electronically” means delivered to the purchaser by means other than tangible storage media.

(9) “Delivery charges” means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing. Delivery charges shall not include charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(10) “Direct mail” means printed material delivered or distributed by United States mail or other delivery services to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. Direct mail includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail does not include multiple items of printed material delivered to a single address.

(11) “Director” means the state director of taxation.

(12) “Educational institution” means any nonprofit school, college and university that offers education at a level above the 12th grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the higher learning commission, the state board of education, or that otherwise qualify as an “educational institution,” as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other
types of research for the support and sole benefit of an educational institution.

(m) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) “Food and food ingredients” means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. “Food and food ingredients” does not include alcoholic beverages or tobacco.

(o) “Gross receipts” means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

(p) “Ingredient or component part” means tangible personal property which is necessary or essential to, and which is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of “ingredient or component part” as herein set forth:

1. Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which are not to be returned to the producer, manufacturer or compounder for reuse.

2. Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and which is not to be returned to such wholesaler or retailer for reuse.


4. Paper and ink used in the publication of newspapers.

5. Fertilizer used in the production of plants and plant products produced for resale.

6. Feed for animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant
(q) “Isolated or occasional sale” means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization which makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(r) “Lease or rental” means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(1) Lease or rental does not include: (A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) a transfer or possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of $100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set up the tangible personal property.

(2) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effec-
tive date of this act and will have no retroactive impact on existing leases or rentals.

(s) “Load and leave” means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(t) “Member state” means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) “Model 1 seller” means a seller that has selected a CSP as its agent to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases.

(v) “Model 2 seller” means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(w) “Model 3 seller” means a seller that has sales in at least five member states, has total annual sales revenue of at least $500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

(x) “Municipal corporation” means any city incorporated under the laws of Kansas.

(y) “Nonprofit blood bank” means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(z) “Persons” means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) “Political subdivision” means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.
(bb) “Prescription” means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) “Prewritten computer software” means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person’s modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) “Property which is consumed” means tangible personal property which is essential or necessary to and which is used in the actual process of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) “Purchase price” applies to the measure subject to use tax and has the same meaning as sales price.

(ff) “Purchaser” means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) “Quasi-municipal corporation” means any county, township,
school district, drainage district or any other governmental subdivision in
the state of Kansas having authority to receive or hold moneys or funds.

(hh) “Registered under this agreement” means registration by a seller
with the member states under the central registration system provided in
article IV of the agreement.

(ii) “Retailer” means a seller regularly engaged in the business of
selling, leasing or renting tangible personal property at retail or furnishing
electrical energy, gas, water, services or entertainment, and selling only
to the user or consumer and not for resale.

(jj) “Retail sale” or “sale at retail” means any sale, lease or rental for
any purpose other than for resale, sublease or subrent.

(kk) “Sale” or “sales” means the exchange of tangible personal prop-
erty, as well as the sale thereof for money, and every transaction, condi-
tional or otherwise, for a consideration, constituting a sale, including the
sale or furnishing of electrical energy, gas, water, services or entertain-
ment taxable under the terms of this act and including, except as provided
in the following provision, the sale of the use of tangible personal property
by way of a lease, license to use or the rental thereof regardless of the
method by which the title, possession or right to use the tangible personal
property is transferred. The term “sale” or “sales” shall not mean the sale
of the use of any tangible personal property used as a dwelling by way of
a lease or rental thereof for a term of more than 28 consecutive days.

(ll) (1) “Sales or selling price” applies to the measure subject to sales
tax and means the total amount of consideration, including cash, credit,
property and services, for which personal property or services are sold,
leased or rented, valued in money, whether received in money or oth-
erwise, without any deduction for the following:

(A) The seller’s cost of the property sold;
(B) the cost of materials used, labor or service cost, interest, losses,
all costs of transportation to the seller, all taxes imposed on the seller and
any other expense of the seller;
(C) charges by the seller for any services necessary to complete the
sale, other than delivery and installation charges;
(D) delivery charges; and
(E) installation charges.
(2) “Sales or selling price” includes consideration received by the
seller from third parties if:

(A) The seller actually receives consideration from a party other than
the purchaser and the consideration is directly related to a price reduction
or discount on the sale;
(B) the seller has an obligation to pass the price reduction or discount
through to the purchaser;
(C) the amount of the consideration attributable to the sale is fixed
and determinable by the seller at the time of the sale of the item to the
purchaser; and
one of the following criteria is met:

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

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

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

(3) “Sales or selling price” shall not include:

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

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

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

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

(E) commencing on July 1, 2006, and ending on June 30, 2009, cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale.

(mm) “Seller” means a person making sales, leases or rentals of personal property or services.

(nn) “Service” means those services described in and taxed under the provisions of K.S.A. 79-3603, and amendments thereto.

(oo) “Sourcing rules” means the rules set forth in K.S.A. 2017 Supp. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, which shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.

(pp) “Tangible personal property” means personal property that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam and prewritten computer software.

(qq) “Taxpayer” means any person obligated to account to the director for taxes collected under the terms of this act.
(rr) “Tobacco” means cigarettes, cigars, chewing or pipe tobacco or any other item that contains tobacco.

(ss) “Entity-based exemption” means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

(tt) “Over-the-counter drug” means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. Over-the-counter drugs do not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and sun tan lotions and screens.

(uu) “Ancillary services” means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail services.

(vv) “Conference bridging service” means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

(ww) “Detailed telecommunications billing service” means an ancillary service of separately stating information pertaining to individual calls on a customer’s billing statement.

(xx) “Directory assistance” means an ancillary service of providing telephone number information or address information, or both.

(yy) “Vertical service” means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

.zz) “Voice mail service” means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(aaa) “Telecommunications service” means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. The term telecommunications service includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal com-
munications commission as enhanced or value added. Telecommunications service does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser’s primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer’s premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

(bbb) “800 service” means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

(ccc) “900 service” means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber’s customers to call into to the subscriber’s prerecorded announcement or live service. 900 service does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber, or service or product sold by the subscriber to the subscriber’s customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

(ddd) “Value-added non-voice data service” means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(eee) “International” means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.
“Interstate” means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

“Intrastate” means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

“Cereal malt beverage” shall have the same meaning as such term is defined in K.S.A. 41-2701, and amendments thereto, except that for the purposes of the Kansas retailers sales tax act and for no other purpose, such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.


Sec. 7. This act shall take effect and be in force from and after April 1, 2019, and its publication in the statute book.

Approved March 15, 2018.

CHAPTER 9

HOUSE BILL No. 2106

AN ACT concerning treatment facilities; relating to license renewal; amending K.S.A. 2017 Supp. 65-4014 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 65-4014 is hereby amended to read as follows: 65-4014. (a) The secretary shall issue a license if the applicant meets the minimum requirements established by or pursuant to this act for a treatment facility. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except with the written approval of the secretary. Licenses shall be posted in a conspicuous place on the licensed premises.

(b) (1) The secretary may renew a license at the end of one, two or three years depending upon a facility’s level of compliance with the rules and regulations adopted by the secretary pursuant to K.S.A. 65-4016, and amendments thereto.

(2) Programs and treatments provided by a treatment facility that
have been licensed by the secretary for aging and disability services and that have also been accredited by the commission on accreditation of rehabilitation services, the joint commission or the council on accreditation or another national accrediting body approved by the Kansas department for aging and disability services shall be granted a license based on such accreditation.

(A) The Kansas department for aging and disability services shall inspect accredited treatment facilities to determine compliance with state licensing standards and rules and regulations not covered by the accrediting entity’s standards. Treatment facilities receiving accreditation shall continue to be subject to inspections and investigations from complaints.

(B) In the event that an accredited treatment facility loses its accreditation, the treatment facility shall immediately notify the Kansas department for aging and disability services.

Sec. 2. K.S.A. 2017 Supp. 65-4014 is hereby repealed.

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

Approved March 20, 2018.

CHAPTER 10

HOUSE BILL No. 2435
(Amended by Chapters 89 and 95)

AN ACT concerning emergency telephone services; relating to the Kansas 911 act; audits by the division of legislative post audit; amending K.S.A. 2017 Supp. 12-5377 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 12-5377 is hereby amended to read as follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any provider’s books and records concerning the collection and remittance of fees pursuant to this act. The cost of any such audit shall be paid from the 911 state grant fund.

(c) On or before December 31, 2018, and at least once every three years thereafter, the division of post audit shall conduct an audit of the 911 system to determine: (1) Whether the moneys received by PSAPs pursuant to this act are being used appropriately; (2) whether the amount of moneys collected pursuant to this act is adequate; and (3) the status of 911 service implementation. The auditor to conduct such audit shall be specified in accordance with K.S.A. 46-1122, and amendments
thereto. The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the 911 state grant fund shall reimburse the division of post audit for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the LCPA, the house committee on utilities and telecommunications and the senate committee on utilities.

(d) The legislature shall review this act at the regular 2014 legislative session and at the regular legislative session every five years thereafter.

(e) This section shall take effect on and after January 1, 2012.

Sec. 2. K.S.A. 2017 Supp. 12-5377 is hereby repealed.

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

Approved March 20, 2018.

CHAPTER 11

HOUSE BILL No. 2362

AN ACT concerning the department of revenue; relating to the division of alcoholic beverage control; fees; establishing the alcoholic beverage control modernization fee and the alcoholic beverage control modernization fund; amending K.S.A. 2017 Supp. 41-317 and 41-2606 and repealing the existing sections.

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

New Section 1. (a) In addition to any initial application or renewal application fee prescribed pursuant to K.S.A. 41-317 and 41-2606, and amendments thereto, each applicant for an initial application or a renewal application of a license shall pay at the time of application or renewal a non-refundable alcoholic beverage control modernization fee in the amount of $20. All revenue from the alcoholic beverage control modernization fee collected and remitted to the director of alcoholic beverage control 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 into the state treasury to the credit of the alcoholic beverage control modernization fund.

(b) There is hereby created in the state treasury the alcoholic beverage control modernization fund. All moneys credited to the alcoholic beverage control modernization fund shall be used by the department of revenue only for the purpose of funding the replacement of the work processes, computer hardware and software and related equipment associated with the division of alcoholic beverage control’s functions related
to licensing, permitting and case management and supporting administr-ative processes, including maintenance, operation, repair and upgrade of such computer hardware, software and related equipment. All expendi-tures from the alcoholic beverage control modernization fund shall be made in accordance with appropriation acts upon warrants of the di-rector of accounts and reports issued pursuant to vouchers approved by the director of alcoholic beverage control or the director’s designee.

Sec. 2. K.S.A. 2017 Supp. 41-317 is hereby amended to read as follows: 41-317. (a) Applications for all licenses under this act shall be com-pleted and submitted to the director in a manner prescribed by the di-rector. Each applicant shall submit an application fee of $50 for each initial application and $10 for each renewal application to defray the cost of processing the application.

(b) Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:

(1) The full amount of the license fee required to be paid for the kind of license specified in the application; or

(2) one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.

(c) If the applicant elects to pay only one-half of the license fee pursuant to subsection (b)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this paragraph subsection on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director’s sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this paragraph subsection for not more than 30 days beyond the date such payment is originally due.

(d) Any license fee paid by an applicant shall be returned to the applicant if the application is denied.

(e) Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier’s check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.

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

(g) Every applicant for a manufacturer’s, distributor’s, nonbeverage user’s, microbrewery, microdistillery, farm winery, retailer’s or special order shipping license shall file with the application a joint and several bond on a form prescribed by the director and executed by good and
sufficient corporate sureties licensed to do business within the state of Kansas to the director, in the following amounts:

(1) For a manufacturer, $25,000;
(2) for a spirits distributor, $15,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor’s license, whichever amount is greater;
(3) for a beer or wine distributor, $5,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor’s license, whichever amount is greater;
(4) for a retailer, $2,000;
(5) for nonbeverage users, $200 for class 1, $500 for class 2, $1,000 for class 3, $5,000 for class 4 and $10,000 for class 5;
(6) for a microbrewery, microdistillery or a farm winery, $2,000; and
(7) for a winery holding a special order shipping license, $750, unless the winery has already complied with subsection (g)(6).

If a distributor holds or applies for more than one distributor’s license, only one bond for all such licenses shall be required, which bond shall be in an amount equal to the highest applicable bond.

(h) All bonds required by this section shall be conditioned on the licensee’s compliance with the provisions of this act and payment of all taxes, fees, fines and forfeitures which may be assessed against the licensee.

Sec. 3. K.S.A. 2017 Supp. 41-2606 is hereby amended to read as follows: 41-2606. (a) Applications for all licenses under this act shall be completed and submitted to the director in a manner prescribed by the director. Each applicant shall submit an application fee of $50, $30 for each initial application, and $10, for each renewal application, to defray the cost of processing such application.

(b) Each application for licensure as a club shall be accompanied by a copy of the current bylaws and rules of the club and a current list of the officers of the club.

(c) Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:

(1) The full amount of the license fee required to be paid for the kind of license specified in the application; or
(2) one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.

(d) If the applicant elects to pay only one-half of the license fee pursuant to subsection (c)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this paragraph subsection
on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the
director's sole discretion and after examination of the circumstances, ex-
tend the date payment is due pursuant to this paragraph subsection for
not more than 30 days beyond the date such payment is originally due.

(e) Any license fee paid by an applicant shall be returned to the ap-
plicant if the application is denied.

(f) Payment of all fees required to be paid pursuant to this section
may be made by personal, certified or cashier's check, United States post
office money order, debit or credit card or cash, or by electronic payment
authorized by the applicant in a manner prescribed by the director.

(g) All 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.

Sec. 4. K.S.A. 2017 Supp. 41-317 and 41-2606 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its
publication in the statute book.

Approved March 20, 2018.

CHAPTER 12
SENATE BILL No. 405

AN ACT concerning the department of health and environment; relating to animal conversion
units; poultry facilities; confined feeding facilities; amending K.S.A. 2017 Supp. 65-171d
and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 65-171d is hereby amended to read as
follows: 65-171d. (a) For the purpose of preventing surface and subsur-
face water pollution and soil pollution detrimental to public health or to
the plant, animal and aquatic life of the state, and to protect designated
uses of the waters of the state and to require the treatment of sewage
predicated upon technologically based effluent limitations, the secretary
of health and environment shall make such rules and regulations, includ-
ing registration of potential sources of pollution, as may in the secretary's
judgment be necessary to: (1) Protect the soil and waters of the state from
pollution resulting from underground storage of liquid petroleum gas and
hydrocarbons, other than underground porosity storage of natural gas; (2)
control the disposal, discharge or escape of sewage as defined in K.S.A.
65-164, and amendments thereto, by or from municipalities, corporations,
companies, institutions, state agencies, federal agencies or individuals and
any plants, works or facilities owned or operated, or both, by them; and
(3) establish water quality standards for the waters of the state to protect
their designated uses, including establishment of water quality standards
variances that may apply to specified pollutants, permittees, or waterbody
segments that reflect the highest attainable condition during the specified
time period for the variance. In no event shall the secretary’s authority
be interpreted to include authority over the beneficial use of water, water
quantity allocations, protection against water use impairment of a bene-
ficial use, or any other function or authority under the jurisdiction of the
Kansas water appropriation act, K.S.A. 82a-701, and amendments thereto.

(b) The secretary of health and environment may adopt by reference
any regulation relating to water quality and effluent standards promul-
gated by the federal government pursuant to the provisions of the federal
clean water act, and amendments thereto, as in effect on January 1, 1989,
which the secretary is otherwise authorized by law to adopt.

(c) For the purposes of this act, including K.S.A. 65-161 through 65-
171h and K.S.A. 65-1,178 through 65-1,198, and amendments thereto,
and rules and regulations adopted pursuant thereto:

(1) “Pollution” means: (A) Such contamination or other alteration of
the physical, chemical or biological properties of any waters of the state
as will or is likely to create a nuisance or render such waters harmful,
detrimental or injurious to public health, safety or welfare, or to the plant,
animal or aquatic life of the state or to other designated uses; or (B) such
discharge as will or is likely to exceed state effluent standards predicated
upon technologically based effluent limitations.

(2) “Confined feeding facility” means any building, lot, pen, pool or
pond: (A) Which is used for the confined feeding of animals or fowl
for food, fur or pleasure purposes; (B) which is not normally used for
raising crops; and (C) in which no vegetation intended for animal food is
growing.

(3) (A) “Animal unit” means a unit of measurement calculated by
adding the following numbers: The number of beef cattle weighing more
than 700 pounds multiplied by 1.0; plus the number of cattle weighing
less than 700 pounds multiplied by 0.5; plus the number of mature dairy
cattle multiplied by 1.4; plus 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 horses multiplied by 2.0; plus the
number of turkeys multiplied by 0.018; plus the number of laying hens
or broilers, if the facility has continuous overflow watering, multiplied by
0.01; plus the number of laying hens or broilers, if the facility has a liquid
manure system, multiplied by 0.033; plus the number of laying hens or
broilers, if the facility has a dry manure system, multiplied by 0.003; plus
the number of ducks multiplied by 0.2. However, each head of cattle will
be counted as one full animal unit for the purpose of determining the need for a federal permit. A chicken facility using a dry manure system shall obtain a federal permit if 125,000 or more broilers, or 82,000 or more laying hens, are confined.

(B) “Animal unit” also includes the number of swine weighing 55 pounds or less multiplied by 0.1 for the purpose of determining applicable requirements for new construction of a confined feeding facility for which a permit or registration has not been issued before January 1, 1998, and for which an application for a permit or registration and plans have not been filed with the secretary of health and environment before January 1, 1998, or for the purpose of determining applicable requirements for expansion of such facility.

(C) Except as otherwise provided, animal units for public livestock markets shall be determined by using the average annual animal units sold by the market during the past five calendar years divided by 365. Such animal unit determination may be adjusted by the department if the public livestock market submits documentation that demonstrates that such adjustment is appropriate based on the amount of time in 24-hour increments or partials thereof that animals are at the market.

(4) “Animal unit capacity” means the maximum number of animal units that a confined feeding facility is designed to accommodate at any one time.

(5) “Habitable structure” means any of the following structures which is occupied or maintained in a condition which may be occupied and which, in the case of a confined feeding facility for swine, is owned by a person other than the operator of such facility: A dwelling, church, school, adult care home, medical care facility, child care facility, library, community center, public building, office building or licensed food service or lodging establishment.

(6) “Wildlife refuge” means Cheyenne Bottoms wildlife management area, Cheyenne Bottoms preserve and Flint Hills, Quivera, Marais des Cygnes and Kirwin national wildlife refuges.

(d) In adopting rules and regulations, the secretary of health and environment, taking into account the varying conditions that are probable for each source of sewage and its possible place of disposal, discharge or escape, may provide for varying the control measures required in each case to those the secretary finds to be necessary to prevent pollution. If a freshwater reservoir or farm pond is privately owned and where complete ownership of land bordering the reservoir or pond is under common private ownership, such freshwater reservoir or farm pond shall be exempt from water quality standards except as it relates to water discharge or seepage from the reservoir or pond to waters of the state, either surface or groundwater, or as it relates to the public health of persons using the reservoir or pond or waters therefrom.

(e) (1) Whenever the secretary of health and environment or the sec-
retary’s duly authorized agents find that storage or disposal of salt water not regulated by the state corporation commission or refuse in any surface pond not regulated by the state corporation commission is causing or is likely to cause pollution of soil or waters of the state, the secretary or the secretary’s duly authorized agents shall issue an order prohibiting such storage or disposal of salt water or refuse. Any person aggrieved by such order may within 15 days of service of the order request in writing a hearing on the order.

(2) Upon receipt of a timely request, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(3) Any action of the secretary pursuant to this subsection is subject to review in accordance with the Kansas judicial review act.

(f) The secretary may adopt rules and regulations establishing fees for plan approval, monitoring and inspecting underground or buried petroleum products storage tanks, for which the annual fee shall not exceed $5 for each tank in place.

(g) (1) Prior to any new construction of a confined feeding facility with an animal unit capacity of 300 or more, such facility shall register with the secretary of health and environment. Such registration shall be accompanied by a $25 fee. The secretary shall acknowledge the receipt of the registration in a form as designated by the secretary and publish a notice of such receipt.

(2) Such registration shall indicate that the proposed construction will occur within the prescribed tract of land and that the separation distances from the tract boundaries or proposed facility footprint comply with the requirements described in subsections (j), (l) and (m) or exceptions described in (k).

(3) Within 30 days of receipt of such registration, the department of health and environment shall identify any significant water pollution potential or separation distance violations pursuant to subsection (j).

(A) (i) If the proposed facility has an animal unit capacity of 1,000 or more, or if there is identified a significant water pollution potential for a facility of less than 1,000 but more than 300, such facility shall be required to obtain a permit from the secretary.

(ii) If there is no identified water pollution potential posed by a facility with an animal unit capacity of 300 or more but less than 1,000, the secretary shall certify that no permit is required.

(B) If the secretary certifies that no permit is necessary pursuant to subsection (g)(3)(A)(ii), the secretary shall take the following action in regard to separation distances of such facility:

(i) If the separation distances comply with the requirements for separation distances, the secretary shall certify the registration; or

(ii) if the separation distances do not comply with the requirements for separation distances, the secretary:
(a) May reduce the separation distance requirements pursuant to subsection (k) and certify the registration based on such reduction of separation distances; or

(b) shall report the conditions necessary to receive certification to the registrant.

(h) (1) Facilities with a capacity of less than 300 animal units may register with the secretary of health and environment. Such registration shall be accompanied by a $25 fee.

(2) Within 30 days of receipt of such registration, the department of health and environment shall identify any significant water pollution potential. If there is identified a significant water pollution potential, such facility shall be required to obtain a permit from the secretary. If there is no water pollution potential posed by such facility, the secretary may certify that no permit is required.

(i) (1) If a facility requires a permit pursuant to subsection (g)(3) or (h)(2), the registrant shall submit an application for such permit not later than 18 months after the date of receipt of registration or the registration shall expire.

(2) Upon petition by the registrant, the secretary may extend the application period, by no more than an additional 18 months, if the secretary believes such an extension is reasonable under the circumstances.

(3) Within 30 days of receipt of an application, the secretary shall notify the registrant of whether the application is complete or incomplete. If the application is incomplete, such notice shall state the reasons why such application is incomplete. Once such registrant submits an application properly addressing each reason listed as a basis for the determination that the application is incomplete, the secretary shall issue an acknowledgment of receipt of the completed application within 30 days of properly addressing such reasons.

(4) Upon expiration of the application period or any extension thereof, the secretary shall not accept any further registrations pertaining to the same location for a period of not less than 180 days.

(j) (1) Any new construction or new expansion of a confined feeding facility, other than a confined feeding facility for swine, shall meet or exceed the following requirements in separation distances from any habitable structure in existence when the registration is received:

(A) 1,320 feet for facilities with an animal unit capacity of 300 to 999; and

(B) 4,000 feet for facilities with an animal unit capacity of 1,000 or more.

(2) A confined feeding facility for swine shall meet or exceed the following requirements in separation distances from any habitable structure or city, county, state or federal park in existence when the registration is received:

(A) 1,320 feet for facilities with an animal unit capacity of 300 to 999;
(B) 4,000 feet for facilities with an animal unit capacity of 1,000 to 3,724;

(C) 4,000 feet for expansion of existing facilities to an animal unit capacity of 3,725 or more if such expansion is within the perimeter from which separation distances are determined pursuant to subsection (m) for the existing facility; and

(D) 5,000 feet for: (i) Construction of new facilities with an animal unit capacity of 3,725 or more; or (ii) expansion of existing facilities to an animal unit capacity of 3,725 or more if such expansion extends outside the perimeter from which separation distances are determined pursuant to subsection (m) for the existing facility.

(3) Any construction of new confined feeding facilities for swine shall meet or exceed the following requirements in separation distances from any wildlife refuge:

(A) 10,000 feet for facilities with an animal unit capacity of 1,000 to 3,724; and

(B) 16,000 feet for facilities with an animal unit capacity of 3,725 or more.

(k) (1) The separation distance requirements of subsections (j)(1) and (2) shall not apply if the registrant obtains a written agreement from all owners of habitable structures that are within the separation distance stating such owners are aware of the construction or expansion and have no objections to such construction or expansion. The written agreement shall be filed in the register of deeds office of the county in which the habitable structure is located.

(2) (A) The secretary may reduce the separation distance requirements of subsection (j)(1) if: (i) No substantial objection from owners of habitable structures within the separation distance is received in response to public notice; or (ii) the board of county commissioners of the county where the confined feeding facility is located submits a written request seeking a reduction of separation distances.

(B) The secretary may reduce the separation distance requirements of subsection (j)(2)(A) or (B) if: (i) No substantial objection from owners of habitable structures within the separation distance is received in response to notice given in accordance with subsection (n); (ii) the board of county commissioners of the county where the confined feeding facility is located submits a written request seeking a reduction of separation distances; or (iii) the secretary determines that technology exists that meets or exceeds the effect of the required separation distance and the facility will be using such technology.

(C) The secretary may reduce the separation distance requirements of subsection (j)(2)(C) or (D) if: (i) No substantial objection from owners of habitable structures within the separation distance is received in response to notice given in accordance with subsection (l); or (ii) the secretary determines that technology exists that meets or exceeds the effect
of the required separation distance and the facility will be using such technology.

(l) (1) The separation distances required pursuant to subsection (j)(1) shall not apply to:

(A) Confined feeding facilities which were permitted or certified by the secretary on July 1, 1994;

(B) confined feeding facilities which existed on July 1, 1994, and registered with the secretary before July 1, 1996; or

(C) expansion of a confined feeding facility, including any expansion for which an application was pending on July 1, 1994, if: (i) In the case of a facility with an animal unit capacity of 1,000 or more prior to July 1, 1994, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion; or (ii) in the case of a facility with an animal unit capacity of less than 1,000 prior to July 1, 1994, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion and the animal unit capacity of the facility after expansion does not exceed 2,000.

(2) The separation distances required pursuant to subsections (j)(2)(A) and (B) shall not apply to:

(A) Confined feeding facilities for swine which were permitted or certified by the secretary on July 1, 1994;

(B) confined feeding facilities for swine which existed on July 1, 1994, and registered with the secretary before July 1, 1996; or

(C) expansion of a confined feeding facility which existed on July 1, 1994, if: (i) In the case of a facility with an animal unit capacity of 1,000 or more prior to July 1, 1994, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion; or (ii) in the case of a facility with an animal unit capacity of less than 1,000 prior to July 1, 1994, the expansion is located at a distance not less than the distance between the facility and the nearest habitable structure prior to the expansion and the animal unit capacity of the facility after expansion does not exceed 2,000.

(3) The separation distances required pursuant to subsections (j)(2)(C) and (D) and (h)(3) shall not apply to the following, as determined in accordance with subsections K.S.A. 65-1,178(a), (e) and (f), and amendments thereto:

(A) Expansion of an existing confined feeding facility for swine if an application for such expansion has been received by the department before March 1, 1998; and

(B) construction of a new confined feeding facility for swine if an application for such facility has been received by the department before March 1, 1998.

(m) The separation distances required by this section for confined feeding facilities for swine shall be determined from the exterior perim-
eter of any buildings utilized for housing swine, any lots containing swine, any swine waste retention lagoons or ponds or other manure or wastewater storage structures and any additional areas designated by the registrant for future expansion. Such separation distances shall not apply to offices, dwellings and feed production facilities of a confined feeding facility for swine.

(n) The registrant shall give the notice required by subsections (k)(2)(B) and (C) by certified mail, return receipt requested, to all owners of habitable structures within the separation distance. The registrant shall submit to the department evidence, satisfactory to the department, that such notice has been given.

(o) All plans and specifications submitted to the department for new construction or new expansion of confined feeding facilities may be, but are not required to be, prepared by a professional engineer or a consultant, as approved by the department. Before approval by the department, any consultant preparing such plans and specifications shall submit to the department evidence, satisfactory to the department, of adequate general commercial liability insurance coverage.

Sec. 2. K.S.A. 2017 Supp. 65-171d is hereby repealed.

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

Approved March 20, 2018.

CHAPTER 13
SENATE BILL No. 267

AN ACT concerning insurance; relating to risk-based capital instruction; effective date; amending K.S.A. 2017 Supp. 40-2c01 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

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

(b) “Corrective order” means an order issued by the commissioner specifying corrective actions which the commissioner has determined are required to address an RBC level event.

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

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

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

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

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

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

(i) “RBC” means risk-based capital.

(j) “RBC instructions” means the risk-based capital instructions promulgated by the NAIC, which are in effect on December 31, 2016, or any later version promulgated by the NAIC as may be adopted by the commissioner under K.S.A. 2017 Supp. 40-2c29, and amendments thereto.

(k) “RBC level” means an insurer’s company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

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

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

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

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

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

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

(n) “Total adjusted capital” means the sum of:

(1) An insurer’s capital and surplus or surplus only if a mutual insurer; and
such other items, if any, as the RBC instructions may provide.

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

Sec. 2. K.S.A. 2017 Supp. 40-2c01 is hereby repealed.

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

Approved March 20, 2018.

CHAPTER 14
Substitute for SENATE BILL No. 414

AN ACT concerning agriculture; relating to eggs; repackaging requirements for retailers; amending K.S.A. 2017 Supp. 2-2510 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 2-2510 is hereby amended to read as follows: 2-2510. (a) A retailer may repack eggs located in a store as long as the following requirements are met:

(1) Eggs eligible for repacking include dirty eggs or eggs in containers with broken eggs. Eggs that are determined to pose a health risk shall not be eligible for repacking;

(2) the eggs are not subject to a stop sale order issued by the secretary;

(3) eggs cannot be repacked more than once;

(4) repacked eggs must meet grade B requirements and shall not be graded higher than grade B, except as provided in subsection (b);

(5) all containers shall have the necessary labeling requirements printed on the outside of the carton which shall include:

(A) Grade and size;

(B) a statement saying that the eggs have been repacked by the retailer where the eggs are located;

(C) name and address of the retailer that repacked the eggs;

(D) a statement containing the phrase, “Keep refrigerated at or below 45° Fahrenheit”;

(E) the expiration date which shall be the earliest expiration date of the repacked eggs; and

(F) an inspection fee stamp on the carton indicating that the inspection fee has been paid, unless repackaged as described in subsection (b) in a carton that has already been assessed the inspection fee;

(6) records must be kept and available for inspection on all eggs repacked by the retailer; and

(7) eggs remain subject to inspection and the requirements of this act.
(b) Repackaged eggs may be graded higher than grade B if:

(1) Undamaged eggs from damaged containers are placed only into containers with the same distributor and packer information, including the name, address, United States department of agriculture plant number, and packaging code;

(2) no container with repackaged eggs are labeled with a declaration of enhanced quality or with any claim that did not appear on the original container;

(3) all eggs with undamaged shells are handled and repackaged employing good manufacturing practices under refrigerated conditions in accordance with United States food and drug administration regulations;

(4) all damaged containers and packaging material identified with the United States department of agriculture grade shield are destroyed; and

(5) all segregated inedible eggs are properly destroyed to prevent human consumption.

(c) Retailers may lose the privilege to repack eggs if:

(1) The retailer is found postdating repacked eggs;

(2) the eggs do not meet grade B or higher standards; and

(3) the retailer has violated any other provision of this act.

The provisions of this section shall be part of and supplemental to the Kansas egg law.

Sec. 2. K.S.A. 2017 Supp. 2-2510 is hereby repealed.

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

Approved March 20, 2018.

CHAPTER 15

HOUSE BILL No. 2469*

AN ACT concerning insurance; relating to property and casualty insurance; exempting certain claims handling operations from certain local ordinances and restrictions during a catastrophic event threatening life or property.

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

Section 1. (a) Except as otherwise provided in this section, at the time of any catastrophic event threatening life or property, no political subdivision shall impose restrictions or enforce local licensing or registration ordinances with respect to an insurer’s claims handling operations.

(b) Any insurer establishing claims handling operations pursuant to this section shall provide notice to a city or county prior to establishing such operations.

(c) Nothing in this section shall prohibit a political subdivision from
exercising its police power when necessary to preserve public health and welfare, including, but not limited to, enforcing building, zoning and fire safety codes.

(d) As used in this section:

(1) “Claims handling operations” includes, but is not limited to, the establishment of a base of operations on a temporary basis, not to exceed six months, by an insurer within the disaster area and the investigation and handling of claims by personnel authorized by any such insurer; and

(2) “insurer” means an insurance company as defined in K.S.A. 40-201, and amendments thereto.

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

Approved March 22, 2018.

CHAPTER 16
HOUSE BILL No. 2567
(Amended by Chapter 106)

AN ACT concerning crimes, punishment and criminal procedure; relating to determination of an offender’s criminal history classification; amending K.S.A. 2017 Supp. 21-6811 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 21-6811 is hereby amended to read as follows: 21-6811. In addition to the provisions of K.S.A. 2017 Supp. 21-6810, and amendments thereto, the following shall apply in determining an offender’s criminal history classification as contained in the presumptive sentencing guidelines grids:

(a) Every three prior adult convictions or juvenile adjudications of class A and class B person misdemeanors in the offender’s criminal history, or any combination thereof, shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes. Every three prior adult convictions or juvenile adjudications of assault as defined in K.S.A. 21-3408, prior to its repeal, or K.S.A. 2017 Supp. 21-5412(a), and amendments thereto, occurring within a period commencing three years prior to the date of conviction for the current crime of conviction shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes.

(b) A conviction of criminal possession of a firearm as defined in K.S.A. 21-4204(a)(1) or (a)(5), prior to its repeal, criminal use of weapons as defined in K.S.A. 2017 Supp. 21-6301(a)(10) or (a)(11), and amendments thereto, or unlawful possession of a firearm as in effect on June 30, 2005, and as defined in K.S.A. 21-4218, prior to its repeal, will be
scored as a select class B nonperson misdemeanor conviction or adjudication and shall not be scored as a person misdemeanor for criminal history purposes.

(c) (1) If the current crime of conviction was committed before July 1, 1996, and is for K.S.A. 21-3404(b), as in effect on June 30, 1996, involuntary manslaughter in the commission of driving under the influence, then, each prior adult conviction or juvenile adjudication for K.S.A. 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(2) If the current crime of conviction was committed on or after July 1, 1996, and is for a violation of K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for: (A) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; or (B) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, shall count as one person felony for criminal history purposes.

(3) If the current crime of conviction is for a violation of K.S.A. 2017 Supp. 21-5413(b)(3), and amendments thereto:

(A) The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one nonperson felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; and

(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto.

(d) Prior burglary adult convictions and juvenile adjudications will be scored for criminal history purposes as follows:

(1) As a prior person felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5807(a)(1), and amendments thereto.

(2) As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(b) or (c), prior
to its repeal, or K.S.A. 2017 Supp. 21-5807(a)(2) or (a)(3), and amendments thereto.

The facts required to classify prior burglary adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(e) (1) Out-of-state convictions and juvenile adjudications shall be used in classifying the offender’s criminal history.

(2) An out-of-state crime will be classified as either a felony or a misdemeanor according to the convicting jurisdiction:

(A) If a crime is a felony in another state the convicting jurisdiction, it will be counted as a felony in Kansas.

(B) If a crime is a misdemeanor in another state the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as a class A, B or C misdemeanor. If the comparable misdemeanor crime offense in the state of Kansas is a felony, the out-of-state crime shall be classified as a class A misdemeanor. If the state of Kansas does not have a comparable crime offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender’s criminal history.

(C) If a crime is not classified as either a felony or a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as either a felony or a misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender’s criminal history.

(3) The state of Kansas shall classify the crime as person or nonperson. In designating a crime as person or nonperson, comparable offenses under the Kansas criminal code in effect on the date the current crime of conviction was committed shall be referred to. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state conviction crime shall be classified as a nonperson crime.

(4) Convictions or adjudications occurring within the federal system, other state systems, the District of Columbia, foreign, tribal or military courts are considered out-of-state convictions or adjudications.

(5) The facts required to classify out-of-state adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(f) Except as provided in K.S.A. 21-4710(d)(4), (d)(5) and (d)(6), prior to its repeal, or K.S.A. 2017 Supp. 21-6810(d)(3)(B), (d)(3)(C), (d)(3)(D), (d)(4) and (d)(5), and amendments thereto, juvenile adjudications will be
applied in the same manner as adult convictions. Out-of-state juvenile adjudications will be treated as juvenile adjudications in Kansas.

(g) A prior felony conviction of an attempt, a conspiracy or a solicitation as provided in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, to commit a crime shall be treated as a person or non-person crime in accordance with the designation assigned to the underlying crime.

(h) Drug crimes are designated as nonperson crimes for criminal history scoring.

(i) If the current crime of conviction is for a violation of K.S.A. 8-1602(b)(3) through (b)(5), and amendments thereto, each of the following prior convictions for offenses committed on or after July 1, 2011, shall count as a person felony for criminal history purposes: K.S.A. 8-235, 8-262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605 and 40-3104, and amendments thereto, and K.S.A. 2017 Supp. 21-5405(a)(3) and 21-5406, and amendments thereto, or a violation of a city ordinance or law of another state which would also constitute a violation of such sections.

(j) The amendments made to this section by chapter 5 of the 2015 Session Laws of Kansas are procedural in nature and shall be construed and applied retroactively.

Sec. 2. K.S.A. 2017 Supp. 21-6811 is hereby repealed.

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

Approved March 22, 2018.
Published in the Kansas Register March 29, 2018.

CHAPTER 17
HOUSE BILL No. 2498*

AN ACT concerning Native Americans; prohibiting governmental entities from prohibiting the wearing of tribal regalia and objects of cultural significance.

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

Section 1. (a) The legislature hereby declares that the purpose of this act is to help further the state’s recognition of the distinct and unique cultural heritage of the Native Americans and the state’s commitment to preserving the Native Americans’ cultural integrity.

(b) No state agency or municipality shall prohibit an individual from wearing traditional tribal regalia or objects of cultural significance at a public event.

(c) For purposes of this section:
(1) “Municipality” means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.

(2) “Public event” means an event held or sponsored by a state agency or municipality, including, but not limited to, an award ceremony, a graduation ceremony or a meeting of a governing body.

(3) “State agency” means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.

(d) On the effective date of this act, the secretary of state shall send a copy of this act to each tribal government located on the four Kansas reservations.

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

Approved March 26, 2018.
Published in the Kansas Register April 5, 2018.
sistant superintendent or major. If the rank is filled at that time, a temporary additional position shall be created in the rank until a vacancy occurs in such rank. All other officers, troopers and employees shall be within the classified service under the Kansas civil service act.

(b) The superintendent of the patrol shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall receive an annual salary fixed by the governor. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as superintendent shall exercise any power, duty or function as superintendent until confirmed by the senate. The assistant superintendent shall receive an annual salary fixed by the superintendent and approved by the governor.

(c) All other members of the patrol shall be appointed by the superintendent in accordance with appropriation acts and with the Kansas civil service act. No person shall be appointed as an officer of the patrol, other than superintendent, unless the person has had at least five years of service in the patrol as an officer or trooper. No person shall be appointed as a trooper unless the person meets the following requirements:

1. Is a citizen of the United States;
2. is at least 21 years of age at the time of appointment;
3. has not been convicted by any state or the federal government of a crime which is a felony or its equivalent under the uniform code of military justice;
4. has been fingerprinted and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record;
5. is the holder of a high school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement; and
6. is free of any physical or mental condition which might adversely affect the applicant’s performance of duties as a trooper and whose physical health has been certified by an examining physician appointed by the superintendent.

(d) No member of the patrol shall: (1) Hold any other elective or appointive commission or office, except:

A. In the Kansas national guard or in the organized reserve of the United States army, air force or navy.
B. In the governing body of a municipality:
   i. If the position to be held is appointed; or
   ii. if the position to be held is elected on a nonpartisan basis.
C. On any appointed board, commission or task force which the superintendent of the highway patrol deems necessary as part of the member’s or officer’s duties.

2. Accept any employment or compensation from any licensee of the director of alcoholic beverage control of the department of revenue.
or from any licensee of the Kansas racing commission or from any officer, director, member or employee of any such licensee.

(3) Accept any employment or compensation for services which require the use of any state-owned equipment provided by the Kansas highway patrol or the wearing of the patrol uniform.

(4) Accept any reward or gift pertaining to the performance of such member’s or officer’s duties except with the written permission of the superintendent.

(e) For the purposes of this section, the terms “governing body” and “municipality” shall have the meanings ascribed to such terms in K.S.A. 12-105a, and amendments thereto.

Sec. 2. K.S.A. 2017 Supp. 74-2113 is hereby repealed.

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

Approved March 29, 2018.

CHAPTER 19

HOUSE BILL No. 2608*

AN ACT concerning real estate; authorizing the conveyance of land from the department of corrections to fire district 1 of Leavenworth county, Kansas.

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

Section 1. (a) The secretary of corrections for and on behalf of the department of corrections and the state of Kansas is hereby authorized and directed to convey by quitclaim deed to fire district 1 of Leavenworth county, Kansas, all or part of a tract of land located in the city of Lansing, in Leavenworth county, Kansas, being more particularly described as follows:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 19-T9S-R23E OF THE 6TH P.M., CITY OF LANSING, COUNTY OF LEAVENWORTH, KANSAS, DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE, N 01°35’42”W, 1598.83 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING S 01°35’42”E, 1053.79 FEET FROM THE WEST QUARTER CORNER OF SECTION 19; THENCE, N 88°54’27”E, 208.19 FEET TO THE POINT OF BEGINNING OF THIS TRACT;

THENCE, N 03°16’43”E, 36.22 FEET;

THENCE, N 13°30’22”E, 34.24 FEET;

THENCE, N 28°56’14”E, 252.67 FEET;

THENCE, N 88°54’27”E, 83.97 FEET;
THENCE, S 01°05’33”E, 288.00 FEET TO THE NORTH RIGHT OF WAY LINE OF KANSAS AVENUE;
THENCE, S 88°54’27”W, 221.81 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.
CONTAINS 47,274.50 SQ. FT. / 1.09 ACRES +/-.

(b) The quitclaim deed shall be executed by the secretary of corrections for and on behalf of the department of corrections and the state of Kansas in a form approved by the attorney general.

(c) In the event that the secretary of corrections determines that the legal description of any parcel of real estate described by this section is incorrect, the secretary of corrections may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general.

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

Approved March 29, 2018.
Published in the Kansas Register April 5, 2018.

CHAPTER 20
HOUSE BILL No. 2619

AN ACT concerning agriculture; relating to the Kansas department of agriculture; allowing any documentation required under the Kansas pesticide law to be created or maintained in electronic form; amending K.S.A. 2017 Supp. 2-2455 and repealing the existing section.

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

New Section 1. Documentation required under the provisions of the Kansas pesticide law, or any rule or regulation adopted under it, may be created and maintained in paper or electronic format, or a combination of both. Documents shall be provided upon request to the secretary or the secretary’s designee in the format selected by the secretary or the secretary’s designee. Any required document created or maintained in an electronic format shall be capable of being reproduced in a readable paper format.

Sec. 2. K.S.A. 2017 Supp. 2-2455 is hereby amended to read as follows: 2-2455. (a) Each pesticide business shall present to each customer for whom such business performs a pest control service involving the application of pesticides a written statement of services or contract setting forth the following information: (1) Business name and address of the pesticide business licensee;
(2) name and address of the customer;
(3) pest or pests to be controlled, which may be stated in general terms;
(4) pesticide to be used including the quantity applied and total area to which the pesticide is applied;
(5) the concentration or rate of application, when applicable;
(6) the date and location of the application of the pesticide;
(7) the expiration date of all guarantees, if any be given;
(8) the signature of the individual who performed or supervised the performance of the pest control service or the application of pesticides;
(9) the signature of the individual who supervised the performance of the pest control service or the application of pesticides, when applicable;
(10) the wind direction and velocity, when applicable; and
(11) that the application was less than label rate, when applicable.

(b) Whenever the service involving the application of pesticides is performed for the purpose of controlling termites, powder-post beetles, wood borers, wood-rot fungus or any other wood destroying pest, the following information shall be included in addition to that required under subsection (a): (1) The conditions under which retreatments, if any are to be made;
(2) the approximate date or dates of inspections, for any to be made after the original application of the pesticide; and
(3) a diagram of the structure to be treated, showing the location of visible evidence of active and inactive infestations by any wood destroying pest or pests for which the treatment is proposed; where a partial or spot treatment is to be made, this diagram shall also show the area or areas of the structure which are to be treated.

(c) (1) The required written statement of services or contract for services involving the application of pesticides may be incorporated into any business form used by the pesticide business licensee.
(2) The written statement of services or contract shall be presented to the customer at a time established by rules and regulations promulgated by the secretary in paper format, unless the customer agrees to receive all or part of the statement of services or contract in electronic format.
(3) The pesticide business licensee shall present the statement of services or contract to the customer within 30 days of when the pest control services were provided and prior to the due date for payment of the services, if the services are not a prepaid agreement. Upon the customer’s request, the statement of services or contract shall be presented to the customer no later than the close of business on the business day following the request.
(4) Upon request of the secretary or the secretary’s designee, a duplicate of the statement of services or contract provided to the customer shall be made available within two business days to the secretary or the secretary’s designee.
Any pesticide business licensee using aerial methods of applying pesticides may present such information at any time prior to the time payment is accepted.

The statement of services or contract may be signed using the legible printed names of the individuals who performed and, when applicable, supervised the performance of the pest control service or the application of pesticide.

The pesticide business licensee shall retain a copy of each written statement of services or contract in such licensee’s files for a period of three years from the expiration date of any written statement of services or contract.

Each pesticide business licensee shall faithfully carry out the stipulations set forth in any written statement of services or contract prepared by such licensee or any of its representatives.

d) Each pesticide business licensee shall make available to the secretary upon request, a copy of any written statement of services or contract, records of all pesticide applications during any specified period, records of all employees who performed any service involving, or in conjunction with, the application of pesticides and any other requested information pertinent to the administration of this act or any rule or regulation adopted hereunder by the secretary.

e) The secretary shall require certified commercial applicators who are not employed by or otherwise acting for a business licensee to maintain records concerning applications of restricted use pesticides. The secretary shall specify by rules and regulations the information to be contained in such records, which shall be maintained for three years from the date of application of the pesticide concerned. Such records shall be open to inspection by the secretary or the secretary’s authorized representative during normal business hours, and copies shall be furnished to the secretary or the secretary’s authorized representative upon request.

Sec. 3. K.S.A. 2017 Supp. 2-2455 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 29, 2018.
CHAPTER 21
HOUSE BILL No. 2691

An Act concerning water; relating to the division of water resources of the department of agriculture; relating to multi-year flex accounts, application deadlines; amending K.S.A. 2017 Supp. 82a-736 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 82a-736 is hereby amended to read as follows: 82a-736. (a) It is hereby recognized that an opportunity exists to improve water management by enabling multi-year flexibility in the use of water authorized to be diverted under a groundwater water right, provided, that such flexibility neither impairs existing water rights, nor increases the total amount of water diverted, so that such flexibility has no long-term negative effect on the source of supply. It is therefore declared necessary and advisable to permit the establishment of multi-year flex accounts for groundwater water rights, together with commensurate protections for existing water rights and their source of supply.

(b) As used in this section:

1. “Base water right” means a water right under which an applicant applies to the chief engineer to establish a multi-year flex account and where all of the following conditions exist:

   A. The authorized source of supply is groundwater; and

   B. the water right has not been the subject of a change approval to implement the provisions of K.A.R. 5-5-9(a)(2), K.A.R. 5-5-11(b)(2) or K.A.R. 5-5-11(b)(3), in effect upon the effective date of this act.

2. “Multi-year flex account” means a term permit which suspends a base water right during its term, except when the term permit may be no longer exercised because of an order of the chief engineer, and is subject to the terms and conditions as provided in subsection (e).

3. “Base average usage” means: (A) The average amount of water actually diverted for a beneficial use under the base water right during calendar years 2000 through 2009, excluding any amount diverted in any such year that exceeded the maximum annual quantity of water authorized by the base water right; or (B) if the holder of the base water right shows to the satisfaction of the chief engineer that water conservation reduced water use under the base water right during calendar years 2000 through 2009, then the average amount of water actually diverted for a beneficial use under the base water right during the five calendar years immediately before the calendar year when water conservation began, excluding any amount used in any such year that exceeded the amount authorized by the base water right.

4. “Chief engineer” means the chief engineer of the division of water resources of the department of agriculture.
(5) "Flex account acreage" means the maximum number of acres lawfully irrigated during a calendar year when no term, condition or limitation of the base water right has been violated and either of the following conditions is met:
   (A) The calendar year is 2000 through 2009; or
   (B) if water conservation reduced water use under the base water right during calendar years 2000 through 2009, the calendar year is a year within the five calendar years immediately prior to the calendar year when water conservation began.

(6) "Net irrigation requirement" means the net irrigation requirement for 50% chance rainfall of the county that corresponds with the location of the authorized place of use of the base water right as provided in K.A.R. 5-5-12, on the effective date of this act.

(c) (1) Any holder of a base water right that has not been deposited or placed in a safe deposit account in a chartered water bank may establish a multi-year flex account where the holder may deposit, in advance, the authorized quantity of water from such water right for any five consecutive calendar years, subject to all of the following:
   (A) The water right must be vested or shall have been issued a certificate of appropriation;
   (B) the withdrawal of water pursuant to the water right shall be properly and adequately metered;
   (C) the water right is not deemed abandoned and is in compliance with the terms and conditions of its certificate of appropriation, all applicable provisions of law and orders of the chief engineer;
   (D) the amount of water deposited in the multi-year flex account shall not exceed the greatest of the following:
      (i) 500% of the base average usage;
      (ii) 500% of the product of the annual net irrigation requirement multiplied by the flex account acreage, multiplied by 110%, but not greater than five times the maximum annual quantity authorized by the base water right;
      (iii) if the authorized place of use is located wholly within the boundaries of a groundwater management district, an amount that shall not increase the long-term average use of the groundwater right as specified by rule or regulation promulgated pursuant to K.S.A. 82a-1028(o), and amendments thereto; or
      (iv) pursuant to subparagraph (E), the amount computed in (i), (ii) or (iii) plus any deposited water remaining in a multi-year flex account up to 100% of the base average usage;
   (E) any deposited water remaining in a multi-year flex account up to 100% of the base average usage may be added to the deposit amount calculated in subparagraph (D) if the base water right is enrolled in another multi-year flex account during the calendar year in which the existing multi-year flex account expires. The total amount of water deposited
in any multi-year flex account shall not exceed 500% of the authorized quantity of the base water right; and

(F) notwithstanding any other provisions of this subsection, except when the base water right is suspended due to the issuance of a two-year term permit in a designated drought emergency area for 2011 and 2012, the quantity of water deposited into a multi-year flex account shall be reduced by the quantity of water used in excess of the maximum annual quantity of the base water right during 2011 if the application for a multi-year flex account is filed with the chief engineer on or before July 15, 2012.

(2) The provisions of K.A.R. 5-5-11 are limited to changes in annual authorized quantity and shall not apply to this subsection.

(d) The chief engineer shall implement a program providing for the issuance of term permits to holders of groundwater water rights who have established flex accounts in accordance with this section. Such term permits shall authorize the use of water in a flex account at any time during the five consecutive calendar years for which the application for the term permit authorizing a multi-year flex account is made, without annual limits on such use.

(e) Term permits provided for by this section shall be subject to the following:

(1) A separate term permit shall be required for each point of diversion authorized by the base water right.

(2) The quantity of water authorized for diversion shall be limited to the amount deposited pursuant to subsection (c)(1)(D).

(3) The rate of diversion for each point of diversion authorized under the term permit shall not exceed the rate of diversion for each point of diversion authorized under the base water right.

(4) The authorized place of use shall be the place of use or a subdivision of the place of use for the base water right. Any approval of an application to change the place of use for the base water right shall automatically result in a change to the place of use for the term permit.

(5) The point of diversion authorized by the term permit shall be specified by referencing one point of diversion authorized by the base water right at the time the multi-year flex account term permit application is filed with the chief engineer or at the time any approvals changing such referenced point of diversion of the base water right are approved during the multi-year flex account period. For a base water right with multiple points of diversion, each point of diversion authorized by a term permit shall receive a specific assignment of a maximum authorized quantity of water, assigned proportionately to the authorized annual quantities of the respective points of diversion under the base water right.

(6) The chief engineer may establish, by rules and regulations, criteria for such term permits.

(7) Except as explicitly provided for by this section, such term permits
shall be subject to all provisions of the Kansas water appropriation act, and rules and regulations adopted under such act, and nothing in this section shall authorize impairment of any vested right or prior appropriation right by the exercise of such term permit.

(f) An application for a multi-year flex account shall be filed with the chief engineer on or before October 1 or December 31 of the first year of the multi-year flex account term for which the application is being made.

(g) All costs of administration of this section shall be paid from fees for term permits provided for by this section. Any appropriation or transfer from any fund other than the water appropriation certification fund for the purpose of paying such costs shall be repaid to the fund from which such appropriation or transfer is made. At the time of repayment, the secretary of agriculture shall certify to the director of accounts and reports the amount to be repaid and the fund to be repaid. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified to the specified fund.

(h) The fee for a multi-year flex account term permit shall be the same as specified for other term permits in K.S.A. 82a-708c, and amendments thereto, except as follows:

1. If the base water right is currently suspended due to the issuance of a two-year term permit in a designated drought emergency area for 2011 and 2012, then a holder of such term permit shall be subject to a $200 application fee for a multi-year flex account term permit if the application is filed on or before July 15, 2012; or

2. If water use under the authority of the base water right exceeded the maximum annual quantity authorized by the base water right during 2011 and the holder of the base water right files an application for approval of a multi-year flex account term permit on or before July 15, 2012, then the application fee shall be $600.

(i) The chief engineer shall have full authority pursuant to K.S.A. 82a-706c, and amendments thereto, to require any additional measuring devices and any additional reporting of water use for term permits issued pursuant to this section. Failure to comply with any measuring or reporting requirement may result in a penalty, up to and including the revocation of the term permit and the suspension of the base water right for the duration of the term permit period.

(j) The chief engineer shall submit a written report on the implementation of this section to the house standing committee on agriculture and natural resources and the senate standing committee on natural resources on or before February 1 of each year.

(k) This section shall be part of and supplemental to the Kansas water appropriation act.

Sec. 2. K.S.A. 2017 Supp. 82a-736 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 29, 2018.

CHAPTER 22
SENATE BILL No. 398

AN ACT concerning the Kansas state board of cosmetology; relating to cosmetology; licensure; senior status license; requirements; amending K.S.A. 2017 Supp. 65-1904 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 65-1904 is hereby amended to read as follows: 65-1904.(a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the nonrefundable license renewal fee established under this section and the filing of a successfully completed written renewal examination prescribed by the board under this subsection. For renewal applications, the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant’s understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant’s understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. At least 30 days prior to the expiration of a license, the board shall provide to the licensee notice of the date of expiration of the license.

(b) (1) Any cosmetologist’s, cosmetology technician’s, esthetician’s, electrologist’s or manicurist’s license may be renewed by the applicant within six months after the date of expiration of the applicant’s last license upon submission of proof, satisfactory to the board, of the applicant’s qualifications to practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, successfully completing the renewal exam and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed pursuant to this section.

(2) Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist has been expired for more
than six months may obtain reinstatement of such license upon application to the board, upon filing with the board a successfully completed written renewal examination and upon payment of the applicable non-refundable delinquent renewal fee and a nonrefundable renewal penalty fee of $100.

(c) Any applicant for a license other than a renewal license shall make a verified application to the board on such forms as the board may require and, upon payment of the license application fee and the examination fee, shall be examined by the board or their appointees and shall be issued a license, if found to be duly qualified to practice the profession of cosmetologist, esthetician, electrologist or manicurist.

(d) The board is hereby authorized to adopt rules and regulations fixing the amount of nonrefundable fees for the following items and to charge and collect the amounts so fixed, subject to the following limitations:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cosmetologist license application fee, for two years—not more</td>
<td>$60</td>
</tr>
<tr>
<td>Delinquent cosmetologist renewal fee</td>
<td>60</td>
</tr>
<tr>
<td>Delinquent cosmetology technician renewal fee, for two years—not</td>
<td>60</td>
</tr>
<tr>
<td>more than</td>
<td></td>
</tr>
<tr>
<td>Electrologist license application fee, for two years—not more</td>
<td>60</td>
</tr>
<tr>
<td>Delinquent electrologist renewal fee</td>
<td>60</td>
</tr>
<tr>
<td>Delinquent esthetician renewal fee</td>
<td>25</td>
</tr>
<tr>
<td>Manicurist license application fee, for two years—not more than</td>
<td>60</td>
</tr>
<tr>
<td>Delinquent manicurist renewal fee</td>
<td>60</td>
</tr>
<tr>
<td>Esthetician license application fee, for two years—not more than</td>
<td>60</td>
</tr>
<tr>
<td>Delinquent esthetician renewal fee</td>
<td>60</td>
</tr>
<tr>
<td>Any apprentice license application fee—not more than</td>
<td>15</td>
</tr>
<tr>
<td>New school license application fee</td>
<td>150</td>
</tr>
<tr>
<td>School license renewal fee—not more than</td>
<td>75</td>
</tr>
<tr>
<td>Delinquent school license fee—not more than</td>
<td>50</td>
</tr>
<tr>
<td>New cosmetology services salon or electrology clinic license</td>
<td>100</td>
</tr>
<tr>
<td>Delinquent cosmetology services salon or electrology clinic</td>
<td>50</td>
</tr>
<tr>
<td>Delinquent cosmetology services salon or electrology clinic</td>
<td>30</td>
</tr>
</tbody>
</table>
Cosmetologist’s examination—not more than ................. 75
Electrologist’s examination–not more than .................... 75
Manicurist’s examination–not more than ...................... 75
Esthetician examination–not more than ....................... 75
Instructor’s examination–not more than ....................... 75
Reciprocity application fee–not more than ................... 75
Senior status license fee .......................................... 30
Verification of licensure........................................... 20
Any duplicate of license.......................................... 25
Instructor’s license application fee, for two years—not more than.................................................. 100
Renewal of instructor’s license fee .............................. 75
Delinquent instructor’s renewal fee–not more than ......... 75
Temporary permit fee .............................................. 15
Statutes and regulations book .................................. 5
Instructor-in-training permit ..................................... 50

(e) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

(f) Any person who has held a license issued by the board for at least 40 years and is 70 years or more of age and not regularly engaged in cosmetology practice in Kansas shall be entitled to a senior status license upon application and payment of the one-time senior status license fee. The holder of the senior status license shall not be required to renew the license and shall not be entitled to practice cosmetology.

(g) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application, paying the nonrefundable renewal fee for the current year during which the person has been discharged and successfully completing the renewal exam.

Sec. 2. K.S.A. 2017 Supp. 65-1904 is hereby repealed.

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

Approved March 29, 2018.
CHAPTER 23
SENATE BILL No. 351*

AN ACT concerning health and healthcare; relating to insurance; pharmacy benefits; enacting the Kansas pharmacy patients fair practices act.

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

Section 1. (a) This section shall be known and may be cited as the Kansas pharmacy patients fair practices act. (b) As used in this section:
(1) “Covered person” means the same as defined in K.S.A. 2017 Supp. 40-3822, and amendments thereto.
(2) “Health carrier” means the same as defined in K.S.A. 2017 Supp. 40-2,195, and amendments thereto.
(3) “Pharmacy benefits manager” means the same as defined in K.S.A. 2017 Supp. 40-3822, and amendments thereto.
(c) (1) Co-payments applied by a health carrier for a prescription drug may not exceed the total submitted charges by the network pharmacy.
(2) A pharmacy or pharmacist shall have the right to provide a covered person with information regarding the amount of the covered person’s cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by a pharmacy benefits manager from discussing any such information or for selling a more affordable alternative to the covered person if such an alternative is available.
(d) (1) This section applies to any contract between a pharmacy benefits manager and a pharmacy, a pharmacy services administration organization or a group purchasing organization that is entered into or renewed on and after January 1, 2019.
(2) The provisions of this section shall not apply to any policy or certificate that provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, any coverage issued as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

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

Approved March 29, 2018.
Ch. 24
2018 Session Laws of Kansas
104

CHAPTER 24
SENATE BILL No. 194

AN ACT concerning water; relating to groundwater management districts; user charges; amending K.S.A. 2017 Supp. 82a-1030 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 82a-1030 is hereby amended to read as follows: 82a-1030. (a) In order to finance the operations of the district, the board may assess an annual water user charge against every person who withdraws groundwater from within the boundaries of the district. The board shall base such charge upon the amount of groundwater allocated for such person’s use pursuant to such person’s water right. Such charge shall not exceed $2.00 for each acre-foot (325,851 gallons) of groundwater withdrawn within the district or allocated by the water right, except that a groundwater management district may assess a greater annual water user charge not exceeding $1.50 for each acre-foot of groundwater withdrawn within the district if more than 50% of the authorized place of use for such groundwater is outside the district. Whenever a person shows by the submission to the board of a verified claim and any supportive data which may be required by the board that such person’s actual annual groundwater withdrawal is in a lesser amount than that allocated by the water right of such person, the board shall assess such annual charge against such person on the amount of water shown to be withdrawn by the verified claim. Any such claim shall be submitted by April 1 of the year in which such annual charge is to be assessed. The board may also make an annual assessment against each landowner of not to exceed $0.05 for each acre of land owned within the boundaries of the district. Special assessments may also be levied, as provided hereafter, against land specially benefited by a capital improvement without regard to the limits prescribed above.

(b) Before any assessment is made, or user charge imposed, the board shall submit the proposed budget for the ensuing year to the eligible voters of the district at a hearing called for that purpose by one publication in a newspaper or newspapers of general circulation within the district at least 28 days prior to the meeting. Following the hearing, the board shall, by resolution, adopt either the proposed budget or a modified budget and determine the amount of land assessment or user charge, or both, needed to support such budget.

(c) Both the user charges assessed for groundwater withdrawn and the assessments against lands within the district shall be certified to the proper county clerks and collected the same as other taxes in accordance with K.S.A. 79-1801, and amendments thereto, and the amount thereof shall attach to the real property involved as a lien in accordance with K.S.A. 79-1804, and amendments thereto. All moneys so collected shall
be remitted by the county treasurer to the treasurer of the groundwater management district who shall deposit them to the credit of the general fund of the district. The accounts of each groundwater management district shall be audited annually by a public accountant or certified public accountant.

(d) (1) Subsequent to the certification of approval of the organization of a district by the secretary of state and the election of a board of directors for such district, such board shall be authorized to issue no-fund warrants in amounts sufficient to meet the operating expenses of the district until money therefor becomes available pursuant to user charges or assessments under subsection (a). In no case shall the amount of any such issuance be in excess of 20% of the total amount of money receivable from assessments that could be levied in any one year as provided in subsection (a). No such warrants shall be issued until a resolution authorizing the same shall have been adopted by the board and published once in a newspaper having a general circulation in each county within the boundaries of the district. Whereupon such warrants may be issued unless a petition in opposition to the same, signed by not less than 10% of the eligible voters of such district and in no case by less than 20 of the eligible voters of such district, is filed with the county clerk of each of the counties in such district within 10 days following such publication. In the event such a petition is filed, it shall be the duty of the board of such district to submit the question to the eligible voters at an election called for such purpose. Such election shall be noticed and conducted as provided by K.S.A. 82a-1031, and amendments thereto.

(2) Whenever no-fund warrants are issued under the authority of this subsection, the board of directors of such district shall make an assessment each year for three years in approximately equal installments for the purpose of paying such warrants and the interest thereon. All such assessments shall be in addition to all other assessments authorized or limited by law. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by such statute and may be issued without the approval of the state board of tax appeals. Any surplus existing after the redemption of such warrants shall be handled in the manner prescribed by K.S.A. 79-2940, and amendments thereto.

Sec. 2. K.S.A. 2017 Supp. 82a-1030 is hereby repealed.

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

Approved April 2, 2018.
Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 7, and amendments thereto, may be cited as the asbestos trust claims transparency act.

Sec. 2. The following definitions apply to this act:
(a) "Asbestos" has the same meaning as defined in K.S.A. 2017 Supp. 60-4901, and amendments thereto.
(b) "Asbestos claim" has the same meaning as defined in K.S.A. 2017 Supp. 60-4901, and amendments thereto.
(c) "Asbestos trust" means a government-approved or court-approved trust, qualified settlement fund, compensation fund or claims facility created as a result of an administrative or legal action, a court-approved bankruptcy, or pursuant to 11 U.S.C. § 524(g) or § 1121(a) or other applicable provision of law, that is intended, in whole or in part, to provide compensation to claimants arising out of, based on, or related to the health effects of exposure to asbestos.
(d) "Plaintiff" means the person bringing the asbestos claim, including a personal representative if the asbestos claim is brought by an estate, or a conservator or next friend if the asbestos claim is brought on behalf of a minor or legally incapacitated individual, and any person who is representing the plaintiff or has a fiduciary duty to the plaintiff for the action, including the plaintiff’s representatives, agents, counsel and assigns.
(e) "Trust claim materials" means all documents and information filed or submitted by or on behalf of the plaintiff as part of or related to a claim against an asbestos trust, including a final executed proof of claim, claim forms and supplementary materials, affidavits, depositions and trial testimony, work history, medical and health records, documents demonstrating asbestos exposure or the health effects of exposure to asbestos or the validity of a trust claim or other materials that an asbestos trust requires in order to support the trust claim, documents reflecting the status of a claim against an asbestos trust, and, if the trust claim has settled, all documents relating to the settlement of the asbestos trust claim.
(f) "Trust governance documents" means all documents that relate to eligibility and payment levels, including claims payment matrices, trust distribution procedures, or plans for reorganization, for an asbestos trust.

Sec. 3. (a) No later than 30 days prior to the date the court establishes for the completion of all fact discovery, the plaintiff, and any person who is representing the plaintiff or has a fiduciary duty to the plaintiff with respect to the asbestos claim, shall do all of the following:
(1) Conduct an investigation and file all asbestos trust claims that can be made by the plaintiff;

(2) provide the court and parties with a sworn statement signed by the plaintiff and the plaintiff’s counsel in the asbestos claim, under penalty of perjury, indicating that an investigation of asbestos trust claims has been conducted by the plaintiff and any person who is representing the plaintiff or has a fiduciary duty to the plaintiff with respect to the asbestos claim, and further indicating that all asbestos trust claims that can be made by the plaintiff or on the plaintiff’s behalf have been completed and filed. A deferral or placeholder claim that has missing documentation for the asbestos trust to review and pay the claim does not meet the requirements of this section. The sworn statement must indicate whether there has been a request to delay, suspend, withdraw or otherwise alter the standing of an asbestos trust claim and provide the status and disposition of each asbestos trust claim, including the amount of any trust claim payment made or to be made to the plaintiff;

(3) provide all parties with all trust claim materials, including trust claim materials that relate to conditions other than those that are the basis for the asbestos claim and all trust claim materials from all law firms connected to the plaintiff in relation to exposure to asbestos, including anyone at a law firm or any fiduciaries involved in the asbestos claim, any referring law firm, and any other firm or fiduciary that has filed an asbestos trust claim for the plaintiff or on the plaintiff’s behalf. Documents shall be accompanied by a custodial affidavit from the asbestos trust certifying that the trust claim materials submitted to the defendants are true and complete; and

(4) if the plaintiff’s asbestos trust claim is based on exposure to asbestos through another individual, the plaintiff shall produce all trust claim materials submitted by or on behalf of the other individual to any asbestos trust if the plaintiff is in possession, control or custody of those trust claim materials, or if the plaintiff, plaintiff’s counsel or any of the plaintiff’s fiduciaries are legally entitled to obtain those trust claim materials.

(b) The plaintiff has a continuing duty to supplement the information and materials required under subsection (a), and the supplementation shall be made within 30 days after the plaintiff or a person on the plaintiff’s behalf supplements an existing asbestos trust claim, receives additional information or materials related to an asbestos trust claim, or files an additional asbestos trust claim. The requirements of this section are in addition to any notice or materials to be served or produced as part of discovery and under any other law, rule, order or applicable agreement.

Sec. 4. (a) A defendant may file a motion no later than the date the court establishes for the completion of all fact discovery identifying the
asbestos trust claims the defendant believes the plaintiff can file and include information supporting the asbestos trust claims.

(b) Within 10 days after receiving the defendant’s motion, the plaintiff shall:

(1) File the asbestos trust claims;
(2) file a written response with the court stating why there is insufficient evidence for the plaintiff to file the asbestos trust claims; or
(3) file a written response with the court requesting a determination that the cost to file the asbestos trust claims exceeds the plaintiff’s reasonably anticipated recovery.

(c) (1) If the court determines that there is a sufficient basis for the plaintiff to file an asbestos trust claim identified in the motion to stay, the court shall stay the asbestos claim until the plaintiff files the asbestos trust claim and produces all related trust claim materials.

(2) If the court determines that the cost of submitting an asbestos trust claim exceeds the plaintiff’s reasonably anticipated recovery, the plaintiff shall file with the court and provide all parties with a verified statement of the plaintiff’s history of exposure, usage or other connection to asbestos covered by that asbestos trust within 30 days of the court’s determination.

Sec. 5. (a) Trust claim materials and trust governance documents are presumed to be relevant and authentic, and are admissible in evidence in an asbestos claim. A claim of privilege does not apply to any trust claim materials or trust governance documents.

(b) A defendant in an asbestos claim may seek discovery from an asbestos trust. The plaintiff may not claim privilege or confidentiality to bar discovery and shall provide consent or other expression of permission that may be required by the asbestos trust to release information and materials sought by a defendant.

Sec. 6. (a) If the plaintiff or a person on the plaintiff’s behalf files an asbestos trust claim after the plaintiff obtains a judgment in an asbestos claim, and that asbestos trust was in existence at the time the plaintiff obtained the judgment, the trial court, on motion by a defendant or judgment debtor seeking sanctions or other relief, has jurisdiction to reopen the judgment in the asbestos claim and adjust the judgment by the amount of any subsequent asbestos trust payments obtained by the plaintiff and order any other relief to the parties that the court considers just and proper.

(b) A defendant or judgment debtor shall file any motion under this section within a reasonable time and not more than one year after the judgment in the asbestos claim was entered.

Sec. 7. This act shall apply to all asbestos claims filed on or after July 1, 2018.
Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 2, 2018.

CHAPTER 26

HOUSE BILL No. 2459

(Amended by Chapter 93)

An act concerning the Kansas standard asset seizure and forfeiture act; establishing the Kansas asset seizure and forfeiture repository; relating to reporting of seizures for forfeiture; forfeiture fund reports; open records; seizure and forfeiture procedure; amending K.S.A. 60-4101, 60-4106, 60-4110 and 60-4114 and K.S.A. 2017 Supp. 45-220, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113 and 60-4117 and repealing the existing sections.

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

New Section 1. (a) On or before July 1, 2019, the Kansas bureau of investigation shall establish the Kansas asset seizure and forfeiture repository. The repository shall gather information concerning each seizure for forfeiture made by a seizing agency pursuant to the Kansas standard asset seizure and forfeiture act including, but not limited to, the following:

1. The name of the seizing agency or the name of the lead agency if part of a multi-jurisdictional task force;
2. the county where the seizure occurred;
3. the date and time the seizure occurred;
4. any applicable agency or district court case numbers for the seizure;
5. a description of the initiating law enforcement activity leading to the seizure;
6. a description of the specific location where the seizure occurred;
7. the conduct or offense giving rise to the forfeiture;
8. a description of the type of property seized and the estimated value;
9. a description of the type of contraband seized and the estimated value;
10. whether criminal charges were filed for an offense related to the forfeiture and, if so, court and case number information for the criminal charges;
11. a description of the final disposition of the forfeiture action, including a description of the disposition of any claim or exemption asserted under this act;
12. whether the forfeiture was transferred to the federal government for disposition;
(13) the total cost of the forfeiture action, including attorney fees; and
(14) the total amount of proceeds from the forfeiture action, specifying the amount received by the seizing agency and the amount received by any other agency or person.

(b) On and after July 1, 2019, the Kansas bureau of investigation shall maintain the repository and an associated public website. On or before July 1, 2019, the Kansas bureau of investigation shall promulgate rules and regulations to implement this section.

(c) On and after July 1, 2019, each seizing agency shall report information concerning each seizure for forfeiture to the Kansas asset seizure and forfeiture repository as required by this section and the rules and regulations promulgated pursuant to this section. The prosecuting attorney shall submit information concerning each forfeiture action to the seizing agency within 30 days after the final disposition of the forfeiture. The seizing agency shall submit the required information to the repository within 60 days after the final disposition of the forfeiture.

(d) On or before February 1, 2020, and annually on or before February 1 thereafter, each law enforcement agency shall compile and submit a forfeiture fund report to the Kansas asset seizure and forfeiture repository as required by this section and the rules and regulations promulgated pursuant to this section.

(1) If the law enforcement agency is a state agency, the report shall include, but not be limited to:
(A) The agency’s state forfeiture fund balance on January 1 and December 31 of the preceding calendar year; and
(B) the total amount of the deposits and a listing, by category, of expenditures from January 1 through December 31 of the preceding calendar year.

(2) If the law enforcement agency is a city or county agency, the report shall include, but not be limited to:
(A) The agency’s special law enforcement trust fund balance on January 1 and December 31 of the preceding calendar year; and
(B) the total amount of the deposits and a listing, by category, of expenditures from January 1 through December 31 of the preceding calendar year.

(3) The report shall separate and account for:
(A) Deposits and expenditures from proceeds from forfeiture credited to the fund pursuant to K.S.A. 60-4117, and amendments thereto;
(B) deposits and expenditures from proceeds from forfeiture actions under federal law; and
(C) amounts held by the agency related to pending forfeiture actions under the Kansas standard asset seizure and forfeiture act.

(e) On March 1, 2020, and annually on March 1 thereafter, the Kansas bureau of investigation shall determine whether each agency’s finan-
cial report matches the agency’s seizing report. If the Kansas bureau of investigation determines that an agency’s financial report does not substantially match that agency’s seizing report or the agency has not submitted a financial report, the Kansas bureau of investigation shall notify such agency of the difference in reports. Such agency shall correct the reporting error within 30 days. If the reporting error is not corrected within 30 days, the Kansas bureau of investigation shall send such law enforcement agency, and the county or district attorney for the county in which such law enforcement agency is located, a certified letter notifying such agency that it is out of compliance. Upon receipt of such letter, no forfeiture proceedings shall be filed on property seized by such law enforcement agency. When such law enforcement agency has achieved compliance with the reporting requirements, the bureau shall send such law enforcement agency, and the county or district attorney for the county in which such law enforcement agency is located, a certified letter notifying such agency that it is in compliance and forfeiture proceeding filings may continue pursuant to this act. Annually, on or before April 15, the Kansas bureau of investigation shall report to the legislature any law enforcement agencies in the state that have failed to come into compliance with the reporting requirements in subsection (d).

Sec. 2. K.S.A. 2017 Supp. 45-220 is hereby amended to read as follows: 45-220. (a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency’s essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by subsection (c), a public agency shall not require that a request contain more information than the requester’s name and address and the information necessary to ascertain the records to which the requester desires access and the requester’s right of access to the records. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) If access to public records of an agency or the purpose for which the records may be used is limited pursuant to K.S.A. 45-221 or K.S.A. 2017 Supp. 45-230, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:
(1) The requester has a right of access to the records and the basis of that right; or
(2) the requester does not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

(d) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency’s records. The public agency may require that any person desiring to inspect or obtain copies of the agency’s records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(e) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(f) Each public agency shall provide, upon request of any person, the following information:
(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).
(2) The title and address of the official custodian of the agency’s records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.
(3) The fees, if any, charged for access to or copies of the agency’s records.
(4) The procedures to be followed in requesting access to and obtaining copies of the agency’s records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

(g) Except for requests of summary data compiled from information submitted by multiple criminal justice agencies or as otherwise provided by law, requests for records submitted to the central repository or any other repositories supporting the criminal justice information system which that are maintained by the Kansas bureau of investigation pursuant to K.S.A. 22-4704 and 22-4705, and amendments thereto, shall be directed to the criminal justice agency from which the records originated.

(h) As used in this section subsection, the terms “central repository,” “criminal justice agency” and “criminal justice information system” have
the same meanings as defined in K.S.A. 22-4701, and amendments thereto.

(h) Except for requests of summary data compiled from information submitted by multiple law enforcement agencies or as otherwise provided by law, requests for records submitted to the Kansas asset seizure and forfeiture repository that are maintained by the Kansas bureau of investigation pursuant to section 1, and amendments thereto, shall be directed to the law enforcement agency from which the records originated.

Sec. 3. K.S.A. 60-4101 is hereby amended to read as follows: 60-4101. This act K.S.A. 60-4101 through 60-4126 and section 1, and amendments thereto, shall be known and may be cited as the Kansas standard asset seizure and forfeiture act.

Sec. 4. K.S.A. 60-4106 is hereby amended to read as follows: 60-4106. (a) All property, including all interests in property, described in K.S.A. 60-4105, and amendments thereto, is subject to forfeiture subject to all mortgages, deeds of trust, financing statements or security agreements properly of record prior to the forfeiture held by an interest holder except that property specifically exempted hereunder:

(1) No real property or conveyance, or an interest therein, may be forfeited under this act unless the offense or conduct giving rise to forfeiture constitutes a felony.

(2) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this act unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act.

(3) No property is subject to forfeiture under this act if the owner or interest holder acquired the property before or during the conduct giving rise to the property’s forfeiture, and such owner or interest holder:

(A) Did not know and could not have reasonably known of the act or omission or that it was likely to occur; or

(B) acted reasonably to prevent the conduct giving rise to forfeiture.

(4) No property is subject to forfeiture if the owner or interest holder acquired the property after the conduct giving rise to the property’s forfeiture, including acquisition of proceeds of conduct giving rise to forfeiture, and the such owner or interest holder:

(A) Acquired the property in good faith, for value; and

(B) was not knowingly taking part in an illegal transaction.

(5) (A) An interest in property acquired in good faith by an attorney as reasonable payment or to secure payment for legal services in a criminal matter relating to violations of this act or for the reimbursement of reasonable expenses related to the legal services is exempt from forfeiture unless before the interest was acquired the attorney knew of a judicial determination of probable cause that the property is subject to forfeiture.

(B) The state bears the burden of proving that an exemption claimed
under this section is not applicable. Evidence made available by the compelled disclosure of confidential communications between an attorney and a client other than nonprivileged information relating to attorney fees, is not admissible to satisfy the state’s burden of proof.

(b) Notwithstanding subsection (a), property is not exempt from forfeiture, even though the owner or interest holder lacked knowledge or reason to know that the conduct giving rise to property’s forfeiture had occurred or was likely to occur, if the:

(1) Person whose conduct gave rise to the property’s forfeiture had authority to convey the property of the person claiming the exemption to a good faith purchaser for value at the time of the conduct;

(2) owner or interest holder is criminally responsible for the conduct giving rise to the property’s forfeiture, whether or not there is a prosecution or conviction; or

(3) owner or interest holder acquired the property with notice of the property’s actual or constructive seizure for forfeiture under this act, or with reason to believe that the property was subject to forfeiture under this act.

(c) Prior to final judgment in a judicial forfeiture proceeding, a court shall limit the scope of a proposed forfeiture to the extent the court finds the effect of the forfeiture is grossly disproportionate to the nature and severity of the owner’s conduct including, but not limited to, a consideration of any of the following factors:

(1) The gain received or expected to be received by an owner from conduct that allows forfeiture;

(2) the value of the property subject to forfeiture;

(3) the extent to which the property actually facilitated the criminal conduct;

(4) the nature and extent of the owner’s knowledge of the role of others in the conduct that allows forfeiture of the property and efforts of the owner to prevent the conduct; and

(5) the totality of the circumstances regarding the investigation.

Sec. 5. K.S.A. 2017 Supp. 60-4107 is hereby amended to read as follows: 60-4107. (a) Property may be seized for forfeiture by a law enforcement officer upon process issued by the district court. The court may issue a seizure warrant on an affidavit under oath demonstrating that probable cause exists for the property’s forfeiture or that the property has been the subject of a previous final judgment of forfeiture in the courts of any state or of the United States. The court may order that the property be seized on such terms and conditions as are reasonable in the discretion of the court. The order may be made on or in connection with a search warrant. All real property is to be seized constructively or pursuant to a pre-seizure adversarial judicial determination of probable cause, except
that this determination may be done ex parte when the attorney for the state has demonstrated exigent circumstances to the court.

(b) Property may be seized for forfeiture by a law enforcement officer without process on probable cause to believe the property is subject to forfeiture under this act.

(c) Property may be seized constructively by:

(1) Posting notice of seizure for forfeiture or notice of pending forfeiture on the property.

(2) Giving notice pursuant to K.S.A. 60-4109, and amendments thereto.

(3) Filing or recording in the public records relating to that type of property notice of seizure for forfeiture, notice of pending forfeiture, a forfeiture lien or a lis pendens. Filings or recordings made pursuant to this act are not subject to a filing fee or other charge, except that court costs may be assessed and, if assessed, shall include the amount of the docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and any additional court costs accrued in the action.

(d) The seizing agency shall make reasonable effort to provide notice of the seizure to the person from whose possession or control the property was seized and any interest holder of record within 30 days of seizing the property. If no person is in possession or control, the seizing agency may attach the notice to the property or to the place of the property’s seizure or may make a reasonable effort to deliver the notice to the owner of the property. The notice shall contain a general description of the property seized, the date and place of seizure, the name of the seizing agency and the address and telephone number of the seizing officer or other person or agency from whom information about the seizure may be obtained.

(e) A person who acts in good faith and in a reasonable manner to comply with an order of the court or a request of a law enforcement officer is not liable to any person on account of acts done in reasonable compliance with the order or request. No liability may attach from the fact that a person declines a law enforcement officer’s request to deliver property.

(f) A possessory lien of a person from whose possession property is seized is not affected by the seizure.

(g) When property is seized for forfeiture under this act, the seizing agency shall, within 45 days of such seizure, forward to the county or district attorney in whose jurisdiction the seizure occurred, a written request for forfeiture which shall include a statement of facts and circumstances of the seizure, the estimated value of the property, the owner and lienholder of the property, the amount of any lien, and a summary of the facts relied on for forfeiture.

(h) Upon receipt of a written request for forfeiture from a local law enforcement agency, the county or district attorney shall have 14 days to accept the request. Should such accept or decline the request within 14
days. If the county or district attorney declines such request, or fail to answer, the seizing agency may:

(1) Request a state law enforcement agency which enforces this act to adopt the forfeiture; or

(2) engage an attorney, approved by the county or district attorney, to represent the agency in the forfeiture proceeding, but in no event shall the county or district attorney approve an attorney with whom the county or district attorney has a financial interest, either directly or indirectly.

(i) Upon receipt of a written request for forfeiture from a state law enforcement agency, the county or district attorney shall have 14 days to accept the request. Should such accept or decline the request within 14 days. If the county or district attorney declines such request, or fail to answer, the seizing agency may engage an assistant attorney general or other attorney approved by the attorney general's office to represent the agency in the forfeiture proceeding, but in no event shall the attorney general approve an attorney with whom the attorney general has a financial interest, either directly or indirectly.

(j) A county or district attorney or the attorney general shall not request or receive any referral fee or personal financial benefit, either directly or indirectly, in any proceeding conducted under this act.

(k) Nothing in this act shall prevent the attorney general, an employee of the attorney general or an authorized representative of the attorney general from conducting forfeiture proceedings under this act.

(k)(l) Nothing in this act shall prevent a seizing agency from requesting federal adoption of a seizure. It shall not be necessary to obtain any order pursuant to K.S.A. 22-2512, and amendments thereto, to release any seized property to a federal agency if the county or district attorney approves such transfer.

(m) Nothing in this act shall prevent a seizing agency, or the plaintiff's attorney on behalf of the seizing agency, from settling any alleged forfeiture claim against property before or during forfeiture proceedings. Such settlement shall be in writing and shall be approved, if a local agency, by the county or district attorney or, if a state agency, by the attorney general's office and a district court judge. No hearing or other proceeding shall be necessary. The records of settlements occurring prior to commencement of judicial forfeiture proceedings in the district court shall be retained by the county or district attorney for not less than five years.

Settlements under this act shall not be conditioned upon any disposition of criminal charges.

Sec. 6. K.S.A. 2017 Supp. 60-4109 is hereby amended to read as follows: 60-4109. (a) Forfeiture proceedings shall be commenced by filing a notice of pending forfeiture or a judicial forfeiture action:

(1) If the plaintiff's attorney fails to initiate forfeiture proceedings by notice of pending forfeiture within 90 days against property seized for
forfeiture or if the seizing agency fails to pursue forfeiture of the property upon which a proper claim has been timely filed by filing a judicial forfeiture proceeding within 90 days after notice of pending forfeiture, the property shall be released on the request of an owner or interest holder to such owner’s or interest holder’s custody, as custodian for the court, pending further proceedings pursuant to this act. Such custodianship shall not exceed 90 days following the release to the owner or interest holder unless an extension is authorized by the court for good cause shown.

(2) If, after notice of pending forfeiture, a claimant files a petition for recognition of exemption pursuant to K.S.A. 60-4110, and amendments thereto, the plaintiff’s attorney may delay filing the judicial forfeiture proceeding for a total of 180 days after the notice of pending forfeiture except that if an interest holder timely files a proper petition documenting the complete nature and extent of such holder’s interest, including all of the contractual terms and current status, the plaintiff’s attorney may delay filing a judicial forfeiture proceeding only if such attorney provides each such petitioner with a written recognition of exemption within 60 days after the effective date of the notice of pending forfeiture, recognizing the interest of such petitioner to the extent of documented outstanding principal plus interest at the contract rate until paid and any attorney fees ordered by a court pursuant to such contract.

(3) Whenever notice of pending forfeiture or service of an in rem complaint or notice of a recognition of exemption and statement of nonexempt interests is required under this act, notice or service shall be given in accordance with one of the following:

(A) If the owner’s or interest holder’s name and current address are known, by either personal service by any person qualified to serve process or by any law enforcement officer or by mailing a copy of the notice by certified mail, return receipt requested, to the known address, pursuant to the code of civil procedure;

(B) if the owner’s or interest holder’s name and address are required by law to be on record with a municipal, county, state or federal agency to perfect an interest in the property, and the owner’s or interest holder’s current address is not known, by mailing a copy of the notice by certified mail, return receipt requested, to any address of record with any of the described agencies, pursuant to the code of civil procedure; or

(C) if the owner’s or interest holder’s address is not known and is not on record as provided in subparagraph (B), or the owner’s or interest holder’s interest is not known, or if service by certified mail was attempted pursuant to subparagraph (A) or (B) and was not effective, by publication in one issue of the official county newspaper, as defined by K.S.A. 64-101, and amendments thereto, in the county in which the seizure occurred.

(4) Notice is effective upon personal service, publication or the mailing of a written notice, whichever is earlier, pursuant to the code of civil
procedure, except that notice of pending forfeiture of real property is not effective until it is recorded. Notice of pending forfeiture shall include a description of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged and a summary of procedures and procedural rights applicable to the forfeiture action. An affidavit describing the essential facts supporting forfeiture shall be included with the notice. Copies of judicial council forms for petitioning for recognition of an exemption pursuant to K.S.A. 60-4110, and amendments thereto, and for making a claim pursuant to K.S.A. 60-4111, and amendments thereto, shall be provided with the notice.

(b) The plaintiff's attorney, without a filing fee, may file a lien for the forfeiture of property upon the initiation of any civil or criminal proceeding relating to conduct giving rise to forfeiture under this act or upon seizure for forfeiture. Court costs may be assessed and, if assessed, shall include the amount of the docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and any additional court costs accrued in the action. A plaintiff's attorney may also file a forfeiture lien in this state in connection with a proceeding or seizure for forfeiture in any other state under a state or federal statute substantially similar to the relevant provisions of this act. The filing constitutes notice to any person claiming an interest in the seized property or in property owned by the named person.

(1) The lien notice shall set forth the following:

(A) The name of the person and, in the discretion of the lienor, any alias, or the name of any corporation, partnership, trust or other entity, including nominees, that are owned entirely or in part or controlled by the person; and

(B) the description of the seized property, the criminal or civil proceeding that has been brought relating to conduct giving rise to forfeiture under this act, the amount claimed by the lienor, the name of the district court where the proceeding or action has been brought, and the case number of the proceeding or action if known at the time of filing.

(2) A lien filed pursuant to this subsection applies to the described seized property or to one named person, any aliases, fictitious names, or other names, including the names of any corporation, partnership, trust, or other entity, owned entirely or in part, or controlled by the named person, and any interest in real property owned or controlled by the named person. A separate forfeiture lien shall be filed for each named person.

(3) The notice of lien creates, upon filing, a lien in favor of the lienor as it relates to the seized property or the named person or related entities. The lien secures the amount of potential liability for civil judgment, and if applicable, the fair market value of seized property relating to all proceedings under this act enforcing the lien. The notice of forfeiture lien referred to in this subsection shall be filed in accordance with the provisions of the laws of this state relating to the type of property that is
subject to the lien. The validity and priority of the forfeiture lien shall be
determined in accordance with applicable law pertaining to liens. The
lienor may amend or release, in whole or in part, a lien filed under this
subsection at any time by filing, without a filing fee, an amended lien in
accordance with this subsection which identifies the lien amended. The
lienor, as soon as practical after filing the lien, shall furnish to any person
named in the lien a notice of the filing of the lien. Failure to furnish
notice under this subsection shall not invalidate or otherwise affect the
lien.

(4) Upon entry of judgment in the seizing agency’s favor, the seizing
agency may proceed to execute on the lien as provided by law.

(5) A trustee, constructive or otherwise, who has notice that a notice
of forfeiture lien, or a notice of pending forfeiture, or a civil forfeiture
proceeding has been filed against the property or against any person or
entity for whom the person holds title or appears as record owner, shall
furnish within 14 days, to the seizing agency or the plaintiff’s attorney all
of the following information, unless all of the information is of record in
the public records giving notice of liens on that type of property:

(A) The name and address of each person or entity for whom the
property is held;

(B) the description of all other property whose legal title is held for
the benefit of the named person; and

(C) a copy of the applicable trust agreement or other instrument, if
any, under which the trustee or other person holds legal title or appears
as record owner of the property.

(6) A trustee with notice who knowingly fails to comply with the pro-
visions of this subsection shall be guilty of a class B nonperson misde-
meanor.

(7) A trustee with notice who fails to comply with paragraph (5) is
subject to a civil penalty of $100 for each day of noncompliance. The
court shall enter judgment ordering payment of $100 for each day of
noncompliance from the effective date of the notice until the required
information is furnished or the seizing agency executes the seizing
agency’s judgment lien under this section.

(8) To the extent permitted by the constitutions of the United States
and the state of Kansas, the duty to comply with paragraph (5) shall not
be excused by any privilege or provision of law of this state or any other
state or country which authorizes or directs that testimony or records
required to be furnished pursuant to paragraph (5) are privileged, con-
fidential and otherwise may not be disclosed.

(9) A trustee who furnishes information pursuant to paragraph (5) is
immune from civil liability for the release of the information.

(10) An employee of the seizing agency or the plaintiff’s attorney who
releases the information obtained pursuant to paragraph (5), except in
the proper discharge of official duties, is guilty of a class B nonperson misdemeanor.

(11) If any information furnished pursuant to paragraph (5) is offered in evidence, the court may seal that portion of the record or may order that the information be disclosed in a designated way.

(12) A judgment or an order of payment entered pursuant to this section becomes a judgment lien against the property alleged to be subject to forfeiture.

Sec. 7. K.S.A. 60-4110 is hereby amended to read as follows: 60-4110.

(a) The plaintiff's attorney may make an opportunity to file a petition for recognition of exemption available in the following manner:

(1) If the plaintiff's attorney makes an opportunity to file a petition for recognition of exemption available, The plaintiff's attorney shall so indicate acknowledge the opportunity to file a petition for recognition of exemption in the notice of pending forfeiture described in subsection (a) of K.S.A. 60-4109(a), and amendments thereto.

(2) An owner of or an interest holder in the property may elect to file a claim within 30 days after the effective date of the notice of pending forfeiture or a petition for recognition of exemption with the plaintiff's attorney within 30 days after the effective date of the notice, but no petition may be filed after a court action has been commenced by the seizing agency. The claim or petition shall substantially comply with the requirements for claims in K.S.A. 60-4111, and amendments thereto.

The effective date of a notice of pending forfeiture shall be as provided for in K.S.A. 60-4109, and amendments thereto.

(b) The following shall apply if one or more owners or interest holders timely petition for recognition of exemption:

(1) The plaintiff's attorney shall provide the seizing agency and the petitioning party with a written recognition of exemption and statement of nonexempt interests relating to any or all interests in the property in response to each petitioning party within 120 days after the effective date of the notice of pending forfeiture.

(2) An owner of or interest holder in any property declared nonexempt may file a claim as described in K.S.A. 60-4111, and amendments thereto, within 30 days after the effective date of the notice of the recognition of exemption and statement of nonexempt interests.

(3) The plaintiff's attorney may elect to proceed as provided herein for judicial forfeiture at any time.

(4) If no petitioning party files a proper claim within 30 days after the effective date of notice of the recognition of exemption and statement of nonexempt interests, the recognition of exemption and statement of nonexempt interests becomes final, and the plaintiff's attorney shall proceed as provided in K.S.A. 60-4116 and 60-4117, and amendments thereto.
(5) If a judicial proceeding follows a notice of pending forfeiture making an opportunity to file a petition for recognition of exemption available:

(A) No duplicate or repetitive notice is required. If a proper claim has been timely filed pursuant to subsection (b)(2), the claim shall be determined in a judicial forfeiture proceeding after the commencement of such a proceeding under K.S.A. 60-4113, 60-4114 and 60-4115, and amendments thereto.

(B) The proposed recognition of exemption and statement of non exempt interests responsive to all petitioning parties who subsequently filed claims are void and will be regarded as rejected offers to compromise.

(c) If no proper petition for recognition of exemption or proper claim is timely filed, the plaintiff’s attorney shall proceed as provided in K.S.A. 60-4116 and 60-4117, and amendments thereto.

Sec. 8. K.S.A. 2017 Supp. 60-4111 is hereby amended to read as follows: 60-4111. (a) Only an owner of or interest holder in property seized for forfeiture may file a claim, and shall do so in the manner provided in this section. The claim shall be mailed to the seizing agency and to the plaintiff’s attorney by certified mail, return receipt requested, within 60 days after the effective date of notice of pending forfeiture. No extension of time for the filing of a claim shall be granted except for good cause shown.

(b) The claim and all supporting documents shall be in affidavit form, signed by the claimant under oath, and sworn to by the affiant before one who has authority to administer the oath, under penalty of perjury, K.S.A. 2017 Supp. 21-5903, and amendments thereto, or making a false writing, K.S.A. 2017 Supp. 21-5824, and amendments thereto, and shall set forth all of the following:

(1) The caption of the proceedings and identifying number, if any, as set forth on the notice of pending forfeiture or complaint, the name of the claimant, and the name of the plaintiff’s attorney who authorized the notice of pending forfeiture or complaint;

(2) the address where the claimant will accept mail;

(3) the nature and extent of the claimant’s interest in the property;

and

(4) The date, the identity of the transferor, and a detailed description of the circumstances of the claimant’s acquisition of the when and how the claimant obtained an interest in the property.

(5) The specific provision of this act relied on in asserting that the property is not subject to forfeiture.

(6) All essential facts supporting each assertion.

(7) The specific relief sought.

(c) Substantial compliance with subsection (b) shall be deemed sufficient.

(d) It is permissible to assert the right against self-incrimination in a
claim. If a claimant asserts the right, the court, in the court’s discretion, may draw an adverse inference from the assertion against the claimant. The adverse inference shall not, by itself, be the basis of a judgment against the claimant.

Sec. 9. K.S.A. 2017 Supp. 60-4112 is hereby amended to read as follows: 60-4112. (a) A judicial forfeiture proceeding under this act is subject to the provisions of this section.

(b) The court, on application of the plaintiff’s attorney, may enter any restraining order or injunction, require the execution of satisfactory performance bonds, create receiverships, appoint conservators, custodians, appraisers, accountants or trustees, or take any other action to seize, secure, maintain or preserve the availability of property subject to forfeiture under this act, including a writ of attachment or a warrant for such property’s seizure, whether before or after the filing of a notice of pending forfeiture or complaint.

(c) If property is seized for forfeiture or a forfeiture lien is filed without a previous judicial determination of probable cause or order of forfeiture or a hearing under subsection (c) of K.S.A. 60-4114(c), and amendments thereto, the court, on an application filed by an owner of or interest holder in the property within 14 days after notice of the property’s seizure for forfeiture or lien, or actual knowledge of it, whichever is earlier, and after complying with the requirements for claims in K.S.A. 60-4109, and amendments thereto, after seven days’ notice to the plaintiff’s attorney, may issue an order to show cause to the seizing agency, for a hearing on the sole issue of whether probable cause for forfeiture of the property then exists. The hearing shall be held within 30 days of the order to show cause unless continued for good cause on motion of either party. If the court finds that there is no probable cause for forfeiture of the property, or if the seizing agency elects not to contest the issue, the property shall be released to the custody of the applicant, as custodian for the court, or from the lien pending the outcome of a judicial proceeding pursuant to this act. If the court finds that probable cause for the forfeiture of the property exists, the court shall not order the property released.

(d) All applications filed within the 14-day period prescribed by subsection (c) shall be consolidated for a single hearing relating to each applicant’s interest in the property seized for forfeiture.

(e) A person charged with a criminal offense may apply at any time before final judgment to the court where the forfeiture proceeding is pending for the release of property seized for forfeiture, that is necessary for the defense of the person’s criminal charge. The application shall satisfy the requirements under subsection (b) of K.S.A. 60-4111(b), and amendments thereto. The court shall hold a probable cause hearing if the applicant establishes that:
(1) The person has not had an opportunity to participate in a previous adversarial judicial determination of probable cause;
(2) the person has no access to other moneys adequate for the payment of criminal counsel; and
(3) the interest in property to be released is not subject to any claim other than the forfeiture.

(f) If the court finds that there is no probable cause for forfeiture of the property, the court shall order the property released pursuant to subsection (c). If the seizing agency does not contest the hearing, the court may release a reasonable amount of property for the payment of the applicant’s criminal defense costs. Property that has been released by the court and that has been paid for criminal defense services actually rendered is exempt under this act.

(g) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations elements of the criminal offense of which the defendant was convicted in any proceeding pursuant to this section. For the purposes of this section, a conviction results from a verdict or plea of guilty, including a plea of no contest or nolo contendere.

(h) In any proceeding under this act, if a claim is based on any exemption provided for in this act, the burden of proving the existence of the exemption is on the claimant, and is not necessary for the seizing agency or plaintiff’s attorney to negate the exemption in any application or complaint.

(i) In hearings and determinations pursuant to this section, the court may receive and consider, in making any determination of probable cause or reasonable cause, all evidence admissible in determining probable cause at a preliminary hearing or in the issuance of a search warrant, together with inferences therefrom.

(j) The fact that money, negotiable instruments, precious metals, communication devices, and weapons were found in close proximity to contraband or an instrumentality of conduct giving rise to forfeiture shall give rise to the rebuttable presumption, in the manner provided in subsection (a) of K.S.A. 60-414, and amendments thereto, that such item was the proceeds of conduct giving rise to forfeiture or was used or intended to be used to facilitate the conduct.

(k) There shall be a rebuttable presumption, in the manner provided in subsection (a) K.S.A. 60-414, and amendments thereto, that any The totality of the circumstances shall determine if the property of a person is subject to forfeiture under this act if the seizing agency establishes, by the standard of proof applicable to that proceeding, all of Factors that may be considered include, but are not limited to, the following:

(1) The person has engaged in conduct giving rise to forfeiture;
(2) the property was acquired by the person during that period of the
Ch. 26
2018 Session Laws of Kansas
124

conduct giving rise to forfeiture or within a reasonable time after the period; and

(3) there was no likely source for the property other than the conduct giving rise to forfeiture; and

(4) the proximity to contraband or an instrumentality giving rise to forfeiture.

(4)(k) A finding that property is the proceeds of conduct giving rise to forfeiture does not require proof the property is the proceeds of any particular exchange or transaction.

(4)(l) A person who acquires any property subject to forfeiture is a constructive trustee of the property, and such property’s fruits, for the benefit of the seizing agency, to the extent that such agency’s interest is not exempt from forfeiture. If property subject to forfeiture has been commingled with other property, the court shall order the forfeiture of the mingled property and of any fruits of the mingled property, to the extent of the property subject to forfeiture, unless an owner or interest holder proves that specified property does not contain property subject to forfeiture, or that such owner’s or interest holder’s interest in specified property is exempt from forfeiture.

(4)(m) All property declared forfeited under this act vests in the law enforcement agency seeking forfeiture on the date of commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Any such property or proceeds subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited unless the transferee acquired the property in good faith, for value, and was not knowingly taking part in an illegal transaction, and the transferee’s interest is exempt under K.S.A. 60-4106, and amendments thereto.

(4)(n) An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this act, nor give rise to any presumption adverse or contrary to any fact alleged by the seizing agency.

(4)(o) On motion by the plaintiff’s attorney, the court shall stay discovery against the criminal defendant and against the seizing agency in civil proceedings during a related criminal proceeding alleging the same conduct, after making provision to prevent loss to any party resulting from the delay. Such a stay shall not be available pending any appeal by a defendant.

(4)(p) Except as otherwise provided by this act, all proceedings hereunder shall be governed by the rules of civil procedure pursuant to K.S.A. 60-101 et seq., and amendments thereto.

(4)(q) An action pursuant to this act shall be consolidated with any other action or proceeding pursuant to this act or to such other foreclosure or trustee sale proceedings relating to the same property on motion of the plaintiff’s attorney, and may be consolidated on motion of an owner or interest holder.
(s) There shall be a rebuttable presumption, in the manner provided in subsection (a) of K.S.A. 60-414, and amendments thereto, that any property in or upon which controlled substances are located at the time of seizure, was being used or intended for use to facilitate an act giving rise to forfeiture.

Sec. 10. K.S.A. 2017 Supp. 60-4113 is hereby amended to read as follows: 60-4113. (a) A judicial in rem forfeiture proceeding brought by the plaintiff’s attorney pursuant to a notice of pending forfeiture or verified petition for forfeiture is also subject to the provisions of this section. If a forfeiture is authorized by this act, it shall be ordered by the court in the in rem action.

(b) An action in rem may be brought by the plaintiff’s attorney in addition to, or in lieu of, civil in personam forfeiture procedures. The seizing agency may serve the complaint in the manner provided by subsection (a)(3) of K.S.A. 60-4109(a)(3), and amendments thereto, or as provided by the rules of civil procedure.

(c) Only an owner of or an interest holder in the property who has timely filed a proper claim may file an answer in an action in rem. For the purposes of this section, an owner of or interest holder in property who has filed a claim and answer shall be referred to as a claimant.

(d) The answer shall be in affidavit form, signed by the claimant under oath, and sworn to by the affiant before one who has authority to administer the oath, under penalty of perjury, K.S.A. 2017 Supp. 21-5903, and amendments thereto, or making a false writing, K.S.A. 2017 Supp. 21-5824, and amendments thereto, and shall otherwise be in accordance with the rules of civil procedure on answers and shall also set forth all of the following:

1. The caption of the proceedings and identifying number, if any, as set forth on the notice of pending forfeiture or complaint and the name of the claimant;
2. the address where the claimant will accept mail;
3. the nature and extent of the claimant’s interest in the property; and
4. The date, the identity of the transferor, and the detailed description of the circumstances of the claimant’s acquisition of the when and how the claimant obtained an interest in the property.

5. The specific provision of this act relied on in asserting that such property is not subject to forfeiture.
6. All essential facts supporting each assertion.
7. The specific relief sought.

(e) Substantial compliance with subsection (d) shall be deemed sufficient.

(f) It is permissible to assert the right against self-incrimination in an answer. If a claimant asserts the right, the court, in the court’s discretion,
may draw an adverse inference from the assertion against the claimant. The adverse inference shall not, by itself, be the basis of a judgment against the claimant.

(g) The answer shall be filed within 21 days after service of the civil in rem complaint.

(f) The seizing agency and any claimant who has timely answered the complaint, at the time of filing such agency’s pleadings, or at any other time not less than 30 days prior to the hearing, may serve discovery requests on any other party, the answers or response to which shall be due within 21 days of service. Discovery may include deposition of any person at any time after the expiration of 14 days after the filing and service of the complaint. Any party may move for a summary judgment at any time after an answer or responsive pleading is served and not less than 30 days prior to the hearing.

(g) The issue shall be determined by the court alone, and the hearing on the claim shall be held within 60 days after service of the petition unless continued for good cause. The plaintiff’s attorney shall have the initial burden of proving the interest in the property is subject to forfeiture by a preponderance of the evidence. If the state proves the interest in the property is subject to forfeiture, the claimant has the burden of showing by a preponderance of the evidence that the claimant has an interest in the property which is not subject to forfeiture.

(h) If the plaintiff’s attorney fails to meet the burden of proof for forfeiture, or a claimant establishes by a preponderance of the evidence that the claimant has an interest that is exempt under the provisions of K.S.A. 60-4106, and amendments thereto, the court shall order the interest in the property returned or conveyed to the claimant. The court shall order all other property forfeited to the seizing agency and conduct further proceedings pursuant to the provision of K.S.A. 60-4116 and 60-4117, and amendments thereto.

Sec. 11. K.S.A. 60-4114 is hereby amended to read as follows: 60-4114. (a) (1) A judicial in personam forfeiture proceeding brought by the plaintiff’s attorney pursuant to an in personam civil action alleging conduct giving rise to forfeiture is also subject to the provisions of K.S.A. 60-4106, and amendments thereto, the court shall order the interest in the property returned or conveyed to the claimant. The court shall order all other property forfeited to the seizing agency and conduct further proceedings pursuant to the provision of K.S.A. 60-4116 and 60-4117, and amendments thereto.

(b) The court may issue a temporary restraining order in an action under this section on application of the plaintiff’s attorney, without notice or an opportunity for a hearing, if the plaintiff’s attorney demonstrates that:
(1) There is probable cause to believe that in the event of a final judgment, the property involved would be subject to forfeiture under the provisions of this act; and

(2) A provision of notice would jeopardize the availability of the property for forfeiture.

(c) Notice of the issuance of a temporary restraining order and an opportunity for a hearing shall be given to persons known to have an interest in the property. A hearing shall be held at the earliest possible date in accordance with the applicable civil rule and shall be limited to the issues of whether:

(1) There is a probability that the seizing agency will prevail on the issue of forfeiture and that failure to enter the order could result in the property being destroyed, conveyed, alienated, encumbered, further encumbered, disposed of, purchased, received, removed from the jurisdiction of the court, concealed, or otherwise made unavailable for forfeiture; and

(2) the need to preserve the availability of property through the entry of the requested order outweighs the hardship on any owner or interest holder against whom the order is to be entered.

(d) On a determination of liability of a person for conduct giving rise to forfeiture under this act, the court shall enter a judgment of forfeiture of the property found to be subject to forfeiture described in the complaint and shall also authorize the plaintiff’s attorney or any law enforcement officer to seize all property ordered forfeited which was not previously seized or is not then under seizure. Following the entry of an order declaring the property forfeited, the court, on application of the plaintiff’s attorney, may enter any appropriate order to protect the interest of the seizing agency in the property ordered forfeited.

(e) Following the entry of an order of forfeiture under subsection (d), the plaintiff’s attorney may give notice of pending forfeiture, in the manner provided in K.S.A. 60-4109, and amendments thereto, to all owners and interest holders who have not previously been given notice.

(f) An owner of or interest holder in property that has been forfeited and whose claim is not precluded may file a claim as described in K.S.A. 60-4111, and amendments thereto, within 30 days after initial notice of pending forfeiture or after notice under subsection (e), whichever is earlier. If the seizing agency does not recognize the claimed exemption, the plaintiff’s attorney shall file a complaint and the court shall hold the hearing and determine the claim, without a jury, in the manner provided for in rem judicial forfeiture actions in K.S.A. 60-4113, and amendments thereto.

(g) In accordance with findings made at the hearing, the court may amend the order of forfeiture if the court determines that any claimant has established by a preponderance of the evidence that the claimant has
an interest in the property and that the claimant’s interest is exempt under the provision of K.S.A. 60-4106, and amendments thereto.

(h) Except as provided in subsection (c) of K.S.A. 60-4112, and amendments thereto, no person claiming an interest in property subject to forfeiture under this act may intervene in a trial or appeal of a criminal action or in an in personam civil action involving the forfeiture of the property.

Sec. 12. K.S.A. 2017 Supp. 60-4117 is hereby amended to read as follows: 60-4117. Except as provided in K.S.A. 65-7014, and amendments thereto: (a) When property is forfeited under this act, the law enforcement agency may:

(1) Retain such property for official use or transfer the custody or ownership to any local, state or federal agency, subject to any lien preserved by the court;

(2) destroy or use for investigative or training purposes, any illegal or controlled substances and equipment or other contraband, provided that materials necessary as evidence shall be preserved;

(3) sell property which is not required by law to be destroyed and which is not harmful to the public:

(A) All property, except real property, designated by the seizing agency to be sold shall be sold at public sale to the highest bidder for cash without appraisal. The seizing agency shall first cause notice of the sale to be made by publication at least once in an official county newspaper as defined by K.S.A. 64-101, and amendments thereto. Such notice shall include the time, place, and conditions of the sale and description of the property to be sold. Nothing in this subsection shall prevent a state agency from using the state surplus property system and such system’s procedures shall be sufficient to meet the requirements of this subsection.

(B) Real property may be sold pursuant to subsection (a)(3)(A), or the seizing agency may contract with a real estate company, licensed in this state, to list, advertise and sell such real property in a commercially reasonable manner.

(C) No employee or public official of any agency involved in the investigation, seizure or forfeiture of seized property may purchase or attempt to purchase such property; or

(4) salvage the property, subject to any lien preserved by the court.

(b) When firearms are forfeited under this act, the firearms in the discretion of the seizing agency, shall be destroyed, used within the seizing agency for official purposes, traded to another law enforcement agency for use within such agency or given to the Kansas bureau of investigation for law enforcement, testing, comparison or destruction by the Kansas bureau of investigation forensic laboratory.

(c) The proceeds of any sale shall be distributed in the following order of priority:
(1) For satisfaction of any court preserved security interest or lien, or in the case of a violation, as defined by subsection (h) of K.S.A. 60-4104(i), and amendments thereto, the proceeds shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the medicaid fraud reimbursement fund;

(2) thereafter, for payment of all proper expenses of the proceedings for forfeiture and disposition, including expenses of seizure, inventory, appraisal, maintenance of custody, preservation of availability, advertising, service of process, sale and court costs;

(3) reasonable attorney fees:

(A) If the plaintiff’s attorney is a county or district attorney, an assistant, or another governmental agency’s attorney, fees shall not exceed 15% of the total proceeds, less the amounts of subsection (c)(1) and (2), in an uncontested forfeiture nor 20% of the total proceeds, less the amounts of subsection (c)(1) and (2), in a contested forfeiture. Such fees shall be deposited in the county or city treasury and credited to the special prosecutor’s trust fund. Moneys in such fund shall not be considered a source of revenue to meet normal operating expenditures, including salary enhancement. Such fund shall be expended by the county or district attorney, or other governmental agency’s attorney through the normal county or city appropriation system and shall be used for such additional law enforcement and prosecutorial purposes as the county or district attorney or other governmental agency’s attorney deems appropriate, including educational purposes. All moneys derived from past or pending forfeitures shall be expended pursuant to this act. The board of county commissioners shall provide adequate funding to the county or district attorney’s office to enable such office to enforce this act. Neither future forfeitures nor the proceeds therefrom shall be used in planning or adopting a county or district attorney’s budget;

(B) if the plaintiff’s attorney is the attorney general and the conduct and offense giving rise to forfeiture is pursuant to subsection (h) of K.S.A. 60-4104(i), and amendments thereto, fees shall not exceed 15% of the total proceeds, less the amounts of subsection (c)(1) and (2) in an uncontested forfeiture nor 20% of the total proceeds, less the amounts of subsection (c)(1) and (2) in a contested forfeiture. Such fees 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 medicaid fraud prosecution revolving fund. Moneys paid into the medicaid fraud prosecution revolving fund pursuant to this subsection shall be appropriated to the attorney general for use by the attorney general in the investigation and prosecution of medicaid fraud and abuse; or
(C) if the plaintiff’s attorney is a private attorney, such reasonable
fees shall be negotiated by the employing law enforcement agency;

(4) repayment of law enforcement funds expended in purchasing of
contraband or controlled substances, subject to any interagency agree-
ment.

(d) Any proceeds remaining shall be credited as follows, subject to
any interagency agreement:

(1) If the law enforcement agency is a state agency, the entire amount
shall be deposited in the state treasury and credited to such agency’s state
forfeiture fund. There is hereby established in the state treasury the fol-
lowing state funds: Kansas bureau of investigation state forfeiture fund,
Kansas attorney general’s state medicaid fraud forfeiture fund, Kansas
highway patrol state forfeiture fund, Kansas department of corrections
state forfeiture fund and Kansas national guard counter drug state for-
feiture fund. Expenditures from the Kansas bureau of investigation state
forfeiture fund shall be made upon warrants of the director of accounts
and reports issued pursuant to vouchers approved by the attorney general
or by a person or persons designated by the attorney general. Expendi-
tures from the Kansas attorney general’s state medicaid fraud forfeiture
fund shall be made upon warrants of the director of accounts and reports
issued pursuant to vouchers approved by the attorney general or by a
person or persons designated by the attorney general. Expenditures from
the Kansas highway patrol state forfeiture fund shall be made upon war-
rants of the director of accounts and reports issued pursuant to vouchers
approved by the superintendent of the highway patrol or by a person or
persons designated by the superintendent. Expenditures from the Kansas
department of corrections state forfeiture fund shall be made upon war-
rants of the director of accounts and reports issued pursuant to vouchers
approved by the secretary of the department of corrections or by a person
or persons designated by the secretary. Expenditures from the Kansas
national guard counter drug state forfeiture fund shall be made upon war-
rants of the director of accounts and reports issued pursuant to vouchers
approved by the adjutant general of Kansas or by a person or persons
designated by the adjutant general. Each agency shall compile and submit
a forfeiture fund report to the legislature on or before February 1 of each
year. Such report shall include, but not be limited to: (A) The fund bal-
ance on December 1; (B) the deposits and expenditures for the previous
12-month period ending December 1. Upon the effective date of this act,
the director of accounts and reports is directed to transfer each agency’s
balance in the state special asset forfeiture fund to the agency’s new, state
forfeiture fund. All liabilities of the state special asset forfeiture fund
existing prior to such date are hereby imposed on the Kansas bureau of
investigation state forfeiture fund, Kansas highway patrol state forfeiture
fund and the Kansas department of corrections state forfeiture fund. The
state special asset forfeiture fund is hereby abolished.
(2) If the law enforcement agency is a city or county agency, the entire amount shall be deposited in such city or county treasury and credited to a special law enforcement trust fund. Each agency shall compile and submit annually a special law enforcement trust fund report to the entity which has budgetary authority over such agency and such report shall specify, for such period, the type and approximate value of the forfeited property received, the amount of any forfeiture proceeds received, and how any of those proceeds were expended.

(3) (e) (1) Moneys in the Kansas bureau of investigation state forfeiture fund, Kansas highway patrol state forfeiture fund, Kansas department of corrections state forfeiture fund, the special law enforcement trust funds and the Kansas national guard counter drug state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses. Such funds shall be expended by the agencies or departments through the normal city, county or state appropriation system and shall be used for such special, additional law enforcement purposes specified in subsection (e)(2) as the law enforcement agency head deems appropriate. Neither future forfeitures nor the proceeds from such forfeitures shall be used in planning or adopting a law enforcement agency’s budget.

(2) Moneys in the funds described in subsection (e)(1) shall be used only for the following special, additional law enforcement purposes:

(A) The support of investigations and operations that further the law enforcement agency’s goals or missions;

(B) the training of investigators, prosecutors and sworn and non-sworn law enforcement personnel in any area that is necessary to perform official law enforcement duties;

(C) the costs associated with the purchase, lease, construction, expansion, improvement or operation of law enforcement or detention facilities used or managed by the recipient agency;

(D) the costs associated with the purchase, lease, maintenance or operation of law enforcement equipment for use by law enforcement personnel that supports law enforcement activities;

(E) the costs associated with the purchase of multi-use equipment and operations used by both law enforcement and non-law enforcement personnel;

(F) the costs associated with a contract for a specific service that supports or enhances law enforcement;

(G) the costs associated with travel and transportation to perform or in support of law enforcement duties and activities;

(H) the costs associated with the purchase of plaques and certificates for law enforcement personnel in recognition of a law enforcement achievement, activity or training;

(I) the costs associated with conducting awareness programs by law enforcement agencies;
(J) the costs associated with paying a state or local law enforcement agency’s matching contribution or share in a state or federal grant program for items other than salaries;

(K) cash transfers from one state or local law enforcement agency to another in support of the law enforcement agency’s goals or missions; and

(L) transfers from a state or local law enforcement agency to a state, county or local governmental agency or community non-profit organization in support of the law enforcement agency’s goals or missions.

(3) Moneys in the funds described in subsection (e)(1) shall be separated and accounted for in a manner that allows accurate tracking and reporting of deposits and expenditures of the following categories of money:

(A) Proceeds from forfeiture credited to the fund pursuant to this section;

(B) proceeds from pending forfeiture actions under this act; and

(C) proceeds from forfeiture actions under federal law.

(4)(f) Moneys in the Kansas attorney general’s medicaid fraud forfeiture fund shall defray costs of the attorney general in connection with the duties of investigating and prosecuting medicaid fraud and abuse.

(g) (1) If the law enforcement agency is a state agency, such agency shall compile and submit a forfeiture fund report to the legislature on or before February 1 of each year. Such report shall include, but not be limited to: (A) The fund balance on December 1; and (B) the deposits and expenditures for the previous 12-month period ending December 1.

(2) If the law enforcement agency is a city or county agency, such agency shall compile and submit annually a special law enforcement trust fund report to the entity that has budgetary authority over such agency and such report shall specify, for such period, the type and approximate value of the forfeited property received, the amount of any forfeiture proceeds received and how any of those proceeds were expended.

(3) The provisions of this subsection shall expire on July 1, 2019.

Sec. 13. K.S.A. 60-4101, 60-4106, 60-4110 and 60-4114 and K.S.A. 2017 Supp. 45-220, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113 and 60-4117 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 2, 2018.
AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; renewal of licenses; amending K.S.A. 2017 Supp. 8-2404 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 8-2404 is hereby amended to read as follows: 8-2404. (a) No vehicle dealer shall engage in business in this state without obtaining a license as required by this act. Any vehicle dealer holding a valid license and acting as a vehicle salesperson shall not be required to secure a salesperson’s license.

(b) No first stage manufacturer, second stage manufacturer, factory branch, factory representative, distributor branch or distributor representative shall engage in business in this state without a license as required by this act, regardless of whether or not an office or other place of business is maintained in this state for the purpose of conducting such business.

(c) An application for a license shall be made to the director and shall contain the information provided for by this section, together with such other information as may be deemed reasonable and pertinent, and shall be accompanied by the required fee. The director may require in the application, or otherwise, information relating to the applicant’s solvency, financial standing, or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which the applicant proposes to engage in business, all of which may be considered by the director in determining the fitness of the applicant to engage in business as set forth in this section. The director may require the applicant for licensing to appear at such time and place as may be designated by the director for examination to enable the director to determine the accuracy of the facts contained in the written application, either for initial licensure or renewal thereof. Every application under this section shall be verified by the applicant.

(d) All licenses shall be granted or refused within 30 days after application is received by the director. All licenses, except licenses issued to salespersons, shall expire, unless previously suspended or revoked, on December 31 of the calendar year for which they are granted, except that where a complaint respecting the cancellation, termination or nonrenewal of a sales agreement is in the process of being heard, no replacement application shall be considered until a final order is issued by the director. Applications for renewals, except for renewals of licenses issued to salespersons, received by the director after February 15 shall be considered as new applications. All salespersons’ licenses issued on or after January 1, 1987, shall expire on June 30, 1988, and thereafter shall expire, unless previously suspended or revoked, on June 30 of the calendar year for
which they are granted. Applications for renewals of salespersons’ licenses received by the director after July 15 shall be considered as new applications. All licenses for supplemental places of business existing or issued on or after January 1, 1994, shall expire on December 31, 1994, unless previously expired, suspended or revoked, and shall thereafter expire on December 31 of the calendar year for which they are granted, unless previously suspended or revoked.

(e) License fees for each calendar year, or any part thereof shall be as follows:

1. For new vehicle dealers, $75;
2. For distributors, $75;
3. For wholesalers, $75;
4. For distributor branches, $75;
5. For used vehicle dealers, $75;
6. For first and second stage manufacturers, $225 plus $75 for each factory branch in this state;
7. For factory representatives, $50;
8. For distributor representatives, $50;
9. For brokers, $75;
10. For lending agencies, $50;
11. For first and second stage converters, $50;
12. For salvage vehicle dealers, $75;
13. For auction motor vehicle dealers, $75;
14. For vehicle salesperson, $25;
15. For insurance companies, $75;
16. For vehicle crusher, $75;
17. For vehicle recycler, $75;
18. For scrap metal recycler, $75;
19. For rebuilders, $75; and
20. For salvage vehicle pool, $75.

Any new vehicle dealer who is also licensed as a used vehicle dealer shall be required to pay only one $75 fee for both licenses.

(f) Dealers may establish approved supplemental places of business within the same county of their licensure or, with respect to new vehicle dealers, within their area of responsibility as defined in their franchise agreement. Those doing so shall be required to pay a supplemental license fee of $35. In addition to any other requirements, new vehicle dealers seeking to establish supplemental places of business shall also comply with the provisions of K.S.A. 8-2430 through 8-2432, and amendments thereto. A new vehicle dealer establishing a supplemental place of business in a county other than such dealer’s county of licensure but within such dealer’s area of responsibility as defined in such dealer’s franchise agreement shall be licensed only to do business as a new motor vehicle dealer in new motor vehicles at such supplemental place of business. Original inspections by the division of a proposed established place of business
shall be made at no charge except that a $30 fee shall be charged by the
division for each additional inspection the division must make of such
premises in order to approve the same.

(g) The license of all persons licensed under the provisions of this act
shall state the address of the established place of business, office, branch
or supplemental place of business and must be conspicuously displayed
therein. The director shall endorse a change of address on a license with-
out charge if: (1) The change of address of an established place of busi-
ness, office, branch or supplemental place of business is within the same
county; or (2) the change of address of a supplemental place of business,
with respect to a new vehicle dealer, is within such dealer’s area of re-
sponsibility as defined in their franchise agreement. A change of address
of the established place of business, office or branch to a different county
shall require a new license and payment of the required fees but such
new license and fees shall not be required for a change of address of a
supplemental place of business, with respect to a new vehicle dealer, to
a different county but within the dealer’s area of responsibility as defined
in their franchise agreement.

(h) Every salesperson, factory representative or distributor represen-
tative shall carry on their person a certification that the person holds a
valid state license. The certification shall name the person’s employer and
shall be displayed upon request. An original copy of the state license for
a vehicle salesperson shall be mailed or otherwise delivered by the divi-
sion to the employer of the salesperson for public display in the em-
ployer’s established place of business. When a salesperson ceases to be
employed as such, the former employer shall mail or otherwise return
the original copy of the employee’s state license to the division. A sales-
person, factory representative or distributor representative who termi-
nates employment with one employer may file an application with the
director to transfer the person’s state license in the name of another
employer. The application shall be accompanied by a $12 transfer fee. A
salesperson, factory representative or distributor representative who ter-
minates employment, and does not transfer the state license, shall mail
or otherwise return the certification that the person holds a valid state
license to the division.

(i) If the director has reasonable cause to doubt the financial respon-
sibility by the applicant or licensee with the provisions
of this act, the director may require the applicant or licensee to furnish
and maintain a bond in such form, amount and with such sureties as the
director approves, but such amount shall be not less than $5,000 nor more
than $20,000, conditioned upon the applicant or licensee complying with
the provisions of the statutes applicable to the licensee and as indemnity
for any loss sustained by a retail or wholesale buyer or seller of a vehicle
by reason of any act by the licensee constituting grounds for suspension
or revocation of the license. Every applicant or licensee who is or applies
to be a used vehicle dealer or a new vehicle dealer shall furnish and maintain a bond in such form, amount and with such sureties as the director approves, conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the licensee and as indemnity for any loss sustained by a retail or wholesale buyer or seller of a vehicle by reason of any act by the licensee in violation of any act which constitutes grounds for suspension or revocation of the license. The amount of such bond shall be as follows: (1) For any new applicant $30,000, or (2) for any current licensee, $15,000, until the renewal date of the existing bond, then $30,000, except that on and after January 1, 2003, the amount of such bond shall be $30,000. To comply with this subsection, every bond shall be a corporate surety bond issued by a company authorized to do business in the state of Kansas and shall be executed in the name of the state of Kansas for the benefit of any aggrieved retail or wholesale buyer or seller of a vehicle. The aggregate liability of the surety for all breaches of the conditions of the bond in no event shall exceed the amount of such bond. The surety on the bond shall have the right to cancel the bond by giving 30 days' notice to the director, and thereafter the surety shall be relieved of liability for any breach of condition occurring after the effective date of cancellation. Bonding requirements shall not apply to first or second stage manufacturers, factory branches, factory representatives or salespersons. Upon determination by the director that a judgment from a Kansas court of competent jurisdiction is a final judgment and that the judgment resulted from an act in violation of this act or would constitute grounds for suspension, revocation, refusal to renew a license or administrative fine pursuant to K.S.A. 8-2411, and amendments thereto, the proceeds of the bond on deposit or in lieu of bond provided by subsection (j), shall be paid. The determination by the director under this subsection is hereby specifically exempted from the Kansas administrative procedure act (K.S.A. 77-501 through 77-549, and amendments thereto) and the Kansas judicial review act (K.S.A. 77-601 through 77-627, and amendments thereto). Any proceeding to enforce payment against a surety following a determination by the director shall be prosecuted by the judgment creditor named in the final judgment sought to be enforced. Upon a finding by the court in such enforcement proceeding that a surety has wrongfully failed or refused to pay, the court shall award reasonable attorney fees to the judgment creditor.

(j) An applicant or licensee may elect to satisfy the bonding requirements of subsection (i) by depositing with the state treasurer cash, negotiable bonds of the United States or of the state of Kansas or negotiable certificates of deposit of any bank organized under the laws of the United States or of the state of Kansas. On or after January 1, 2003, the amount of cash, negotiable bonds of the United States or of the state of Kansas or negotiable certificates of deposit of any bank organized under the laws
of the United States or of the state of Kansas deposited with the state treasurer shall be in an amount of no less than $30,000. When negotiable bonds or negotiable certificates of deposit have been deposited with the state treasurer to satisfy the bonding requirements of subsection (i), such negotiable bonds or negotiable certificates of deposit shall remain on deposit with the state treasurer for a period of not less than two years after the date of delivery of the certificate of title to the motor vehicle which was the subject of the last motor vehicle sales transaction in which the licensee engaged prior to termination of the licensee’s license. In the event a licensee elects to deposit a surety bond in lieu of the negotiable bonds or negotiable certificates of deposit previously deposited with the state treasurer, the state treasurer shall not release the negotiable bonds or negotiable certificates of deposits until at least two years after the date of delivery of the certificate of title to the motor vehicle which was the subject of the last motor vehicle sales transaction in which the licensee engaged prior to the date of the deposit of the surety bond. The cash deposit or market value of any such securities shall be equal to or greater than the amount of the bond required for the bonded area and any interest on those funds shall accrue to the benefit of the depositor.

(k) No license shall be issued by the director to any person to act as a new or used dealer, wholesaler, broker, salvage vehicle dealer, auction motor vehicle dealer, vehicle crusher, vehicle recycler, rebuilder, scrap metal recycler, salvage vehicle pool, second stage manufacturer, first stage converter, second stage converter or distributor unless the applicant for the vehicle dealer’s license maintains an established place of business which has been inspected and approved by the division. First stage manufacturers, factory branches, factory representatives, distributor branches, distributor representatives and lending agencies are not required to maintain an established place of business to be issued a license.

(l) Dealers required under the provisions of this act to maintain an established place of business shall own or have leased and use sufficient lot space to display vehicles at least equal in number to the number of dealer license plates the dealer has had assigned.

(m) A sign with durable lettering at least 10 inches in height and easily visible from the street identifying the established place of business shall be displayed by every vehicle dealer. Notwithstanding the other provisions of this subsection, the height of lettering of the required sign may be less than 10 inches as necessary to comply with local zoning regulations.

(n) If the established or supplemental place of business or lot is zoned, approval must be secured from the proper zoning authority and proof that the use complies with the applicable zoning law, ordinance or resolution must be furnished to the director by the applicant for licensing.

(o) An established or supplemental place of business, otherwise meeting the requirements of this act may be used by a dealer to conduct
more than one business, provided that suitable space and facilities exist therein to properly conduct the business of a vehicle dealer.

(p) If a supplemental place of business is not operated on a continuous, year-round basis, the dealer shall give the department 15 days’ notice as to the dates on which the dealer will be engaged in business at the supplemental place of business.

(q) Any vehicle dealer selling, exchanging or transferring or causing to be sold, exchanged or transferred new vehicles in this state must satisfactorily demonstrate to the director that such vehicle dealer has a bona fide franchise agreement with the first or second stage manufacturer or distributor of the vehicle, to sell, exchange or transfer the same or to cause to be sold, exchanged or transferred.

No person may engage in the business of buying, selling or exchanging new motor vehicles, either directly or indirectly, unless such person holds a license issued by the director for the make or makes of new motor vehicles being bought, sold or exchanged, or unless a person engaged in such activities is not required to be licensed or acts as an employee of a licensee and such acts are only incidentally performed. For the purposes of this section, engaged in the business of buying, selling or exchanging new motor vehicles, either directly or indirectly, includes: (1) Displaying new motor vehicles on a lot or showroom; (2) advertising new motor vehicles, unless the person’s business primarily includes the business of broadcasting, printing, publishing or advertising for others in their own names; or (3) regularly or actively soliciting or referring buyers for new motor vehicles.

(r) No person may engage in the business of buying, selling or exchanging used motor vehicles, either directly or indirectly, unless such person holds a license issued by the director for used motor vehicles being bought, sold or exchanged, or unless a person engaged in such activities is not required to be licensed or acts as an employee of a licensee and such acts are only incidentally performed. For the purposes of this section, engaged in the business of buying, selling or exchanging used motor vehicles, either directly or indirectly, includes: (1) Displaying used motor vehicles on a lot or showroom; (2) advertising used motor vehicles, unless the person’s business primarily includes the business of broadcasting, printing, publishing or advertising for others in their own names; or (3) regularly or actively soliciting buyers for used motor vehicles.

(s) The director of vehicles shall publish a suitable Kansas vehicle salesperson’s manual. Before a vehicle salesperson’s license is issued, the applicant for an original license or renewal thereof shall be required to pass a written examination based upon information in the manual. Thereafter, any salesperson licensee may be required to be re-tested at the discretion of the director based upon terms and conditions established by the director.

(t) No new license shall be issued nor any license renewed to any
person to act as a salvage vehicle dealer until the division has received evidence of compliance with the junkyard and salvage control act as set forth in K.S.A. 68-2201 et seq., and amendments thereto.

(u) On and after the effective date of this act, no person shall act as a broker in the advertising, buying or selling of any new or used motor vehicle. Nothing herein shall be construed to prohibit a person duly licensed under the requirements of this act from acting as a broker in buying or selling a recreational vehicle as defined by subsection (f) of K.S.A. 75-1212(f), and amendments thereto, when the recreational vehicle subject to sale or purchase is a used recreational vehicle which has been previously titled and independently owned by another person for a period of 45 days or more, or is a new or used recreational vehicle repossessed by a creditor holding security in such vehicle.

(v) Nothing herein shall be construed to prohibit a person not otherwise required to be licensed under this act from selling such person’s own vehicle as an isolated and occasional sale.

Sec. 2. K.S.A. 2017 Supp. 8-2404 is hereby repealed.

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

Approved April 2, 2018.
Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 2, 2018.
Published in the Kansas Register April 12, 2018.

CHAPTER 29
SENATE BILL No. 386

AN ACT concerning the behavioral sciences regulatory board; relating to professional counselors; licensure; educational requirements; amending K.S.A. 2017 Supp. 65-5804a and 65-5807 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 65-5804a is hereby amended to read as follows: 65-5804a. (a) Applications for licensure as a professional counselor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-5808, and amendments thereto.

(b) Each applicant for licensure as a professional counselor shall furnish evidence satisfactory to the board that the applicant:

(1) Is at least 21 years of age;
(2) has completed 60 graduate semester hours including a graduate degree in counseling or a related field from a college or university approved by the board and that includes 45 graduate semester hours of counseling coursework distributed among each of the following areas:

(A) Counseling theory and practice;
(B) the helping relationship;
(C) group dynamics, processing and counseling;
(D) human growth and development;
(E) life-style and career development;
(F) appraisal of individuals;
(G) social and cultural foundations;
(H) research and evaluation;
(I) professional orientation; and
(J) supervised practicum and internship;
(3) has passed an examination required by the board; and
(4) has satisfied the board that the applicant is a person who merits the public trust.

(c) (1) Applications for licensure as a clinical professional counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:
(A) is licensed by the board as a licensed professional counselor or meets all requirements for licensure as a licensed professional counselor;

(B) has completed 15 credit hours, as part of or in addition to the requirements under subsection (b), supporting diagnosis or treatment of mental disorders with use of the American psychiatric association’s diagnostic and statistical manual; through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association’s diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association’s diagnostic and statistical manual, except that one-half of the requirement of this part (D) subparagraph may be waived for persons with a doctor’s degree in professional counseling or a related field acceptable to the board;

(E) for persons earning a degree under subsection (b) prior to July 1, 2003, in lieu of the education requirements under parts subparagraphs (B) and (C) of this subsection, has completed the education requirements for licensure as a professional counselor in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary permit to practice as a licensed professional counselor on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under parts subparagraphs (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a professional counselor in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee fixed under K.S.A. 65-5808, and amendments thereto.

(2) A person who was licensed or registered as a professional counselor in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of professional counseling as a reg-
istered or licensed professional counselor within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical professional counselor by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

(A) Either: (i) Graduate coursework; or (ii) passing a national, clinical examination;

(B) either: (i) Three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital; or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders; or

(C) attestation from one professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(3) A licensed clinical professional counselor may engage in the independent practice of professional counseling and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical professional counselor shall consult with the client’s primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client’s symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client’s record. A licensed clinical professional counselor may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(4) On and after January 1, 2002, a licensed professional counselor may diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations only under the direction of a licensed clinical professional counselor, licensed psychologist, person licensed to practice medicine and surgery or person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. When a client has symptoms of a mental disorder, a licensed professional counselor shall consult with the client’s primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client’s symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the
client’s record. A licensed professional counselor may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

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

(e) A person who is waiting to take the examination required by the board may apply to the board for a temporary license to practice as a licensed professional counselor by: (1) Paying an application fee of no more than $150; and (2) meeting the application requirements as stated in subsections (b)(1), (2) and (4) of K.S.A. 65-5804a(b)(1), (2) and (4), and amendments thereto.

(f) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice professional counseling or six months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.

(g) A person practicing professional counseling with a temporary license may not use the title “licensed professional counselor” or the initials “LPC” independently. The word “licensed” may be used only when followed by the words “by temporary license,” such as licensed professional counselor by temporary license, or professional counselor licensed by temporary license.

(h) No person may practice professional counseling under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(i) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the temp-
porary license provided under this section at the time of issuance of such temporary license.

Sec. 2. K.S.A. 2017 Supp. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice professional counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice professional counseling in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice professional counseling for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a master’s degree in counseling or a related field from a regionally accredited university or college.

(b) Applicants for licensure as a clinical professional counselor shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-5808, and amendments thereto, if required by the board.

Sec. 3. K.S.A. 2017 Supp. 65-5804a and 65-5807 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 2, 2018.
AN ACT concerning the department of health and environment; relating to regulation of child care facilities; exemption from certain licensure and inspection requirements; amending K.S.A. 65-527 and repealing the existing section.

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

Section 1. K.S.A. 65-527 is hereby amended to read as follows: 65-527. (a) As used in this section:

1. “Child care program” means a day care center, group day care home or day care home. “Drop-in program” means a child care facility that is not located in an individual’s residence, that serves exclusively school-age children and youth and where the operator permits children and youth to arrive at and depart from the program at the child or youth’s own volition at unscheduled times.

2. “Public recreation center” means any building used by a political or taxing subdivision of this state, or by an agency thereof, for recreation programs which serve children who are less than 18 years of age or younger.

3. “School” means any building used by a unified school district or an accredited nonpublic school for instruction or attendance of pupils enrolled in kindergarten or any of the grades one through twelve by a school district or an accredited nonpublic school.

4. “School-age program” means a child care facility that serves exclusively school-age children and youth but does not include a drop-in program.

(b) No license for a child care program for school age children drop-in program or school-age program shall be denied, suspended or revoked on the basis that the building does not meet requirements for licensure if the building:

1. is a public recreation center or school and is used by school-age children and youth the same age as children and youth cared for in the drop-in program or school-age program;

2. complies, during all hours of operation of the child care drop-in program or school-age program, with the Kansas fire prevention code or a building code compliance with which that is by law deemed to be compliance; and

3. subject to complies, except as provided in subsection (c), complies, during all hours of operation of the child care drop-in program or school-age program, with all local building code provisions that apply to recreation centers, if the building is a public recreation center, or schools, if the building is a school; and

4. as a recreation center or school, is used by school age children and the same age children are cared for in the child care program.

(c) In the case of an inconsistency in standards with which
standards that a building is required to comply with pursuant to subsections (b)(2) and (b)(3) conflict or are otherwise inconsistent, then the standards provided by subsection (b)(2) shall control.

(d) No license for a drop-in program or school-age program that operates in accordance with subsection (b)(1) shall be denied, suspended or revoked based on an environmental deficiency if:

(1) The environmental deficiency does not pose an imminent risk to children and youth;
(2) the environmental deficiency is outside the applicant’s or licensee’s immediate authority to correct; and
(3) the applicant or licensee has notified the public recreation center or school of the environmental deficiency.

Sec. 2. K.S.A. 65-527 is hereby repealed.

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

Approved April 2, 2018.

CHAPTER 31

HOUSE BILL No. 2472
(Amended by Chapter 102)

AN ACT concerning health and healthcare; relating to anatomical gifts; pertaining to driver’s licenses; identification cards; revising the uniform anatomical gift act; amending K.S.A. 2017 Supp. 8-240, 8-243, 8-247, 8-1324, 65-3221, 65-3228, 65-3229 and 65-3237 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 8-240 is hereby amended to read as follows: 8-240. (a) (1) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of $2 for class A, B, C or M and $5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of $3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. All commercial class applicants shall be charged a $15 driving test fee for the drive test portion of the commercial driver’s license application. If the applicant is not required to take an examination or the commercial license drive test, the examination or commercial drive test fee shall not be required. The examination shall consist of three tests, as follows: (A) Vision; (B) written; and (C) driving. For a commercial driver’s license, the drive test shall consist of three components, as follows: (A) Pre-trip; (B) skills test; and (C) road test. If the applicant fails the vision test, the applicant
may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of $1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of $1.50. If an applicant for a commercial driver’s license fails any portion of the commercial drive test, the applicant may take such test again upon the payment of an additional drive test fee of $10. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of $3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver’s license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(2) Applicants for class M licenses who have completed prior motor-
cycle safety training in accordance with department of defense instruction 6055.04 (DoDI 6055.04) are not required to complete further written and driving testing pursuant to paragraph (1) of this subsection.

(3) On and after January 1, 2017, an applicant for a class M license who passes a driving examination administered by the division on a three-wheeled motorcycle which is not an autocycle shall have a restriction placed on such applicant’s license limiting the applicant to the operation of a registered three-wheeled motorcycle. An applicant for a class M license who passes a driving examination administered by the division on a two-wheeled motorcycle may operate any registered two-wheeled or three-wheeled motorcycle.

(b) (1) For the purposes of obtaining any driver’s license or instruction permit, an applicant shall submit, with the application, proof of age and proof of identity as the division may require. The applicant also shall provide a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant’s full legal name and date of birth, and documentation showing the applicant’s name, the applicant’s address of principal residence and the applicant’s social security number. The applicant’s social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security
number the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the license or permit.

(2) The division shall not issue any driver’s license or instruction permit to any person who fails to provide proof that the person is lawfully present in the United States. Before issuing a driver’s license or instruction permit to a person, the division shall require valid documentary evidence that the applicant: (A) Is a citizen or national of the United States; (B) is an alien lawfully admitted for permanent or temporary residence in the United States; (C) has conditional permanent resident status in the United States; (D) has an approved application for asylum in the United States or has entered into the United States in refugee status; (E) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (F) has a pending application for asylum in the United States; (G) has a pending or approved application for temporary protected status in the United States; (H) has approved deferred action status; or (I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(3) If an applicant provides evidence of lawful presence set out in subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B), the division may only issue a driver’s license to the person under the following conditions: (A) A driver’s license issued pursuant to this subparagraph shall be valid only during the period of time of the applicant’s authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a driver’s license issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires; (C) no driver’s license issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver’s license issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions as set out in this subsection (b) for the issuance of the original driver’s license.

(4) The division shall not issue any driver’s license or instruction permit to any person who is not a resident of the state of Kansas, except as provided in K.S.A. 8-2,148, and amendments thereto.

(5) The division shall not issue a driver’s license to a person holding a driver’s license issued by another state without making reasonable efforts to confirm that the person is terminating or has terminated the driver’s license in the other state.

(6) The parent or guardian of an applicant under 16 years of age shall sign the application for any driver’s license submitted by such applicant.

(c) Every application shall state the full legal name, date of birth, gender and address of principal residence of the applicant, and briefly
describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition, applications for commercial drivers’ licenses and instruction permits for commercial licenses must include the following: The applicant’s social security number; the person’s signature; the person’s: (1) Digital color image or photograph; or (2) a laser engraved photograph; certifications, including those required by 49 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division. Each application for a driver’s license shall include a question asking if the applicant is willing to give such applicant’s authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments thereto. The gift would become effective upon the death of the donor.

(d) When an application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver’s record from the other jurisdiction. When received, the driver’s record shall become a part of the driver’s record in this state with the same force and effect as though entered on the driver’s record in this state in the original instance.

(e) When the division receives a request for a driver’s record from another licensing jurisdiction the record shall be forwarded without charge.

(f) A fee shall be charged as follows:
   (1) For a class C driver’s license issued to a person at least 21 years of age, but less than 65 years of age, $18;
   (2) For a class C driver’s license issued to a person 65 years of age or older, $12;
   (3) For a class M driver’s license issued to a person at least 21 years of age, but less than 65 years of age, $12.50;
   (4) For a class M driver’s license issued to a person 65 years of age or older, $9;
   (5) For a class A or B driver’s license issued to a person who is at least 21 years of age, but less than 65 years of age, $24;
   (6) For a class A or B driver’s license issued to a person 65 years of age or older, $16;
   (7) For any class of commercial driver’s license issued to a person 21 years of age or older, $18; or
   (8) For class A, B, C or M, or a farm permit, or any commercial driver’s license issued to a person less than 21 years of age, $20.
A fee of $10 shall be charged for each commercial driver’s license endorsement, except air brake endorsements which shall have no charge.

A fee of $3 per year shall be charged for any renewal of a license issued prior to the effective date of this act to a person less than 21 years of age.

If one fails to make an original application or renewal application for a driver’s license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of $1 shall be added to the fee charged for the driver’s license.

(g) Any person who possesses an identification card as provided in K.S.A. 8-1324, and amendments thereto, shall surrender such identification card to the division upon being issued a valid Kansas driver’s license or upon reinstatement and return of a valid Kansas driver’s license.

(h) The division shall require that any person applying for a driver’s license submit to a mandatory facial image capture. The captured facial image shall be displayed on the front of the applicant’s driver’s license.

(i) The director of vehicles may issue a temporary driver’s license to an applicant who cannot provide valid documentary evidence as defined by subsection (b)(2), if the applicant provides compelling evidence proving current lawful presence. Any temporary license issued pursuant to this subsection shall be valid for one year.

(j) For purposes of this subsection, the division may rely on the division’s most recent, existing color digital image and signature image of the applicant for the class C or M driver’s license if the division has the information on file. The determination on whether an electronic online renewal application or equivalent of a driver’s license is permitted shall be made by the director of vehicles or the director’s designee. The division shall not renew a driver’s license through an electronic online or equivalent process if the license is not otherwise withdrawn. The secretary of revenue may adopt and administer rules and regulations to implement a program to permit an electronic online renewal of a driver’s license.

Sec. 2. K.S.A. 2017 Supp. 8-243 is hereby amended to read as follows: 8-243. (a) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act the driver’s license as applied for by the applicant. Such license shall bear the class or classes of motor vehicles which the licensee is entitled to drive, a distinguishing number assigned to the licensee, the full legal name, date of birth, gender, address of principal residence and a brief description of
the licensee, either: (1) A digital color image or photograph; or (2) a laser engraved photograph of the licensee, a facsimile of the signature of the licensee and the statement provided for in subsection (b). No driver’s license shall be valid until it has been signed by the licensee. All drivers’ licenses issued to persons under the age of 21 years shall be readily distinguishable from licenses issued to persons age 21 years or older. In addition, all drivers’ licenses issued to persons under the age of 18 years shall also be readily distinguishable from licenses issued to persons age 18 years or older. The secretary of revenue shall implement a vertical format to make drivers’ licenses issued to persons under the age of 21 more readily distinguishable. Except as otherwise provided, no driver’s license issued by the division shall be valid until either: (1) A digital color image or photograph; or (2) a laser engraved photograph of such licensee has been taken and verified before being placed on the driver’s license. The secretary of revenue shall prescribe a fee of not more than $8 and upon the payment of such fee, the division shall cause either: (1) A digital color image or photograph; or (2) a laser engraved photograph of such applicant to be placed on the driver’s license. Upon payment of such fee prescribed by the secretary of revenue, plus payment of the fee required by K.S.A. 8-246, and amendments thereto, for issuance of a new license, the division shall issue to such licensee a new license containing either: (1) A digital color image or photograph; or (2) a laser engraved photograph of such licensee. A driver’s license which does not contain the principal address as required may be issued to persons who are program participants pursuant to K.S.A. 2017 Supp. 75-455, and amendments thereto, upon payment of the fee required by K.S.A. 8-246, and amendments thereto. All Kansas drivers’ licenses and identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication of the document for fraudulent purposes. The secretary of revenue shall incorporate common machine-readable technology into all Kansas drivers’ licenses and identification cards.

(b) All Kansas drivers’ licenses driver’s license issued to any person 16 years of age or older shall contain a form which provides a statement for making a who indicated on the person’s application that the person wished to make a gift of all or any part of the body of the licensee in accordance with the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments thereto, except as otherwise provided by this subsection. The statement to be effective shall be signed by the licensee in the presence of two witnesses who shall sign the statement in the presence of the donor. The gift becomes effective upon the death of the donor. Delivery of the license during the donor’s lifetime is not necessary to make a valid gift. Any valid gift statement executed prior to July 1, 1994, shall remain effective until invalidated. The word “Donor” shall be placed on the front of the license, indicating that the
statement for making an anatomical gift under this subsection has been executed by such licensee.

(c) Any person who is deaf or hard of hearing may request that the division issue to such person a driver’s license which is readily distinguishable from drivers’ licenses issued to other drivers and upon such request the division shall issue such license. Drivers’ licenses issued to persons who are deaf or hard of hearing and under the age of 21 years shall be readily distinguishable from drivers’ licenses issued to persons who are deaf or hard of hearing and 21 years of age or older. Upon satisfaction of subsection (a), the division shall issue a receipt of application permitting the operation of a vehicle consistent with the requested class, if there are no other restrictions or limitations, pending the division’s verification of the information and production of a driver’s license.

(d) A driver’s license issued to a person required to be registered under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a distinguishing number by the division which will readily indicate to law enforcement officers that such person is a registered offender. The division shall develop a numbering system to implement the provisions of this subsection.

(e) (1) Any person who is a veteran may request that the division issue to such person a driver’s license which shall include the designation “VETERAN” displayed on the front of the driver’s license at a location to be determined by the secretary of revenue. In order to receive a license described in this subsection, the veteran must provide proof of the veteran’s military service and honorable discharge or general discharge under honorable conditions, including a copy of the veteran’s DD214 form or equivalent.

(2) As used in this subsection, “veteran” means a person who:

(A) Has served in: The army, navy, marine corps, air force, coast guard, air or army national guard or any branch of the military reserves of the United States; and

(B) has been separated from the branch of service in which the person was honorably discharged or received a general discharge under honorable conditions.

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

(f) (1) Any person who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person needs assistance with cognition, including, but not limited to, persons with autism spectrum disorder, may request that the division issue to such person a driver’s license, that shall note such impairment on the driver’s license at a location to be determined by the secretary of revenue.

(2) Satisfactory proof that a person needs assistance with cognition shall include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed under
K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a person clinically licensed by the Kansas behavioral sciences regulatory board certifying that such person needs assistance with cognition.

Sec. 3. K.S.A. 2017 Supp. 8-247 is hereby amended to read as follows: 8-247. (a) (1) All original licenses shall expire as follows:

(A) Licenses issued to persons who are at least 21 years of age, but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee which is nearest the date of application;

(B) licenses issued to persons who are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(C) any commercial drivers license shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; or

(E) licenses issued to persons who are less than 21 years of age shall expire on the licensee’s twenty-first birthday.

(2) All renewals under: (A) Paragraph (1)(A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1)(B) and (C) shall expire on every fourth anniversary of the date of birth of the licensee; (C) paragraph (1)(D) shall expire every year on the date of birth of the licensee; and (D) paragraph (1)(E), if a renewal license is issued, shall expire on the licensee’s twenty-first birthday. No driver’s license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver’s license of any person expires while such person is outside of the state of Kansas and such person is on active duty in the armed forces of the United States, or is the spouse or a person who is residing with and is a dependent of such person on active duty, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after residence within the state is reestablished, whichever time is sooner. If the driver’s license of any person under this subsection expires while such person is outside the United States, the division shall provide for renewal by mail, as long as the division has a photograph or digital image of such person maintained in the division’s records. A driver’s license renewed under the provisions of this subsection shall be renewed by mail only once.
(c) At least 30 days prior to the expiration of a person’s license the
division shall mail a notice of expiration or renewal application to such
person at the address shown on the license. The division shall include
with such notice a written explanation of substantial changes to traffic
regulations enacted by the legislature.

(d)(1) Except as provided in paragraph (2), every driver’s license shall
be renewable on or before its expiration upon application and payment
of the required fee and successful completion of the examinations re-
quired by subsection (e). Application for renewal of a valid driver’s license
shall be made to the division in accordance with rules and regulations
adopted by the secretary of revenue. Such application shall contain all
the requirements of subsection (b) of K.S.A. 8-240, and amendments
thereto. Such notice shall also include a question asking if the applicant
is willing to give such applicant’s authorization to be listed as an organ,
eye and tissue donor in the Kansas donor registry in accordance with the
revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through
65-3244, and amendments thereto. Upon satisfying the foregoing require-
ments of this subsection, and if the division makes the findings required
by K.S.A. 8-235b, and amendments thereto, for the issuance of an original
license, the license shall be renewed without examination of the appli-
cant’s driving ability. If the division finds that any of the statements re-
lating to revocation, suspension or refusal of licenses required under sub-
section (b) of K.S.A. 8-240(b), and amendments thereto, are in the
affirmative, or if it finds that the license held by the applicant is not a
valid one, or if the applicant has failed to make application for renewal
of such person’s license on or before the expiration date thereof, the
division may require the applicant to take an examination of ability to
exercise ordinary and reasonable control in the operation of a motor ve-
hicle as provided in K.S.A. 8-235d, and amendments thereto.

(2) Any licensee, whose driver’s license expires on their twenty-first
the licensee’s 21st birthday, shall have 45 days from the date of expiration
of such license to make application to renew such licensee’s license. Such
license shall continue to be valid for such 45 days or until such license is
renewed, whichever occurs sooner. A licensee who renews under the
provisions of this paragraph shall not be required by the division to take
an examination of ability to exercise ordinary and reasonable control in
the operation of a motor vehicle as provided in K.S.A. 8-235d, and amend-
ments thereto.

(e)(1) Prior to renewal of a driver’s license, the applicant shall pass
an examination of eyesight. Such examination shall be equivalent to the
test required for an original driver’s license under K.S.A. 8-235d, and
amendments thereto. A driver’s license examiner shall administer the ex-
amination without charge and shall report the results of the examination
on a form provided by the division.

(2) In lieu of the examination of the applicant’s eyesight by the ex-
aminer, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant’s eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished by the division to the applicant.

(3) The division shall determine whether the results of the eyesight examination or report is sufficient for renewal of the license and, if the results of the eyesight examination or report is insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant’s eyesight, the division may request an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

(4) An applicant who is denied a license under this subsection (e) may reapply for renewal of such person’s driver’s license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver’s license.

(5) When the division has good cause to believe that an applicant for renewal of a driver’s license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (6) of this subsection, in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by subsection (b) of K.S.A. 8-255b(b), and amendments thereto. Any such applicant who is denied the renewal of such a driver’s license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by subsection (c) of K.S.A. 8-255(c), and amendments thereto.

(6) Seizure disorders which are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person be issued a driver’s license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders which are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver’s license and whenever a person licensed to practice medicine and surgery makes a written report to the division stating that the licensee’s seizures are controlled. The report shall be based on an examination of the applicant’s medical condition not more
than three months prior to the date the report is submitted. Such report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver’s license and subsequent operation of a motor vehicle by the licensee.

(f) If the driver’s license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner. This subsection (f) shall not apply to temporary drivers’ licenses issued pursuant to subsection (b)(3) of K.S.A. 8-240(b)(3), and amendments thereto.

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

1. Information explaining the person’s right to make an anatomical gift in accordance with K.S.A. 8-243, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments thereto;

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

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

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

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

   A. Providing such information on the website of the agency; or

   B. Providing printed material to an applicant who personally appears at an examining station;

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

(h) Notwithstanding any other provisions of law, any offender under subsection (a)(1)(D) who held a valid driver’s license on the effective date of this act may continue to operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date such driver’s license shall expire and the offender shall be subject to the provisions of this section.

(i) The director of the division of vehicles shall submit a report to the legislature at the beginning of the regular session in 2012 regarding the impact of not requiring a written test for the renewal of a driver’s license, including any cost savings to the division.

Sec. 4. K.S.A. 2017 Supp. 8-1324 is hereby amended to read as follows: 8-1324. (a) Any resident who does not hold a current valid Kansas driver’s license may make application to the division of vehicles and be issued one identification card.

(b) (1) Each application for an identification card shall include a question asking if the applicant is willing to give such applicant’s authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments thereto. The gift would become effective upon the death of the donor.

(2) For the purpose of obtaining an identification card, an applicant shall submit, with the application, proof of age, proof of identity and proof of lawful presence. An applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant’s full legal name and date of birth, and documentation showing the applicant’s name, the applicant’s address of principal residence and the applicant’s social security account number. The applicant’s social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2014, and amendments thereto. If the applicant does not have a social security number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issu-
ance, validity and completeness of each document required to be presented by the applicant to prove age, identity and lawful presence.

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)(B), and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions:

(A) A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant’s authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires; (C) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and (D) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection (c) for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver’s license unless such driver’s license has been physically surrendered pursuant to the provisions of K.S.A. 8-1002(e), and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver’s license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

(g) (1) The division shall require payment of a fee of $14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only $10. In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.

(2) The division shall not require or accept payment of application or photo fees under this subsection for any person 17 years of age or older for purposes of meeting the voter identification requirements of K.S.A. 25-2908, and amendments thereto. Such person shall:

(A) Swear under oath that such person desires an identification card in order to vote in an election in Kansas and that such person does not
possess any of the forms of identification acceptable under K.S.A. 25-2908, and amendments thereto. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908, and amendments thereto; and

(B) produce evidence that such person is registered to vote in Kansas.

3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:

1) The person owns, leases or rents a place of domicile in this state;

2) the person engages in a trade, business or profession in this state;

3) the person is registered to vote in this state;

4) the person enrolls the person’s child in a school in this state; or

5) the person registers the person’s motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture. The captured facial image shall be displayed on the front of the applicant’s identification card.

(k) (1) Any person who is a veteran may request that the division issue to such person a nondriver identification card which shall include the designation “VETERAN” displayed on the front of the nondriver identification card at a location to be determined by the secretary of revenue. In order to receive a nondriver identification card described in this subsection, the veteran must provide proof of the veteran’s military service and honorable discharge or general discharge under honorable conditions, including a copy of the veteran’s DD214 form or equivalent.

2) As used in this subsection, “veteran” means a person who:

(A) Has served in: The army, navy, marine corps, air force, coast guard, air or army national guard or any branch of the military reserves of the United States; and

(B) has been separated from the branch of service in which the person was honorably discharged or received a general discharge under honorable conditions.

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

(l) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(m) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification
card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, either: (1) A digital color image or photograph; or (2) a laser engraved photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 2017 Supp. 75-455, and amendments thereto.

(n) An identification card issued to any person who indicated on the application that the person wished to make an anatomical gift in accordance with the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments thereto, shall have the word “Donor” placed on the front of the applicant’s identification card.

(n) (o) (1) Any person who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person needs assistance with cognition, including, but not limited to, persons with autism spectrum disorder, may request that the division issue to such person a nondriver identification card, that shall note such impairment on the nondriver identification card at a location to be determined by the secretary of revenue.

(2) Satisfactory proof that a person needs assistance with cognition shall include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a person clinically licensed by the Kansas behavioral sciences regulatory board certifying that such person needs assistance with cognition.

Sec. 5. K.S.A. 2017 Supp. 65-3221 is hereby amended to read as follows: 65-3221. In this act:

(1) “Adult” means an individual who is at least 18 years of age.

(2) “Agent” means an individual:

(A) Authorized to make health-care decisions on the principal’s behalf by a power of attorney for health care; or

(B) expressly authorized to make an anatomical gift on the principal’s behalf by any other record signed by the principal.

(3) “Anatomical gift” means a donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation, therapy, research, or education.

(4) “Decedent” means a deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than this act, a fetus.

(5) “Disinterested witness” means a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift,
or another adult who exhibited special care and concern for the individual. The term does not include a person to which an anatomical gift could pass under K.S.A. 2017 Supp. 65-3230, and amendments thereto.

(6) “Document of gift” means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver’s license, identification card, or donor registry.

(7) “Donor” means an individual whose body or part is the subject of an anatomical gift.

(8) “Donor registry” means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(9) “Driver’s license” means a license or permit issued by the division of motor vehicles of the department of revenue to operate a vehicle, whether or not conditions are attached to the license or permit.

(10) “Eye bank” means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(11) “Guardian” means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(12) “Healthcare provider” means the same as such term is defined in K.S.A. 40-3401, and amendments thereto.

(13) “Hospital” means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state. The term includes an ambulatory surgical center and recuperation center.

(14) “Identification card” means an identification card issued by the division of motor vehicles of the department of revenue.

(15) “Know” means to have actual knowledge.

(16) “Minor” means an individual who is under 18 years of age.

(17) “Organ procurement organization” means a person designated by the secretary of the United States department of health and human services as an organ procurement organization.

(18) “Parent” means a parent whose parental rights have not been terminated.

(19) “Part” means an organ, an eye, or tissue of a human being. The term does not include the whole body.

(20) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(21) “Physician” means an individual authorized to practice medicine or osteopathy under the law of any state.

(22) “Procurement organization” means an eye bank, organ procurement organization, or tissue bank.
Prospective donor’’ means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made a refusal.

Reasonably available’’ means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

Recipient’’ means an individual into whose body a decedent’s part has been or is intended to be transplanted.

Record’’ means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Refusal’’ means a record created under K.S.A. 2017 Supp. 65-3226, and amendments thereto, that expressly states an intent to bar other persons from making an anatomical gift of an individual’s body or part.

Sign’’ means with the present intent to authenticate or adopt a record:

A) To execute or adopt a tangible symbol; or
B) to attach to or logically associate with the record an electronic symbol, sound, or process.

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.

Technician’’ means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

Tissue’’ means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

Tissue bank’’ means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

Transplant hospital’’ means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

Sec. 6. K.S.A. 2017 Supp. 65-3228 is hereby amended to read as follows: 65-3228. (a) Subject to subsections (b) and (c) and unless barred by K.S.A. 2017 Supp. 65-3226 or 65-3227, and amendments thereto, an anatomical gift of a decedent’s body or part for purpose of transplantation, therapy, research or education may be made by any member of the fol-
lowing classes of persons who is reasonably available, in the order of priority listed:

(1) An agent of the decedent at the time of death who could have made an anatomical gift under K.S.A. 2017 Supp. 65-3223(2), and amendments thereto, immediately before the decedent’s death;

(2) the spouse of the decedent;

(3) adult children of the decedent;

(4) parents of the decedent;

(5) adult siblings of the decedent;

(6) adult grandchildren of the decedent;

(7) grandparents of the decedent;

(8) the persons who were acting as the guardians of the person of the decedent at the time of death;

(9) an adult who exhibited special care and concern for the decedent and who was familiar with the decedent’s personal values; and

(10) any other person having the authority to dispose of the decedent’s body.

(b) If there is more than one member of a class listed in subsection (a)(1), (3), (4), (5), (6), (7), or (9) entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under K.S.A. 2017 Supp. 65-3230, and amendments thereto, knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available. If both parents are living and available to decide, an anatomical gift may be made only if both parents agree.

(c) A person may not make an anatomical gift if, at the time of the decedent’s death, a person in a prior class under subsection (a) is reasonably available to make or to object to the making of an anatomical gift.

Sec. 7. K.S.A. 2017 Supp. 65-3229 is hereby amended to read as follows: 65-3229. (a) A person authorized to make an anatomical gift under K.S.A. 2017 Supp. 65-3228, and amendments thereto, may make an anatomical gift by a document of gift signed by the person making the gift or by that person’s oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication.

(b) Subject to subsection (c), an anatomical gift by a person authorized under K.S.A. 2017 Supp. 65-3228, and amendments thereto, may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under K.S.A. 2017 Supp. 65-3228, and amendments thereto, may be:

(1) Amended only if a majority of the reasonably available members agree to the amending of the gift; or
(2) revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

(c) A revocation under subsection (b) is effective only if, before an incision has been made to remove a part from the donor’s body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital, or physician or technician knows of the revocation.

Sec. 8. K.S.A. 2017 Supp. 65-3237 is hereby amended to read as follows: 65-3237. (a) A person or healthcare provider that acts in accordance with this act or with the applicable anatomical gift law of another state, or in good faith attempts to do so, is not liable for the act in a civil action, criminal prosecution, or administrative proceeding.

(b) Neither the person making an anatomical gift nor the donor’s estate is liable for any injury or damage that results from the making or use of the gift.

(c) In determining whether an anatomical gift has been made, amended, or revoked under this act, a person may rely upon representations of an individual listed in K.S.A. 2017 Supp. 65-3228(a)(2), (3), (4), (5), (6), (7), or (8), and amendments thereto, relating to the individual’s relationship to the donor or prospective donor unless the person knows that the representation is untrue.


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

Approved April 4, 2018.

CHAPTER 32

HOUSE BILL No. 2501

AN ACT concerning the Kansas department for aging and disability services; disposition of fees; creating the health occupations credentialing fee fund; amending K.S.A. 65-5913 and 65-6512 and K.S.A. 2017 Supp. 39-936, 39-979 and 65-3503 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 39-936 is hereby amended to read as follows: 39-936. (a) The presence of each resident in an adult care home shall be covered by a statement provided at the time of admission, or prior thereto, setting forth the general responsibilities and services and daily or monthly charges for such responsibilities and services. Each res-
ident shall be provided with a copy of such statement, with a copy going to any individual responsible for payment of such services and the adult care home shall keep a copy of such statement in the resident’s file. No such statement shall be construed to relieve any adult care home of any requirement or obligation imposed upon it by law or by any requirement, standard or rule and regulation adopted pursuant thereto.

(b) A qualified person or persons shall be in attendance at all times upon residents receiving accommodation, board, care, training or treatment in adult care homes. The licensing agency may establish necessary standards and rules and regulations prescribing the number, qualifications, training, standards of conduct and integrity for such qualified person or persons attendant upon the residents.

(c) (1) The licensing agency shall require unlicensed employees of an adult care home, except an adult care home licensed for the provision of services to people with intellectual disability which has been granted an exception by the secretary for aging and disability services upon a finding by the licensing agency that an appropriate training program for unlicensed employees is in place for such adult care home, employed on and after the effective date of this act who provide direct, individual care to residents and who do not administer medications to residents and who have not completed a course of education and training relating to resident care and treatment approved by the secretary for aging and disability services or are not participating in such a course on the effective date of this act to complete successfully 40 hours of training in basic resident care skills. Any unlicensed person who has not completed 40 hours of training relating to resident care and treatment approved by the secretary for aging and disability services or are not participating in such a course on the effective date of this act shall not provide direct, individual care to residents. The 40 hours of training shall be supervised by a registered professional nurse and the content and administration thereof shall comply with rules and regulations adopted by the secretary for aging and disability services. The 40 hours of training may be conducted on the premises of the adult care home. The 40 hours of training required in this section shall be a part of any course of education and training required by the secretary for aging and disability services under subsection (c)(2). Training for paid nutrition assistants shall consist of at least eight hours of instruction, at a minimum, which meets the requirements of 42 C.F.R. § 483.160.

(2) The licensing agency may require unlicensed employees of an adult care home, except an adult care home licensed for the provision of services to people with intellectual disability which has been granted an exception by the secretary for aging and disability services upon a finding by the licensing agency that an appropriate training program for unlicensed employees is in place for such adult care home, who provide direct, individual care to residents and who do not administer medications
to residents and who do not meet the definition of paid nutrition assistant under paragraph (a)(27) of K.S.A. 39-923(a)(27), and amendments thereto, after 90 days of employment to successfully complete an approved course of instruction and an examination relating to resident care and treatment as a condition to continued employment by an adult care home. A course of instruction may be prepared and administered by any adult care home or by any other qualified person. A course of instruction prepared and administered by an adult care home may be conducted on the premises of the adult care home which that prepared and which that will administer the course of instruction. The licensing agency shall not require unlicensed employees of an adult care home who provide direct, individual care to residents and who do not administer medications to residents to enroll in any particular approved course of instruction as a condition to the taking of an examination, but the secretary for aging and disability services shall prepare guidelines for the preparation and administration of courses of instruction and shall approve or disapprove courses of instruction. Unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications to residents may enroll in any approved course of instruction and upon completion of the approved course of instruction shall be eligible to take an examination. The examination shall be prescribed by the secretary for aging and disability services, shall be reasonably related to the duties performed by unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications to residents and shall be the same examination given by the secretary for aging and disability services to all unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications.

(3) The secretary for aging and disability services shall fix, charge and collect a fee to cover all or any part of the costs of the licensing agency under this subsection (c). The fee shall be fixed by rules and regulations of the secretary for aging and disability services. The fee shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund health occupations credentialing fee fund created by K.S.A. 2017 Supp. 39-979, and amendments thereto.

(4) The secretary for aging and disability services shall establish a state registry containing information about unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications in compliance with the requirements pursuant to PL 100-203, subtitle C, as amended November 5, 1990.

(5) No adult care home shall use an individual as an unlicensed employee of the adult care home who provides direct, individual care to residents and who does not administer medications unless the facility has
inquired of the state registry as to information contained in the registry concerning the individual.

(6) Beginning July 1, 1993, the adult care home must require any unlicensed employee of the adult care home who provides direct, individual care to residents and who does not administer medications and who since passing the examination required under paragraph (2) of this subsection has had a continuous period of 24 consecutive months during none of which the unlicensed employee provided direct, individual care to residents to complete an approved refresher course. The secretary for aging and disability services shall prepare guidelines for the preparation and administration of refresher courses and shall approve or disapprove courses.

(d) Any person who has been employed as an unlicensed employee of an adult care home in another state may be so employed in this state without an examination if the secretary for aging and disability services determines that such other state requires training or examination, or both, for such employees at least equal to that required by this state.

(e) All medical care and treatment shall be given under the direction of a physician authorized to practice under the laws of this state and shall be provided promptly as needed.

(f) No adult care home shall require as a condition of admission to or as a condition to continued residence in the adult care home that a person change from a supplier of medication needs of their choice to a supplier of medication selected by the adult care home. Nothing in this subsection (f) shall be construed to abrogate or affect any agreements entered into prior to the effective date of this act between the adult care home and any person seeking admission to or resident of the adult care home.

(g) Except in emergencies as defined by rules and regulations of the licensing agency and except as otherwise authorized under federal law, no resident may be transferred from or discharged from an adult care home involuntarily unless the resident or legal guardian of the resident has been notified in writing at least 30 days in advance of a transfer or discharge of the resident.

(h) No resident who relies in good faith upon spiritual means or prayer for healing shall, if such resident objects thereto, be required to undergo medical care or treatment.

Sec. 2. K.S.A. 2017 Supp. 39-979 is hereby amended to read as follows: 39-979. (a) There is hereby created in the state treasury the health occupations credentialing fee fund to be administered by the secretary for aging and disability services. All expenditures from the health occupations credentialing fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant
to vouchers signed by the secretary for aging and disability services or the secretary's designee.

(b) All fees under the operator registration act shall be established by rules and regulations of the secretary. The amounts received for such fees shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the state license fee fund administered by the department pursuant to K.S.A. 39-930, and amendments thereto health occupations credentialing fee fund.

Sec. 3. K.S.A. 2017 Supp. 65-3503 is hereby amended to read as follows: 65-3503. (a) It shall be the duty of the board to:

(1) Develop, impose and enforce standards which shall be met by individuals in order to receive a license as an adult care home administrator, which standards and that shall be designed to ensure that adult care home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as adult care home administrators;

(2) develop examinations and investigations for determining whether an individual meets such standards;

(3) issue licenses to individuals who meet such standards, and revoke or suspend licenses issued by the board or reprimand, censure or otherwise discipline a person holding any such license as provided under K.S.A. 65-3508, and amendments thereto;

(4) establish and carry out procedures designed to ensure that individuals licensed as adult care home administrators comply with the requirements of such standards; and

(5) receive, investigate and take appropriate action under K.S.A. 65-3505, and amendments thereto, and rules and regulations adopted by the board with respect to any charge or complaint filed with the board to the effect that any person licensed as an adult care home administrator may be subject to disciplinary action under K.S.A. 65-3505 and 65-3508, and amendments thereto.

(b) The board shall also have the power to make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to have subpoenas issued pursuant to K.S.A. 60-245, and amendments thereto, in the board’s exercise of its power and to take such other actions as may be necessary to enable the state to meet the requirements set forth in section 1908 of the social security act, the federal rules and regulations promulgated thereunder and other pertinent federal authority.

(c) The board shall fix by rules and regulations the licensure fee, temporary license fee, renewal fee, late renewal fee, reinstatement fee, reciprocity fee, sponsorship fee, wall or wallet card license replacement fee, duplicate wall license fee for any administrator serving as adminis-
trator in more than one facility and, if necessary, an examination fee under this act. Such fees shall be fixed in an amount to cover the costs of administering the provisions of the act. No fee shall be more than $200. The secretary for aging and disability services shall remit all moneys received from fees, charges or penalties under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund health occupations credentialing fee fund created by K.S.A. 2017 Supp. 39-979, and amendments thereto.

(d) The board upon request shall receive from the Kansas bureau of investigation, without charge, such criminal history record information relating to criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board.

Sec. 4. K.S.A. 65-5913 is hereby amended to read as follows: 65-5913. The secretary shall fix by rules and regulations fees for applications for and renewal of licenses, temporary licenses, examination fees, late renewal fees, reinstatement and sponsorship fees under this act. Such fees shall be fixed in an amount to cover the costs of administering the provisions of this act. No fee shall be more than $200. The secretary shall remit all moneys received from fees, charges or penalties under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund health occupations credentialing fee fund created by K.S.A. 2017 Supp. 39-979, and amendments thereto.

Sec. 5. K.S.A. 65-6512 is hereby amended to read as follows: 65-6512. The secretary shall fix by rules and regulations the licensure fee, sponsorship fee, temporary licensure fee, renewal fee, late renewal fee, reinstatement fee, and examination fee, if necessary, under this act. Such fees shall be fixed in an amount to cover the costs of administering the provisions of the act. No fee shall be more than $200. The secretary shall remit all moneys received from fees, charges or penalties under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund health occupations credentialing fee fund created by K.S.A. 2017 Supp. 39-979, and amendments thereto.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 4, 2018.

CHAPTER 33
SENATE BILL No. 311

AN ACT concerning reports of abuse; relating to abuse, neglect or exploitation of certain adults; emergency medical services personnel; amending K.S.A. 2017 Supp. 39-1402 and 39-1431 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 39-1402 is hereby amended to read as follows: 39-1402. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, a chief administrative officer of a medical care facility, an adult care home administrator or operator, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a teacher, a bank trust officer and any other officers of financial institutions, a legal representative of, a governmental assistance provider or an emergency medical services attendant who has reasonable cause to believe that a resident is being or has been abused, neglected or exploited, or is in a condition which is the result of such abuse, neglect or exploitation or is in need of protective services, shall report immediately such information or cause a report of such information to be made in any reasonable manner to the Kansas department for aging and disability services with respect to residents defined under subsection (a)(1) of K.S.A. 39-1401(a)(1), and amendments thereto, to the department of health and environment with respect to residents defined under subsection (a)(2) of K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas department for children and families and appropriate law enforcement agencies with respect to all other residents. Reports made to one department which are required by this subsection to be made to the other department shall be referred by the department to which the report is made to the appropriate department for that report, and any such report shall constitute compliance with this subsection. Reports shall be made during the normal working week days and hours of operation of such departments. Reports shall be made to law enforcement agencies during the time the departments are not open for business. Law enforcement agencies shall submit the report and appropriate information to the ap-
propriate department on the first working day that such department is open for business. A report made pursuant to K.S.A. 65-4923 or 65-4924, and amendments thereto, shall be deemed a report under this section.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the resident, the name and address of the involved resident, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the resident, if known, and any other information which the person making the report believes might be helpful in an investigation of the case and the protection of the resident.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that a resident is being or has been abused, neglected or exploited, or is in a condition which is the result of such abuse, neglect or exploitation or is in need of protective services may report such information to the Kansas department for aging and disability services with respect to residents defined under subsection (a)(1) of K.S.A. 39-1401(a)(1), and amendments thereto, to the department of health and environment with respect to residents defined under subsection (a)(2) of K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas department for children and families with respect to all other residents. Reports made to one department which are to be made to the other department under this section shall be referred by the department to which the report is made to the appropriate department for that report.

(d) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult care home and medical care facility in this state.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report to be made shall be guilty of a class B misdemeanor.

Sec. 2. K.S.A. 2017 Supp. 39-1431 is hereby amended to read as follows: 39-1431. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, the chief administrative officer of a medical care facility, a teacher, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed dentist, a licensed marriage and family therapist, a licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a law enforcement officer, an emergency medical services attendant, a case manager, a rehabilitation counselor, a bank trust officer or any other officers of financial institutions, a legal representative, a governmental assistance provider, an owner or operator of a residential care facility, an independ-
ent living counselor and the chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report, immediately from receipt of the information, such information or cause a report of such information to be made in any reasonable manner. An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection. Other state agencies receiving reports that are to be referred to the Kansas department for children and families and the appropriate law enforcement agency, shall submit the report to the department and agency within six hours, during normal work days, of receiving the information. Reports shall be made to the Kansas department for children and families during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation. Law enforcement shall submit the report and appropriate information to the Kansas department for children and families on the first working day that the Kansas department for children and families is in operation after receipt of such information.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the involved adult, if known, and any other information which the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that an adult is being or has been abused, neglected or exploited or is in need of protective services may report such information to the Kansas department for children and families. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation.

(d) A person making a report under subsection (a) shall not be required to make a report under K.S.A. 39-1401 through 39-1410, inclusive, and amendments thereto.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor.
(f) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult family home as defined in K.S.A. 39-1501, and amendments thereto, and every provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or other facility licensed under K.S.A.-75-3301b 2017 Supp. 39-2001 et seq., and amendments thereto, and other institutions included in subsection (a).

Sec. 3. K.S.A. 2017 Supp. 39-1402 and 39-1431 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 4, 2018.

CHAPTER 34

HOUSE BILL No. 2650*

AN ACT concerning state emblems; designating the state rock as Greenhorn limestone; the state mineral as galena; the state gemstone as jelinite amber; and the state fish as the channel catfish.

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

Section 1. Greenhorn limestone, a staple of the Kansas Flint Hills that is used in the construction of buildings throughout the state, is hereby designated as the official rock of the state of Kansas.

Sec. 2. Galena, a type of lead ore that, through mining, drove population growth in the region that became the state of Kansas, is hereby designated as the official mineral of the state of Kansas.

Sec. 3. Jelinite, a type of amber that was formerly known as kansasite and was extracted from the bedrock near the Smoky Hill river, is hereby designated as the official gemstone of the state of Kansas.

Sec. 4. The channel catfish is hereby designated as the official fish of the state of Kansas.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 4, 2018.
CHAPTER 35  
HOUSE BILL No. 2558

AN ACT concerning wildlife; relating to controlled shooting areas; licenses; amending K.S.A. 32-946 and repealing the existing section.

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

Section 1. K.S.A. 32-946 is hereby amended to read as follows: 32-946. No person shall take any game bird upon a controlled shooting area by shooting in any manner except between September 1 and March 31, April 30, both dates inclusive, of each year. Controlled shooting area licensees may assess charges to persons hunting on the controlled shooting area, and such charges may include a fee per bird taken. Every person hunting on a controlled shooting area shall possess a valid hunting license or controlled shooting area hunting license, if required by law.

Sec. 2. K.S.A. 32-946 is hereby repealed.

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

Approved April 4, 2018.

CHAPTER 36  
HOUSE BILL No. 2541

AN ACT concerning postsecondary education; relating to the Kansas national guard educational assistance act; relating to participant qualifications and recoupment of assistance; amending K.S.A. 74-32,148 and 74-32,149 and K.S.A. 2017 Supp. 74-32,146 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 74-32,146 is hereby amended to read as follows: 74-32,146. As used in the Kansas national guard educational assistance act:

(a) “Kansas educational institution” means and includes community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and accredited independent institutions.

(b) “Eligible guard member” means a newly enlisted or reenlisted any current member of the Kansas national guard with not more than 20 years of service and who is enrolled at a Kansas educational institution and who is not under a suspension of favorable action flag or currently on the unit unfavorable information file. The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, or
who does not hold a high school diploma or general educational development (GED) credentials, or who is entitled to federal educational benefits earned by membership in the Kansas national guard, except financial assistance under the federal education assistance program (FEAP) for members of the selected reserve.

(c) “Kansas national guard educational assistance program” or “program” means the program established pursuant to the provisions of the Kansas national guard educational assistance act.

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

Sec. 2. K.S.A. 74-32,148 is hereby amended to read as follows: 74-32,148. (a) Subject to the availability of appropriations for the Kansas national guard educational assistance program and within the limits of any such appropriations, every eligible guard member who is enrolled at a Kansas educational institution and who is participating in the program shall be paid the amount of tuition and required fees charged by the Kansas educational institution for enrollment in courses necessary to satisfy the requirements of an educational program receive assistance each semester in an amount equal to the tuition and required fees for not more than 15 credit hours. The aggregate number of credit hours for which assistance may be provided under the program shall not exceed 150% of the total credit hours required for the eligible guard member to complete such member’s educational program.

(b) Notwithstanding the provisions of subsection (a), eligible guard members shall not be paid the amount of tuition and required fees charged for any course repeated or taken in excess of the requirements for completion of the educational program in which the eligible guard member is enrolled. The amount of tuition and required fees paid an eligible guard member pursuant to subsection (a) shall be at a rate not to exceed the maximum rate that would be charged by the state educational institutions, as defined in K.S.A. 76-711, and amendments thereto, for enrollment of the eligible guard member.

(c) Amounts of assistance for which an eligible guard member is eligible to receive under this act shall be offset by the aggregate amount of federal financial assistance received by such guard member, as a result of active national guard membership, to pay costs of tuition and fees for enrollment at Kansas educational institutions.

Sec. 3. K.S.A. 74-32,149 is hereby amended to read as follows: 74-32,149. (a) (1) In order to qualify for participation in the Kansas national guard educational assistance program, an eligible guard member must agree in writing to complete such member’s current service obligation in the Kansas national guard, plus three months service for each semester,
or part thereof, of assistance received have at least one year remaining on such member's enlistment contract at the beginning of any semester for which the member receives assistance under the program and must agree to serve actively in good standing with the Kansas national guard for not less than 24 months upon completion of the last semester for which the member receives assistance under the program.

(2) Prior to becoming eligible for participation in the program, each eligible guard member shall submit the free application for federal student aid, and apply for any other federal tuition assistance that such member also may be eligible to receive.

(b) In order to remain eligible for participation in the program, an eligible guard member must remain in good standing at the Kansas educational institution where enrolled, make satisfactory progress toward completion of the requirements of the educational program in which enrolled, maintain a grade point average of not less than 2.0 and maintain satisfactory participation in the Kansas national guard. It shall be the responsibility of the eligible guard member to obtain a certificate from the member's commanding officer attesting to the member's satisfactory participation in the Kansas national guard and to present the certificate to the educational institution, in order to obtain a payment under this act. The certificate shall be presented at the time payment is requested for completed courses. Upon completion of each semester, each eligible guard member receiving assistance under the program shall submit a transcript of the credit hours earned, including the grades for credit hours, to such member's unit of assignment.

(c) Upon failure of any person, who as an eligible guard member received payments under the Kansas national guard educational assistance act, to satisfy the agreement to continue service in the Kansas national guard as provided by subsection (a), such person shall pay to the state of Kansas an amount equal to the total amount received to be determined as follows:

1. Determine the total amount of assistance paid to such member under the program;

2. divide the amount determined under subsection (c)(1) by 24; and

3. multiply the amount determined under subsection (c)(2) by the number of months such member did not serve as required by subsection (a). The resulting product is the total amount of recoupment from such member.

All amounts paid to the state under this subsection shall be deposited in the state treasury and credited to the Kansas national guard educational assistance program repayment fund created by K.S.A. 74-32,150, and amendments thereto.

(d) Any eligible guard member that received payments under the program but has failed to satisfy the agreement to continue service in the Kansas national guard as provided by subsection (a) by reason of exten-
uating circumstances or extreme hardship may request a waiver from recoupment. Such request shall be in writing and submitted through such member’s chain of command to the Kansas national guard education services office. The chief of staff of the Kansas army national guard or the director of staff for the Kansas air national guard shall review all requests for a waiver from recoupment and the decision to issue such waiver shall be made by either officer as such officer deems appropriate.

Sec. 4. K.S.A. 74-32,148 and 74-32,149 and K.S.A. 2017 Supp. 74-32,146 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 4, 2018.

CHAPTER 37
HOUSE BILL No. 2524*

AN ACT concerning rights to a wireless telephone number; relating to protection from abuse.

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

Section 1. (a) For the purposes of this section:
(1) “Wireless services” means services as defined in K.S.A. 2017 Supp. 66-2019(a)(19), and amendments thereto;
(2) “wireless services provider” means a provider or reseller of wireless services, as defined in K.S.A. 2017 Supp. 66-2019(a)(24), and amendments thereto.

(b) At a hearing on a petition filed pursuant to the protection from abuse act, K.S.A. 60-3101 et seq., and amendments thereto, or the protection from stalking or sexual assault act, K.S.A. 60-31a01 et seq., and amendments thereto, in order to ensure that the petitioner may maintain an existing wireless telephone number and the wireless numbers of any minor children in the care of the petitioner, the court may issue an order directing a wireless services provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner if the petitioner is not the account holder. The clerk of the court shall supply the forms for the petition and order, which shall be prescribed by the judicial council.

(c) (1) The order transferring billing responsibility for and rights to the wireless telephone number or numbers to a petitioner shall be a separate order that is directed to the wireless services provider. The order shall list:
(A) The name and billing telephone number of the account holder;
(B) the name and contact information of the person to whom the telephone number or numbers will be transferred; and

(C) each telephone number to be transferred to the petitioner.

(2) When an order issued under this section is made in conjunction with a petition filed under the protection from stalking or sexual assault act, K.S.A. 60-31a01 et seq., and amendments thereto, the court shall ensure the petitioner’s address and telephone number are not disclosed to the account holder. When an order issued under this section is made in conjunction with a petition filed under the protection from abuse act, K.S.A. 60-3101 et seq., and amendments thereto, and the court finds the petitioner’s address, telephone number, or both, need to remain confidential pursuant to K.S.A. 60-3104(c), and amendments thereto, the court shall direct that the petitioner’s information remain confidential.

(3) The order shall be served on the wireless services provider’s agent for service of process listed with the secretary of state.

(4) The wireless services provider shall notify the petitioner if the wireless services provider cannot operationally or technically effectuate the order due to circumstances including, but not limited to:

(A) The account holder has already terminated the account;

(B) differences in network technology prevent the functionality of a device on the network; or

(C) geographic or other limitations on network or service availability.

(d) (1) Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers to a petitioning party pursuant to subsection (b), the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers, monthly service costs and costs for any wireless device associated with the wireless telephone number or numbers.

(2) This section shall not prohibit a wireless services provider from applying any routine and customary requirements for account establishment to the petitioner as part of the transfer of billing responsibility for a wireless telephone number or numbers and any devices attached to that number or numbers, including, but not limited to, identification, financial information and customer preferences. The wireless services provider shall not charge a fee for the services provided pursuant to this section.

(e) This section shall not affect the ability of the court to apportion the assets and debts of the petitioner and account holder or the ability to determine the temporary use, possession and control of personal property pursuant to K.S.A. 23-2802, and amendments thereto.

(f) Notwithstanding any other provision of law, no wireless services provider, its officers, employees, assigns or agents shall be liable for civil damages or criminal liability in connection with compliance with any order issued pursuant to this section or for any failure to process any order issued pursuant to this section.
(g) Any wireless services provider operating in the state of Kansas shall adhere to a court order issued pursuant to this act.

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

Approved April 5, 2018.

CHAPTER 38

HOUSE BILL No. 2590

AN ACT concerning the state long-term care ombudsman; review by secretary for aging and disability services of the state long-term care ombudsman program; access to certain records; amending K.S.A. 2017 Supp. 75-7302, 75-7303, 75-7304, 75-7306, 75-7309 and 75-7310 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 75-7302 is hereby amended to read as follows: 75-7302. (a) The secretary for aging and disability services and the state long-term care ombudsman shall enter into agreements for the provision of financial assistance to the office by the Kansas department for aging and disability services from available state and federal funds of the Kansas department for aging and disability services. This financial assistance shall be to assist the office of the state long-term care ombudsman to provide ombudsman services in accordance with the long-term care ombudsman act, applicable federal programs and the provisions of this section.

(b) The secretary for aging and disability services shall monitor the state long-term care ombudsman program and its activities as set forth in the agreement. Such monitoring shall include an assessment of whether the state long-term care ombudsman program is performing all of the functions, responsibilities and duties set out in state and federal laws and regulations.

(c) Subject to the provisions of appropriation acts, the secretary for aging and disability services and the Kansas department for aging and disability services shall continue to provide financial assistance for the office of the state long-term care ombudsman in an aggregate amount of not less than the aggregate of the amounts provided during the fiscal year ending June 30, 1998, appropriately adjusted for increases attributable to inflation and other applicable factors.

(d) For the fiscal year ending June 30, 2000, and for each fiscal year thereafter, the secretary for aging and disability services shall include in the budget estimate prepared and submitted to the division of the budget for the Kansas department for aging and disability services under K.S.A. 75-3717, and amendments thereto, in addition to other amounts...
included in such budget estimate for the Kansas department for aging and disability services, amounts to be provided to the office of the state long-term care ombudsman during such fiscal year pursuant to this section. The amounts included in each such budget estimate to be provided to the office of the state long-term care ombudsman shall include amounts to be appropriated from moneys provided to the Kansas department for aging and disability services under the federal older Americans act, 42 U.S.C. § 3001 et seq., and amendments thereto, or other federal programs for the aging or from other moneys of the Kansas department for aging and disability services. In no case shall the aggregate of the amounts included in any such budget estimate of the Kansas department for aging and disability services, that are to be provided to the office of the state long-term care ombudsman, be less than the aggregate of all moneys provided during the fiscal year ending June 30, 1998, by the Kansas department for aging and disability services for the office of the state long-term care ombudsman from appropriations to the Kansas department for aging and disability services, including moneys received under the federal older Americans act, 42 U.S.C. § 3001 et seq., and amendments thereto, or under any other federal programs for the aging. The aggregate amounts included in each such budget estimate of the Kansas department for aging and disability services, that are to be provided to the office of the state long-term care ombudsman, shall be adjusted appropriately for increases attributable to inflation and other applicable factors.

Sec. 2. K.S.A. 2017 Supp. 75-7303 is hereby amended to read as follows: 75-7303. As used in the long-term care ombudsman act:

(a) “Ombudsman” means the state long-term care ombudsman, any regional long-term care ombudsman or any individual designated as an ombudsman under subsection (h) of K.S.A. 2017 Supp. 75-7306(h), and amendments thereto, who has received the training required under subsection (f) of K.S.A. 2017 Supp. 75-7306(f), and amendments thereto, and who has been designated by the state long-term care ombudsman to carry out the powers, duties and functions of the office of the state long-term care ombudsman.

(b) “Volunteer ombudsman” means an individual who has satisfactorily completed the training prescribed by the state long-term care ombudsman under subsection (f) of K.S.A. 2017 Supp. 75-7306(f), and amendments thereto, who is a volunteer assisting in providing ombudsman services and who receives no payment for such service other than reimbursement for expenses incurred in accordance with guidelines adopted therefor by the state long-term care ombudsman.

(c) “Facility” means an adult care home as such term is defined in K.S.A. 39-923, and amendments thereto, except that facility does not include any nursing facility for mental health or any intermediate care
facility for people with intellectual disability, as such terms are defined in K.S.A. 39-923, and amendments thereto.

(d) “Resident” means a resident as such term is defined in K.S.A. 39-923, and amendments thereto.

(e) “State long-term care ombudsman” means the individual appointed by the governor to administer the office of the state long-term care ombudsman.

(f) “Regional long-term care ombudsman” means an individual appointed by the state long-term care ombudsman under K.S.A. 2017 Supp. 75-7304, and amendments thereto.

(g) “Office” means the office of the state long-term care ombudsman.

(h) “Conflict of interest” means: (1) Having a pecuniary or other interest in a facility, but not including interests that result only from having a relative who is a resident or from being the guardian of a resident; (2) being actively employed or otherwise having active involvement in representation of or advocacy for any facility or group of facilities, whether or not such representation or advocacy is individual or through an association or other entity, but not including any such active involvement that results only from having a relative who is a resident or from being the guardian of a resident; or (3) being employed by or having an active association with any entity that represents any resident or group of residents, including any area agency on aging, but not including any such active association that results only from having a relative who is a resident or from being the guardian of a resident; or (4) receipt of gifts, gratuities, money or compensation from a long-term care facility, its management, a resident or the resident’s representative, in which the ombudsman or ombudsman’s representative provides services.

(i) “Resident representative” means:

(1) An individual chosen by the resident to act on behalf of the resident in order to support the resident in decision-making; access medical, social or other personal information of the resident; manage financial matters; or receive notifications;

(2) a person authorized by state or federal law, including, but not limited to, agents under power of attorney, representative payees and other fiduciaries, to act on behalf of the resident in order to support the resident in decision-making; access medical, social or other personal information of the resident; manage financial matters; or receive notifications;

(3) the resident’s legal representative, as used in the older Americans act; or

(4) the court-appointed guardian or conservator of a resident.

Nothing in the definition of “resident representative” shall be construed to expand the scope of authority of any resident representative beyond that authority specifically authorized by the resident, state or federal law or a court of competent jurisdiction.
Sec. 3. K.S.A. 2017 Supp. 75-7304 is hereby amended to read as follows: 75-7304. (a) On the effective date of this act, the office of the state long-term care ombudsman in existence on the day preceding such effective date is hereby abolished and there is hereby established the office of the state long-term care ombudsman, the head of which shall be the state long-term care ombudsman. In performance of the powers, duties and functions prescribed by law, the office shall be an independent state agency. The state long-term care ombudsman shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. The term of office of the first person appointed as the state long-term care ombudsman on or after the effective date of this act shall expire on January 15, 2000, and such state long-term care ombudsman shall serve until a successor is appointed and confirmed. Thereafter, each person appointed as the state long-term care ombudsman shall have a term of office of four years and shall serve until a successor is appointed and confirmed. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as state long-term care ombudsman shall exercise any power, duty or function as state long-term care ombudsman until confirmed by the senate.

(b) The state long-term care ombudsman shall appoint each regional long-term care ombudsman and all officers and employees of the office of state long-term care ombudsman. Each regional long-term care ombudsman and all such officers and employees shall be within the classified service under the Kansas civil service act.

(c) In accordance with the provisions of this act, the state long-term care ombudsman shall administer the office of the state long-term care ombudsman.

(d) No person shall be eligible to be appointed to, or to hold, the office of state long-term care ombudsman if such person is subject to a conflict of interest or has been employed by or participated in the management of a long-term care facility within the previous 12-month period of time. No person shall be eligible for appointment as the state long-term care ombudsman unless such person has:

1. A baccalaureate or higher degree from an accredited college or university;
2. Demonstrated abilities to analyze problems of law, administration and public policy; and
3. Experience in investigation, negotiation and conflict resolution procedures;
4. Demonstrated expertise in long-term care services and supports or other direct services for older persons or individuals with disabilities; and
5. Demonstrated expertise in leadership and program management skills.

(e) (1) On the effective date of this act, all of the powers, duties, functions, records and property of the office of the state long-term care
ombudsman abolished by this section, which are prescribed for the office of the state long-term care ombudsman by this act, are hereby transferred to and conferred and imposed upon the office of the state long-term care ombudsman that is established by this section, except as is otherwise specifically provided by this act. On the effective date of this act, all of the powers, duties, functions, records and property of the secretary of aging or the department on aging, which relate to or are required for the performance of powers, duties or functions which are prescribed for the office of the state long-term care ombudsman or the state long-term care ombudsman by this act, including the power to expend funds now or hereafter made available in accordance with appropriation acts, are hereby transferred to and conferred and imposed upon the office of the state long-term care ombudsman and the state long-term care ombudsman that are established by this section, except as is otherwise specifically provided by this act.

(2) The office of the state long-term care ombudsman established by this section shall be the successor in every way to the powers, duties and functions of the office of the state long-term care ombudsman, the secretary of aging, or the department on aging in which such powers, duties and functions were vested prior to the effective date of this act, except as otherwise specifically provided by this act. Every act performed under the authority of the office of the state long-term care ombudsman established by this act shall be deemed to have the same force and effect as if performed by the office of the state long-term care ombudsman, the secretary of aging or the department on aging in which such powers, duties and functions were vested prior to the effective date of this act.

(3) Subject to the provisions of this act, whenever the office of the state long-term care ombudsman that is abolished by this act or the secretary on aging or the department on aging, or words of like effect, is referred to or designated by a statute, contract, or other document, and such reference or designation relates to a power, duty or function which is transferred to and conferred and imposed upon the office of the state long-term care ombudsman that is established by this act, such reference or designation shall be deemed to apply to the office of the state long-term care ombudsman established by this act.

(4) All policies, orders or directives of the office of the state long-term care ombudsman that is abolished by this act and all policies, orders or directives of the secretary of aging, which are in existence on the effective date of this act and which relate to powers, duties and functions that were vested in such office of the state long-term care ombudsman or the secretary of aging prior to such date, shall continue to be effective and shall be deemed to be the policies, orders or directives of the state long-term care ombudsman established by this act, until revised, amended or revoked or nullified pursuant to law. The office of the state long-term care ombudsman established by this act shall be deemed to be
a continuation of the office of the state long-term care ombudsman abolished by this act.

(5) (A) The state long-term care ombudsman and the secretary of administration shall provide that all officers and employees of the department on aging, who are engaged in the exercise and performance of the powers, duties and functions of the programs of the office of the state long-term care ombudsman that are transferred by this act, are transferred to the office of the state long-term care ombudsman established by this section.

(B) Officers and employees of the department on aging transferred under this act shall retain all retirement benefits and leave rights which had accrued or vested prior to each date of transfer. The service of each officer or employee so transferred shall be deemed to be continuous. All transfers, layoffs and abolition of classified service positions under the Kansas civil service act which may result from program transfers under this act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the department on aging prior to the date of transfer.

(C) If the state long-term care ombudsman and the secretary of aging cannot agree as to how any transfer of an officer or employee is to take place under this section, the state long-term care ombudsman and the secretary of administration shall be responsible for administering any layoff that is part of the transfer in accordance with this act.

(D) Notwithstanding the effective date of this act, the provisions of this act prescribing the transfer of officers and employees between the office of the state long-term care ombudsman established by this section and the department on aging, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 4. K.S.A. 2017 Supp. 75-7306 is hereby amended to read as follows: 75-7306. The state long-term care ombudsman shall be an advocate of residents in facilities throughout the state. The state long-term care ombudsman shall:

(a) Investigate and resolve complaints made by or on behalf of the residents:

(1) Relating to action, inaction or decisions of facilities or the representatives of facilities, or both providers, or representatives of providers, of long-term care, public agencies or health and social services agencies, except that all complaints of abuse, neglect or exploitation of a resident shall may be referred to the secretary for aging and disability services in accordance with provisions of K.S.A. 39-1401 et seq., and amendments thereto, with the resident or resident’s representative’s consent or as permitted by federal law; or
(2) regarding the welfare and rights of residents with respect to the appointment or activities of resident representatives;

(b) develop continuing programs to inform residents, their family members or other persons responsible for residents regarding the rights and responsibilities of residents and such other persons;

(c) provide the legislature and the governor with an annual report containing data, findings and outcomes regarding the types of problems experienced and complaints received by or on behalf of residents and containing policy, regulatory and legislative recommendations to solve such problems, resolve such complaints and improve the quality of care and life in facilities and shall present such report and other appropriate information and recommendations to the senate committee on public health and welfare, the senate committee on ways and means, the house of representatives committee on health and human services and the house of representatives committee on appropriations during each regular session of the legislature;

(d) analyze and monitor the development and implementation of federal, state and local government laws, rules and regulations, resolutions, ordinances and policies with respect to long-term care facilities and services provided in this state, and recommend any changes in such laws, regulations, resolutions, ordinances and policies deemed by the office to be appropriate;

(e) provide information and recommendations directly to news to public and private agencies, the media representatives, public agencies, legislators and others, as deemed necessary by the office, regarding the problems and concerns of residents in facilities, including recommendations related thereto, except that The state long-term care ombudsman shall may give the information or recommendations to any directly affected parties public and private agency or legislator or their representatives before providing such information or recommendations to news media representatives;

(f) prescribe and provide for the training of each regional long-term care ombudsman and any individual designated as an ombudsman under subsection (h) of this section, and any individual who is an ombudsman volunteer in: (1) Federal, state and local laws, rules and regulations, resolutions, ordinances and policies with respect to facilities located in Kansas; (2) investigative techniques; and (3) such other matters as the state long-term care ombudsman deems appropriate;

(g) coordinate ombudsman services provided by the office with the protection and advocacy systems for individuals with developmental disabilities and mental illness established under part A of the federal developmental disabilities assistance and bill of rights act, 42 U.S.C.A. § 6001 et seq., and under the federal protection and advocacy for mentally ill individuals act of 1986, public law 99-316;

(h) authorize an individual, who is an employee of the office and who
has satisfactorily completed the training prescribed by the state long-term care ombudsman under subsection (f), to be an ombudsman or a volunteer ombudsman and to be a representative of the office and such an authorized individual shall be deemed to be a representative of the office for the purposes of and subject to the provisions of the long-term care ombudsman act;

(i) establish and maintain a system to recruit and train individuals to become volunteer ombudsmen;

(j) develop and implement procedures for authorizing and for withdrawing the authorization of individuals to be ombudsmen or volunteer ombudsmen to represent the office in providing ombudsmen services;

(k) provide services to residents of facilities throughout the state directly or through service providers to meet needs for ombudsmen services;

(l) collaborate with the Kansas department for aging and disability services to establish a review and maintain the statewide system to collect and analyze information on complaints and conditions in facilities; and

(m) perform such other duties and functions as may be provided by law.

Sec. 5. K.S.A. 2017 Supp. 75-7309 is hereby amended to read as follows: 75-7309. (a) With the consent of the resident of the facility, guardian of the resident representative or next of kin of a deceased resident, an ombudsman shall have access to all records and documents kept for or concerning the resident.

(b) An ombudsman shall have access to all records and documents kept for or concerning a resident (1) in any case in which the resident is unable to consent and has no guardian there is no resident representative, and (2) in a case in which (A) access to the records and documents is necessary to investigate a complaint, (B) the resident is unable to consent and the guardian of the resident representative refuses to give permission for such access, (C) the investigating ombudsman has reasonable cause to believe that the guardian resident representative is not acting in the best interests of the resident, and (D) the state long-term care ombudsman has approved such access by the investigating ombudsman.

(c) In addition, in assisting a resident of a facility, an ombudsman or volunteer ombudsman shall have access to all administrative records, policies and documents of the facility which the residents have or the general public has access to that are relevant to such assistance to the extent necessary to carry out the provisions of the long-term care ombudsman act.

(d) A volunteer ombudsman shall have access to the plan of care and other records or documents kept for or concerning the resident to the same extent and under the same circumstances as an ombudsman under
this section, except that a volunteer ombudsman shall not have access to any such other records and documents that are privileged medical records.

Sec. 6. K.S.A. 2017 Supp. 75-7310 is hereby amended to read as follows: 75-7310. All information, records and reports received by or developed by an ombudsman or a volunteer ombudsman which relate to a resident of a facility, including written material identifying a resident or other complainant, are confidential and not subject to the provisions of K.S.A. 45-215 to through 45-226, inclusive, and amendments thereto, and shall not be disclosed or released by an ombudsman or a volunteer ombudsman, either by name of the resident or other complainant or of facts which allow the identity of the resident or other complainant to be inferred, except upon the order of a court or unless the resident or the resident’s legal representative or other complainant consents in writing to such disclosure or release by an ombudsman or a volunteer ombudsman, except the state long-term care ombudsman shall forward to the secretary for aging and disability services copies of reports received by the state long-term care ombudsman a quarterly summary report relating to the health and safety of residents, complaints reported and resolutions to complaints. A summary report and findings may be forwarded to the facility posted on the state long-term care ombudsman program website quarterly, exclusive of information or material that identifies residents or any other individuals.

Sec. 7. K.S.A. 2017 Supp. 75-7302, 75-7303, 75-7304, 75-7306, 75-7309 and 75-7310 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 5, 2018.
An authority established hereunder shall not be dissolved until all of its liabilities, bonds and other valid indebtedness have been paid in full or have been otherwise discharged. Provided further, however, That upon such dissolution, the city shall acquire the property of the authority subject to any leases or agreements duly and validly made by the authority.

(b) An authority created and established by the city of Pratt may be dissolved at any time by the city by adoption of an appropriate ordinance effecting the dissolution thereof. Upon such dissolution the city shall acquire the property of the authority subject to any leases or agreements duly made by the authority. The ordinance shall provide for the following:

(1) The provisions of the ordinance shall be deemed to be adequate for the payment or retirement of any authority debts or obligations. All property, funds and assets of the authority shall be vested in the city of Pratt.

On the effective date of the ordinance:
(A) All of the powers, duties and functions of the authority shall be transferred to and conferred and imposed upon the city of Pratt.
(B) All balances for all funds or accounts for the authority shall be transferred to the city of Pratt.
(C) All liabilities of the authority, including, without limitation, accrued compensation or salaries of officers and employees who are transferred to the city of Pratt under this ordinance, shall be assumed by the city of Pratt.
(D) All assets of the authority shall be vested in the city of Pratt.

(2) The city of Pratt shall be the successor in every way to the powers, duties and functions of the authority in which the same were vested prior to the effective date of the ordinance. Every act performed in the exercise of such transferred powers, duties and functions by the city, shall be deemed to have the same force and effect as if performed by the authority in which such powers, duties and functions were vested prior to the effective date of the ordinance.

(3) Whenever the airport authority, or words of like effect, are referred to or designated by a contract or other document and such reference is in regard to any of the powers, duties and functions transferred to the city of Pratt, such reference or designation shall be deemed to apply to the city as the context requires.

(4) The city of Pratt shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transactions, occurrence or event of the authority.

(5) The city of Pratt shall be the continuation of the authority. The city of Pratt shall make adequate provisions for the payment or retirement of all authority debts or obligations.
(6) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the authority prior to its dissolution or by or against any officer of the authority, prior to its dissolution in such officer’s official capacity or in relation to the discharge of such officer’s official duties, shall abate by reason of the governmental reorganization effected under the provisions of the ordinance. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of the authority or any officer affected.

(7) All officers and employees who, immediately prior to the effective date of the ordinance, were engaged in the performance of powers, duties or functions of the authority and who, in the opinion of the city of Pratt, are necessary to perform the powers, duties and functions of the city, shall be offered the opportunity to become officers and employees of the city.

Sec. 2. K.S.A. 27-325 is hereby repealed.

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

Approved April 5, 2018.
Published in the Kansas Register April 12, 2018.

CHAPTER 40
SENATE BILL No. 279

AN ACT concerning utilities; relating to the gas safety reliability surcharge, definitions; amending K.S.A. 2017 Supp. 66-2202, 66-2203 and 66-2204 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 66-2202 is hereby amended to read as follows: 66-2202. For the purposes of this act:

(a) “GSRS” means gas system reliability surcharge;

(b) “appropriate pretax revenues” means the revenues necessary to produce net operating income equal to:

(1) The natural gas public utility’s weighted cost of capital last approved by the commission multiplied by the net original cost of eligible infrastructure system replacements invested, including recognition of accumulated deferred income taxes and accumulated depreciation associated with eligible infrastructure system replacements which investments that are included in a currently effective GSRS;

(2) recover state, federal and local income or excise taxes associated to such income;

(3) recover depreciation expenses;
(c) “commission” means the state corporation commission;

(d) “eligible infrastructure system replacement investments” means natural gas public utility plant projects that:

1. Do not increase revenues by directly connecting the infrastructure replacement investments to new customers;
2. are in service and used and required to be used; and
3. were not included in the natural gas public utility’s rate base in its most recent general rate case;

(e) “natural gas public utility” shall have the same meaning respectively ascribed thereto by subsection (a) of K.S.A. 66-1,200(a), and amendments thereto;

(f) “natural gas utility plant projects” may consist only of the following:

1. Mains, meters, valves, service lines, regulator stations, vaults and other pipeline system components installed to replace, upgrade or modernize obsolete facilities, including, but not limited to, installation to comply with state or federal safety requirements as replacements for replacing existing facilities;
2. main relining projects, service line insertion projects, joint encapsulation projects and other similar projects extending the useful life or enhancing the integrity of pipeline system components including, but not limited to, projects undertaken to comply with state or federal safety requirements;
3. facility relocations required due to construction or improvement of a highway, road, street, public way or other public work by or on behalf of the United States, this state, a political subdivision of this state or another entity having the power of eminent domain provided that the costs related to such projects have not been reimbursed to the natural gas public utility;
4. system security costs including allocated corporate costs incurred by a natural gas public utility; and
5. investments made in accordance with the utility’s safety and risk management programs;

(g) “GSRS revenues” means revenues produced through a GSRS exclusive of revenues from all other rates and charges;

(h) “obsolete facility” means a facility: (1) Comprised of materials that are no longer produced or supported by the manufacturer; (2) that shows signs of physical deterioration; or (3) does not meet current safety codes or industry standards. “Obsolete facility” includes the cost-effective replacement of other facilities that are not considered obsolete when the replacement of such is done in conjunction with the replacement of an obsolete facility; and

(i) “system security” shall mean capital expenditures to protect a utility’s capital assets, including both physical assets and cyber assets, such
as networks, computers, servers, operating systems, storage, programs and data, from attack, damage or unauthorized use and access.

Sec. 2. K.S.A. 2017 Supp. 66-2203 is hereby amended to read as follows: 66-2203. (a) Notwithstanding any other provisions of chapter 66 of the Kansas Statutes Annotated, and amendments thereto, beginning July 1, 2006, a natural gas public utility providing gas service may file a petition and proposed rate schedules with the commission to establish or change GSRS rate schedules that will allow for the adjustment of the natural gas public utility’s rates and charges to provide for the recovery of costs for eligible infrastructure system replacements investments. The commission may not approve a GSRS to the extent it would produce total annualized GSRS revenues below the lesser of $1,000,000 or \( \frac{1}{2}\% \) of the natural gas public utility’s base revenue level approved by the commission in the natural gas public utility’s most recent general rate proceeding. The commission may not approve a GSRS to the extent it would produce total annualized GSRS revenues exceeding 10% 20% of the natural gas public utility’s base revenue level approved by the commission in the natural gas public utility’s most recent general rate proceeding. A GSRS and any future changes thereto shall be calculated and implemented in accordance with the provisions of K.S.A. 2017 Supp. 66-2202 through 66-2204, and amendments thereto. GSRS revenues shall be subject to a refund based upon a finding and order of the commission to the extent provided in subsections (e) and (h) of K.S.A. 2017 Supp. 66-2204(e) and (h), and amendments thereto.

(b) The commission shall not approve a GSRS for any natural gas public utility that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past 60 months, unless the natural gas public utility has filed for or is the subject of a new general rate proceeding.

(c) In no event shall a natural gas public utility collect a GSRS for a period exceeding 60 months unless the natural gas public utility has filed for or is the subject of a new general rate proceeding; except that the GSRS may be collected until the effective date of new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established.

(d) Notwithstanding the 60-month filing deadlines in subsections (b) and (c), upon motion by a natural gas public utility, the commission may extend the 60-month deadline in subsections (b) and (c) for a period of up to 12 months as the commission determines reasonable or necessary.

Sec. 3. K.S.A. 2017 Supp. 66-2204 is hereby amended to read as follows: 66-2204. (a) At the time that a natural gas public utility files a petition with the commission seeking to establish or change a GSRS, it shall submit proposed GSRS rate schedules and its supporting documen-
tation regarding the calculation of the proposed GSRS with the petition and shall serve commission staff and the citizens utility ratepayer board with a copy of its petition, its proposed rate schedules and its supporting documentation.

(b) (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of K.S.A. 2017 Supp. 66-2202 through 66-2204, and amendments thereto, the commission shall conduct an examination of the proposed GSRS;

(2) the staff of the commission shall examine information of the natural gas public utility to confirm that the underlying costs are in accordance with the provisions of K.S.A. 2017 Supp. 66-2202 through 66-2204, and amendments thereto, and to confirm proper calculation of the proposed charge. The staff shall submit a report regarding its examination to the commission not later than 60 days after the petition is filed. No other revenue requirement or ratemaking issues may be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of K.S.A. 2017 Supp. 66-2202 and 66-2204, and amendments thereto;

(3) the commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than 120 days after the petition is filed; and

(4) if the commission finds that a petition complies with the requirements of K.S.A. 2017 Supp. 66-2202 through 66-2204, and amendments thereto, the commission shall enter an order authorizing the natural gas public utility to impose a GSRS that is sufficient to recover appropriate pretax revenue, as determined by the commission pursuant to the provisions of K.S.A. 2017 Supp. 66-2202 through 66-2204, and amendments thereto.

(c) A natural gas utility may effectuate a change in its rate pursuant to the provisions of this section no more often than once every 12 months.

(d) In determining the appropriate pretax revenue, the commission shall consider only the following factors:

(1) The net original cost of eligible infrastructure system replacements investments. The net original cost shall be defined as the original cost of eligible infrastructure system replacements investments less associated retirements of existing infrastructure;

(2) the accumulated deferred income taxes associated with the eligible infrastructure system replacements investments, as adjusted to comply with internal revenue service regulations;

(3) the accumulated depreciation associated with the eligible infrastructure system replacements investments;

(4) the current state, federal and local income tax or excise rates;

(5) the natural gas public utility's actual regulatory capital structure as determined during the most recent general rate proceeding of the natural gas public utility;
(6) the actual cost rates for the natural gas public utility’s debt and preferred stock as determined during the most recent general rate proceeding of the natural gas public utility;

(7) the natural gas public utility’s cost of common equity as determined during the most recent general rate proceeding of the natural gas public utility;

(8) the current depreciation rates applicable to the eligible infrastructure system replacements investments; and

(9) in the event information pursuant to paragraphs (5), (6) and (7) are unavailable and the commission is not provided with such information on an agreed-upon basis, the commission shall utilize the average of the recommendations contained in the testimony submitted by the natural gas public utility and commission staff during the most recent general rate proceeding of the natural gas public utility to determine the capital structure, recommended cost rates for debt and preferred stock and recommended cost of common equity to determine the average weighted cost of capital.

(e) (1) The monthly GSRS charge shall be allocated among the natural gas public utility’s classes of customers in the same manner as costs for the same type of facilities was allocated among classes of customers in the natural gas public utility’s most recent general rate proceeding. If that allocation is not available or determinable, the commission shall utilize the average of the recommendations contained in the testimony submitted by the natural gas public utility and the commission staff regarding class allocation of costs. A GSRS shall be charged to customers as a monthly fixed charge and not based on volumetric consumption. Such monthly charge shall not increase more than $0.40 $0.80 per residential customer over the base rates in effect for the initial filing of a GSRS. Thereafter, each filing shall not increase the monthly charge more than $0.40 $0.80 per residential customer over the most recent filing of a GSRS;

(2) at the end of each twelve-month calendar period the GSRS is in effect, the natural gas public utility shall reconcile the differences between the revenues resulting from a GSRS and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed GSRS adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustments of the GSRS charge.

(f) (1) A natural gas public utility that has implemented a GSRS pursuant to the provisions of K.S.A. 2017 Supp. 66-2202 through 66-2204, and amendments thereto, shall file revised rate schedules to reset the GSRS to zero when new base rates and charges become effective for the natural gas public utility following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility’s base rates, subject to subsections (h) and (i), eligible costs previously reflected in the currently effective GSRS; and
(2) upon the inclusion in a natural gas public utility’s base rates subject to subsections (h) and (i) of eligible costs previously reflected in a GSRS, the natural gas public utility shall immediately thereafter reconcile any previously unreconciled GSRS revenues as necessary to ensure that revenues resulting from the GSRS match as closely as possible the appropriate pretax revenues as found by the commission for that period.

(g) A natural gas public utility’s filing of a petition or change to a GSRS pursuant to the provisions of K.S.A. 2017 Supp. 66-2202 through 66-2204, and amendments thereto, shall not be deemed to be a rate increase for purposes of K.S.A. 66-117, and amendments thereto.

(h) Commission approval of a petition, and any associated rate schedules, to establish or change a GSRS pursuant to the provisions of K.S.A. 2017 Supp. 66-2202 through 66-2204, and amendments thereto, shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system replacements investments during a subsequent general rate proceeding when the commission may undertake to review the reasonableness and prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system replacements investments previously included in a GSRS, the natural gas public utility shall offset its GSRS in the future as necessary to recognize and account for any such over collections.

(i) Nothing in this section shall be construed as limiting the authority of the commission to review and consider the costs of infrastructure system replacement costs investments, along with other costs, during any general rate proceeding of any natural gas public utility.

Sec. 4. K.S.A. 2017 Supp. 66-2202, 66-2203 and 66-2204 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after January 1, 2019, and its publication in the statute book.

Approved April 5, 2018.

CHAPTER 41

HOUSE BILL No. 2516*

AN ACT concerning civil actions; relating to immunity from liability; unattended persons and animals.

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

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

(1) “Domestic animal” means a dog, cat or other animal that is domesticated and may be kept as a household pet. “Domestic animal” does
not include livestock, as defined in K.S.A. 47-1001, and amendments thereto, or other farm animals.

(2) “Motor vehicle” means the same as specified in K.S.A. 8-126, and amendments thereto.

(3) “Vulnerable person” means an adult whose ability to perform the normal activities of daily living or to provide for such adult’s own care or protection is impaired or a minor.

(b) A person who enters a motor vehicle, by force or otherwise, for the purpose of removing a vulnerable person or domestic animal is immune from civil liability for damage to the motor vehicle if such person:

(1) Determines the motor vehicle is locked or there is otherwise no reasonable method for the vulnerable person or domestic animal to exit the motor vehicle without assistance;

(2) has a good faith and reasonable belief, based upon known circumstances, that entry into the motor vehicle is necessary because the vulnerable person or domestic animal is in imminent danger of suffering harm;

(3) ensures that law enforcement is notified or calls 911 before entering the motor vehicle or immediately thereafter;

(4) uses no more force to enter the motor vehicle and remove the vulnerable person or domestic animal than is necessary; and

(5) remains with the vulnerable person or domestic animal in a safe location, in reasonable proximity to the motor vehicle, until law enforcement or a first responder arrives.

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

Approved April 5, 2018.

CHAPTER 42
HOUSE BILL No. 2496


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

New Section 1. This section shall be known and may be cited as the nurse licensure compact.
Nurse Licensure Compact

ARTICLE I
FINDINGS AND DECLARATION OF PURPOSE
(a) The legislature of the state of Kansas finds that:
(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;
(2) violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;
(3) the expanded mobility of nurses and the use of advanced communication technologies as part of our nation’s health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;
(4) new practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;
(5) the current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and
(6) uniformity of nurse licensure requirements among the states promotes public safety and public health benefits.
(b) The general purposes of this compact are to:
(1) Facilitate the states’ responsibility to protect the public’s health and safety;
(2) ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;
(3) facilitate the exchange of information among party states in the areas of nurse regulation, investigation and adverse actions;
(4) promote compliance with the laws governing the practice of nursing in each jurisdiction;
(5) invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party-state licenses;
(6) decrease redundancies in the consideration and issuance of nurse licenses; and
(7) provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE II
DEFINITIONS
As used in this compact:
(a) “Adverse action” means any administrative, civil, equitable or criminal action permitted by a state’s laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual’s license or multistate licensure privilege, such as revocation, sus-
pension, probation, monitoring of the licensee, limitation on the licensee’s practice, or any other encumbrance on licensure affecting a nurse’s authorization to practice, including issuance of a cease and desist action.

(b) “Alternative program” means a nondisciplinary monitoring program approved by a licensing board.

(c) “Commission” means the interstate commission of nurse licensure compact administrators.

(d) “Coordinated licensure information system” means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

(e) “Current significant investigative information” means:

(1) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(2) investigative information that indicates that the nurse represents an immediate threat to public health and safety, regardless of whether the nurse has been notified and had an opportunity to respond.

(f) “Encumbrance” means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

(g) “Home state” means the party state that is the nurse’s primary state of residence.

(h) “Licensing board” means a party state’s regulatory body responsible for issuing nurse licenses.

(i) “LPN/VN” means a licensed practical/vocational nurse.

(j) “Multistate license” means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

(k) “Multistate licensure privilege” means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.

(l) “Nurse” means RN or LPN/VN, as those terms are defined by each party state’s practice laws.

(m) “Party state” means any state that has adopted this compact.

(n) “Remote state” means a party state, other than the home state.

(o) “RN” means a registered nurse.

(p) “Single-state license” means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

(q) “State” means a state, territory or possession of the United States and the District of Columbia.
(r) “State practice laws” means a party state’s laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

ARTICLE III
GENERAL PROVISIONS AND JURISDICTION

(a) A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as an RN or as an LPN/VN, under a multistate licensure privilege, in each party state.

(b) A state must implement procedures for considering the criminal history records of applicants for an initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records.

(c) Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

1. Has met the home state’s qualifications for licensure or renewal of licensure, as well as all other applicable state laws;
2. (A) has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program; or
   (B) has graduated from a foreign RN or LPN/VN prelicensure education program that: (i) Has been approved by the authorized accrediting body in the applicable country; and (ii) has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;
3. has, if a graduate of a foreign prelicensure education program, not taught in English or, if English is not the individual’s native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening;
4. has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized predecessor, as applicable;
5. is eligible for or holds an active unencumbered license;
6. has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the federal bureau of investigation and the Kansas bureau of investigation;
7. has not been convicted or found guilty or has entered into an
agreed disposition of a felony offense under applicable state or federal
criminal law;

(8) has not been convicted or found guilty or has entered into an
agreed disposition of a misdemeanor offense related to the practice of
nursing as determined on a case-by-case basis;

(9) is not currently enrolled in an alternative program;

(10) is subject to self-disclosure requirements regarding current par-
ticipation in an alternative program; and

(11) has a valid United States social security number.

d) All party states shall be authorized, in accordance with existing
state due process law, to take adverse action against a nurse’s multistate
licensure privilege, such as revocation, suspension, probation or any other
action that affects a nurse’s authorization to practice under a multistate
licensure privilege, including cease and desist actions. If a party state takes
such action, it shall promptly notify the administrator of the coordinated
licensure information system. The administrator of the coordinated licen-
sure information system shall promptly notify the home state of any such
actions by remote states.

e) A nurse practicing in a party state must comply with the state
practice laws of the state in which the client is located at the time service
is provided. The practice of nursing is not limited to patient care, but
shall include all nursing practice as defined by the state practice laws of
the party state in which the client is located. The practice of nursing in a
party state under a multistate licensure privilege will subject a nurse to
the jurisdiction of the licensing board, the courts and the laws of the party
state in which the client is located at the time service is provided.

f) Individuals not residing in a party state shall continue to be able
to apply for a party state’s single-state license as provided under the laws
of each party state. However, the single-state license granted to these
individuals will not be recognized as granting the privilege to practice
nursing in any other party state. Nothing in this compact shall affect the
requirements established by a party state for the issuance of a single-state
license.

g) Any nurse holding a home state multistate license on the effective
date of this compact may retain and renew the multistate license issued
by the nurse’s then-current home state, provided that:

(1) A nurse who changes such nurse’s primary state of residence after
this compact’s effective date must meet all applicable article III(c)
requirements to obtain a multistate license from a new home state.

(2) A nurse who fails to satisfy the multistate licensure requirements
in article III(c) due to a disqualifying event occurring after this compact’s
effective date shall be ineligible to retain or renew a multistate license,
and the nurse’s multistate license shall be revoked or deactivated in ac-
cordance with applicable rules adopted by the commission.
ARTICLE IV
APPLICATIONS FOR LICENSURE IN A PARTY STATE

(a) Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.

(b) A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

(c) If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the commission.

(1) The nurse may apply for licensure in advance of a change in primary state of residence.

(2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

(d) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

ARTICLE V
ADDITIONAL AUTHORITIES INVESTED IN PARTY-STATE LICENSING BOARDS

(a) In addition to the other powers conferred by state law, a licensing board shall have the authority to:

(1) Take adverse action against a nurse’s multistate licensure privilege to practice within that party state:

(A) Only the home state shall have the power to take adverse action against a nurse’s license issued by the home state; and

(B) for purposes of taking adverse action, the home-state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action;

(2) issue cease and desist orders or impose an encumbrance on a nurse’s authority to practice within that party state;

(3) complete any pending investigations of a nurse who changes pri-
mary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate actions and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(4) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located;

(5) obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the federal bureau of investigation for criminal background checks, receive the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions;

(6) if otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse; and

(7) take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.

(b) If adverse action is taken by the home state against a nurse’s multistate license, the nurse’s multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home-state disciplinary orders that impose adverse action against a nurse’s multistate license shall include a statement that the nurse’s multistate licensure privilege is deactivated in all party states during the pendency of the order.

(c) Nothing in this compact shall override a party state’s decision that participation in an alternative program may be used in lieu of adverse action. The home-state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse’s participation in an alternative program.

ARTICLE VI
COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION

(a) All party states shall participate in a coordinated licensure information system of all licensed RNs and LPNs/VNs. This system will in-
clude information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

(b) The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this compact.

(c) All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications, with the reasons for such denials, and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

(d) Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party-state licensing boards.

(e) Notwithstanding any other provision of law, all party-state licensing boards contributing information to the coordinated licensure information system may designate information, which may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

(f) Any personally identifiable information obtained from the coordinated licensure information system by a party-state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

(g) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

(h) The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:

1. Identifying information;
2. Licensure data;
3. Information related to alternative program participation; and
4. Other information that may facilitate the administration of this compact, as determined by commission rules.

(i) The compact administrator of a party state shall provide all investigatory documents and information requested by another party state.
ARTICLE VII
ESTABLISHMENT OF THE INTERSTATE COMMISSION
OF NURSE LICENSURE COMPACT ADMINISTRATORS

(a) The party states hereby create and establish a joint public entity known as the interstate commission of nurse licensure compact admin-

(1) The commission is an instrumentality of the party states.
(2) Venue is proper, and judicial proceedings by or against the com-
mission shall be brought solely and exclusively in a court of competent
jurisdiction where the principal office of the commission is located. The
commission may waive venue and jurisdictional defenses to the extent it
adopts or consents to participate in alternative dispute resolution pro-
ceedings.
(3) Nothing in this compact shall be construed to be a waiver of sov-
ereign immunity.

(b) Membership, voting and meetings:
(1) Each party-state shall have and be limited to one administrator. The
head of the state licensing board or designee shall be the adminis-
trator of this compact for each party state. Any administrator may be
removed or suspended from office as provided by the laws of the state
from which the administrator is appointed. Any vacancy occurring in the
commission shall be filled in accordance with the laws of the party state
in which the vacancy exists.
(2) Each administrator shall be entitled to one vote with regard to
the promulgation of rules and creation of bylaws and shall otherwise have
an opportunity to participate in the business and affairs of the commis-
sion. An administrator shall vote in person or by such other means as
provided in the bylaws. The bylaws may provide for an administrator’s
participation in meetings by telephone or other means of communication.
(3) The commission shall meet at least once during each calendar
year. Additional meetings shall be held as set forth in the bylaws or rules
of the commission.
(4) All meetings shall be open to the public, and public notice of
meetings shall be given in the same manner as required under the rule-
making provisions in article VIII of this compact.
(5) The commission may convene in a closed, nonpublic meeting if
the commission must discuss:
(A) Noncompliance of a party state with its obligations under this
compact;
(B) the employment, compensation, discipline or other personnel
matters, practices or procedures related to specific employees or other
matters related to the commission’s internal personnel practices and pro-
cedures;
(C) current, threatened or reasonably anticipated litigation;
(D) negotiation of contracts for the purchase or sale of goods, services or real estate;

(E) accusing any person of a crime or formally censuring any person;

(F) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) disclosure of investigatory records compiled for law enforcement purposes;

(I) disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or

(J) matters specifically exempted from disclosure by federal or state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission’s legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(c) The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact, including, but not limited to:

(1) Establishing the fiscal year of the commission;

(2) providing reasonable standards and procedures:

(A) For the establishment and meetings of other committees; and

(B) governing any general or specific delegation of any authority or function of the commission;

(3) providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public’s interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

(4) establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;
(5) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and

(6) providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations.

(d) The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the commission.

(e) The commission shall maintain its financial records in accordance with the bylaws.

(f) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(g) The commission shall have the following powers:

(1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;

(2) to bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;

(3) to purchase and maintain insurance and bonds;

(4) to borrow, accept or contract for services of personnel, including, but not limited to, employees of a party state or nonprofit organizations;

(5) to cooperate with other organizations that administer state compacts related to the regulation of nursing, including, but not limited to, sharing administrative or staff expenses, office space or other resources;

(6) to hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission’s personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(7) to accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(8) to lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, whether real, personal or mixed, provided that at all times the commission shall avoid any appearance of impropriety;

(9) to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;

(10) to establish a budget and make expenditures;
(11) to borrow money;
(12) to appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons;
(13) to provide and receive information from, and to cooperate with, law enforcement agencies;
(14) to adopt and use an official seal; and
(15) to perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.

(h) Financing of the commission:

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities;
(2) the commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states;
(3) the commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the commission pledge the credit of any of the party states, except by and with the authority of such party state; and
(4) the commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(i) Qualified immunity, defense and indemnification:

(1) The administrators, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.
(2) The commission shall defend any administrator, officer, executive
director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from that person’s intentional, willful or wanton misconduct and provided further that nothing herein shall be construed to prohibit that person from retaining such person’s own counsel.

(3) The commission shall indemnify and hold harmless any administrator, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

ARTICLE VIII
RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.

(b) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(c) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and
(2) on the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

(d) The notice of proposed rulemaking shall include:

(1) The proposed time, date and location of the meeting in which the rule will be considered and voted upon;
(2) the text of the proposed rule or amendment, and the reason for the proposed rule;
(3) a request for comments on the proposed rule from any interested person; and
(4) the manner in which interested persons may submit notice to the
commission of their intention to attend the public hearing and any written comments.

(e) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(f) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

(g) The commission shall publish the place, time and date of the scheduled public hearing.

(1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

(2) Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.

(h) If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this article shall be retroactively applied to the rule as soon as reasonably possible, and in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety or welfare;

(2) prevent a loss of commission or party state funds; or

(3) meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

(l) The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If
no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE IX
OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight:
(1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact’s purposes and intent.
(2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b) Default, technical assistance and termination:
(1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:
   (A) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and
   (B) provide remedial training and specific technical assistance regarding the default.
(2) If a state in default fails to cure the default, the defaulting state’s membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
(3) Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state and to the executive officer of the defaulting state’s licensing board and each of the party states.
(4) A state whose membership in this compact has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
(5) The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state.
(6) The defaulting state may appeal the action of the commission by
petitioning the U.S. District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(c) Dispute resolution:
(1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and non-party-states.
(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.
(3) In the event the commission cannot resolve disputes among party states arising under this compact:
   (A) The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.
   (B) The decision of a majority of the arbitrators shall be final and binding.

(d) Enforcement:
(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
(2) By majority vote, the commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.
(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE X
EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than 26 states or December 31, 2018. All party states to this compact that also were parties to the prior nurse licensure compact superseded by this compact, prior compact, shall be deemed to have withdrawn from such prior compact within six months after the effective date of this compact.

(b) Each party state to this compact shall continue to recognize a nurse’s multistate licensure privilege to practice in that party state issued
under the prior compact until such party state has withdrawn from the prior compact.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same. A party state’s withdrawal shall not take effect until six months after enactment of the repealing statute.

(d) A party state’s withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state’s licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

(e) Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

(f) This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

(g) Representatives of non-party states to this compact shall be invited to participate in the activities of the commission, on a nonvoting basis, prior to the adoption of this compact by all states.

ARTICLE XI
CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Sec. 2. K.S.A. 2017 Supp. 65-1113 is hereby amended to read as follows: 65-1113. When used in this act and the act of which this section is amendatory:

(a) “Board” means the board of nursing.

(b) “Diagnosis” in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen and shall be construed as distinct from a medical diagnosis.

(c) “Treatment” means the selection and performance of those therapeutic measures essential to effective execution and management of the nursing regimen, and any prescribed medical regimen.
(d) **Practice of nursing.** (1) The practice of professional nursing as performed by a registered professional nurse for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and amendments thereto, means the process in which substantial specialized knowledge derived from the biological, physical, and behavioral sciences is applied to: the care, diagnosis, treatment, counsel and health teaching of persons who are experiencing changes in the normal health processes or who require assistance in the maintenance of health or the prevention or management of illness, injury or infirmity; administration, supervision or teaching of the process as defined in this section; and the execution of the medical regimen as prescribed by a person licensed to practice medicine and surgery or a person licensed to practice dentistry.

(2) The practice of nursing as a licensed practical nurse means the performance for compensation or gratuitously, except as permitted by K.S.A. 65-1124, and any amendments thereto, of tasks and responsibilities defined in part paragraph (1) of this subsection (d), which tasks and responsibilities are based on acceptable educational preparation within the framework of supportive and restorative care under the direction of a registered professional nurse, a person licensed to practice medicine and surgery or a person licensed to practice dentistry.

(e) A “professional nurse” means a person who is licensed to practice professional nursing as defined in part (1) of subsection (d)(1) of this section.

(f) A “practical nurse” means a person who is licensed to practice practical nursing as defined in part (2) of subsection (d)(2) of this section.

(g) “Advanced practice registered nurse” or “APRN” means a professional nurse who holds a license from the board to function as a professional nurse in an advanced role, and this advanced role shall be defined by rules and regulations adopted by the board in accordance with K.S.A. 65-1130, and amendments thereto.

(h) “Continuing nursing education” means learning experiences intended to build upon the educational and experiential bases of the registered professional and licensed practical nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the health of the public.

Sec. 3. K.S.A. 2017 Supp. 65-1117 is hereby amended to read as follows: 65-1117. (a) All licenses issued under the provisions of this act, whether initial or renewal, including multi-state licenses under the nurse licensure compact, shall expire every two years. The expiration date shall be established by the rules and regulations of the board. Any licensed nurse may file a multi-state license application together with the prescribed multi-state license fee at any time the nurse holds an active license. The board shall send a notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 days prior to
the expiration date of such person's license. Every person so licensed who
desires to renew such license shall file with the board, on or before the
date of expiration of such license, a renewal application together with the
prescribed biennial renewal fee. Every licensee who is no longer engaged
in the active practice of nursing may so state by affidavit and submit such
affidavit with the renewal application. An inactive license may be re-
quested along with payment of a fee which shall be fixed by rules and
regulations of the board. Except for the first renewal for a license that
expires within 30 months following licensure examination or for renewal
of a license that expires within the first nine months following licensure
by reinstatement or endorsement, every licensee with an active nursing
license shall submit with the renewal application evidence of satisfactory
completion of a program of continuing nursing education required by the
board. The board by duly adopted rules and regulations shall establish
the requirements for such program of continuing nursing education. Con-
tinuing nursing education means learning experiences intended to build
upon the educational and experiential bases of the registered professional
and licensed practical nurse for the enhancement of practice, education,
administration, research or theory development to the end of improving
the health of the public. Upon receipt of such application, payment of
fee, upon receipt of the evidence of satisfactory completion of the re-
quired program of continuing nursing education and upon being satisfied
that the applicant meets the requirements set forth in K.S.A. 65-1115 or
65-1116, and amendments thereto, in effect at the time of initial licensure
of the applicant, the board shall verify the accuracy of the application and
grant a renewal license.

(b) Any person who fails to secure a renewal license within the time
specified herein may secure a reinstatement of such lapsed license by
making verified application therefor on a form provided by the board, by
rules and regulations, and upon furnishing proof that the applicant is
competent and qualified to act as a registered professional nurse or li-
censed practical nurse for the enhancement of practice, education,
administration, research or theory development to the end of improving
the health of the public. A reinstatement application for licensure will be
held awaiting completion of such documentation as may be required, but
such application shall not be held for a period of time in excess of that
specified in rules and regulations.

(c) Any person whose license as a registered professional nurse has
lapsed for a period of more than 13 years beyond its expiration date and
who has been employed for at least 10 of the last 13 years in an allied
health profession which employment required substantially comparable
patient care to that of care provided by a registered professional nurse
may apply for reinstatement as a registered professional nurse and shall
not be required to complete a refresher course as established by the
board, but shall be reinstated as a registered professional nurse by the
board upon application to the board for reinstatement of such license on a form provided by the board, upon presentation to the board of an affidavit from such person detailing such person’s work history, upon determination by the board that the work history with regard to patient care is substantially comparable to patient care provided by a registered professional nurse, upon determination by the board that such person is otherwise qualified to be licensed as a registered professional nurse and upon paying to the board the reinstatement fee established by the board. This subsection shall expire on January 1, 2012.

(d) (1) Each licensee shall notify the board in writing of (A) a change in name or address within 30 days of the change or (B) a conviction of any felony or misdemeanor, that is specified in rules and regulations adopted by the board, within 30 days from the date the conviction becomes final.

(2) As used in this subsection, “conviction” means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Also, for the purposes of this subsection, a forfeiture of bail, bond or collateral deposited to secure a defendant’s appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. Failure to so notify the board shall not constitute a defense in an action relating to failure to renew a license, nor shall it constitute a defense in any other proceeding.

(d) Persons holding a multistate license under the nurse licensure compact and who engage in the practice of nursing in Kansas may be requested by the board to voluntarily provide workforce-related information as reasonably determined by the board. Refusal to voluntarily provide such information shall not be a basis for disciplinary action against or restriction of the multistate license of any such person.

Sec. 4. K.S.A. 2017 Supp. 65-1118 is hereby amended to read as follows: 65-1118. (a) The board shall collect in advance fees provided for in this act as fixed by the board, but not exceeding:

<table>
<thead>
<tr>
<th>Application for</th>
<th>single-state license–professional nurse....</th>
<th>$75</th>
<th>$150</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for</td>
<td>single-state license–practical nurse..........</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>Application for</td>
<td>single-state biennial renewal of license–</td>
<td></td>
<td></td>
</tr>
<tr>
<td>professional nurse and practical nurse ................</td>
<td>60</td>
<td>120</td>
<td></td>
</tr>
<tr>
<td>Application for</td>
<td>single-state reinstatement of license..........</td>
<td>70</td>
<td>150</td>
</tr>
<tr>
<td>Application for</td>
<td>single-state reinstatement of licenses with</td>
<td></td>
<td></td>
</tr>
<tr>
<td>temporary permit ........................................</td>
<td>400</td>
<td>175</td>
<td></td>
</tr>
<tr>
<td>Application for multi-state license–professional nurse....</td>
<td>300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for multi-state license–practical nurse........</td>
<td>300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for multi-state biennial renewal of license–</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>professional nurse and practical nurse ................</td>
<td>200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for multi-state reinstatement of license........</td>
<td>300</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Application for multi-state reinstatement of licenses with
temporary permit ............................................ 300
Application for reinstatement of revoked license .......... 1,000
Certified copy of license ........................................ 25
Duplicate of license ........................................ 25
Inactive license ........................................... 20
Application for license–advanced practice registered
nurse .......................................................... 50
Application for license with temporary permit–advanced
practice registered nurse .................................. 100
Application for renewal of license–advanced practice
registered nurse ............................................ 60
Application for reinstatement of license–advanced
practice registered nurse ................................... 75
Application for authorization–registered nurse
anesthetist ................................................ 75
Application for authorization with temporary
authorization–registered nurse anesthetist ............... 110
Application for biennial renewal of authorization–
registered nurse anesthetist .................................. 60
Application for reinstatement of authorization–registered
nurse anesthetist ........................................... 75
Application for reinstatement of authorization with
temporary authorization–registered nurse anesthetist... 100
Verification of license to another state ....................... 30
Application for exempt license–professional and practical
nurse .......................................................... 50
Application for biennial renewal of exempt license–
professional and practical nurse ............................ 50
Application for exempt license–advanced practice
registered nurse ............................................ 50
Application for biennial renewal of exempt license–
advanced practice registered nurse........................ 50

(b) The board may require that fees paid for any examination under
the Kansas nurse practice act be paid directly to the examination service
by the person taking the examination.

(c) The board shall accept for payment of fees under this section
personal checks, certified checks, cashier’s checks, money orders or credit
cards. The board may designate other methods of payment, but shall not
refuse payment in the form of a personal check. The board may impose
additional fees and recover any costs incurred by reason of payments
made by personal checks with insufficient funds and payments made by
credit cards.

Sec. 5. K.S.A. 2017 Supp. 65-1120 is hereby amended to read as
follows: 65-1120. (a) **Grounds for disciplinary actions.** The board may deny, revoke, limit or suspend any license or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced practice registered nurse or as a registered nurse anesthetist that is issued by the board or applied for under this act, or may require the licensee to attend a specific number of hours of continuing education in addition to any hours the licensee may already be required to attend or may publicly or privately censure a licensee or holder of a temporary permit or authorization, if the applicant, licensee or holder of a temporary permit or authorization is found after hearing:

1. To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;
2. to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced practice registered nurse or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;
3. has been convicted or found guilty or has entered into an agreed disposition of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;
4. to have committed an act of professional incompetency as defined in subsection (e);
5. to be unable to practice with skill and safety due to current abuse of drugs or alcohol;
6. to be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;
7. to be guilty of unprofessional conduct as defined by rules and regulations of the board;
8. to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;
9. to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee.
by a licensing authority of another state, agency of the United States
government, territory of the United States or country. A certified copy of
the record or order of public or private censure, denial, suspension, lim-
itation, revocation or other disciplinary action of the licensing authority
of another state, agency of the United States government, territory of the
United States or country shall constitute prima facie evidence of such a
fact for purposes of this paragraph (8); or
(9)(10) to have assisted suicide in violation of K.S.A. 21-3406, prior
to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, as
established by any of the following:
(A) A copy of the record of criminal conviction or plea of guilty for a
felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017
Supp. 21-5407, and amendments thereto.
(B) A copy of the record of a judgment of contempt of court for
violating an injunction issued under K.S.A. 2017 Supp. 60-4404, and
amendments thereto.
(C) A copy of the record of a judgment assessing damages under
(b) Proceedings. Upon filing of a sworn complaint with the board
charging a person with having been guilty of any of the unlawful practices
specified in subsection (a), two or more members of the board shall in-
vestigate the charges, or the board may designate and authorize an em-
ployee or employees of the board to conduct an investigation. After in-
vestigation, the board may institute charges. If an investigation, in the
opinion of the board, reveals reasonable grounds for believing the appli-
cant or licensee is guilty of the charges, the board shall fix a time and
place for proceedings, which shall be conducted in accordance with the
provisions of the Kansas administrative procedure act.
(c) Witnesses. No person shall be excused from testifying in any pro-
ceedings before the board under this act or in any civil proceedings under
this act before a court of competent jurisdiction on the ground that such
testimony may incriminate the person testifying, but such testimony shall
not be used against the person for the prosecution of any crime under
the laws of this state except the crime of perjury as defined in K.S.A.
2017 Supp. 21-5903, and amendments thereto.
(d) Costs. If final agency action of the board in a proceeding under
this section is adverse to the applicant or licensee, the costs of the board’s
proceedings shall be charged to the applicant or licensee as in ordinary
civil actions in the district court, but if the board is the unsuccessful party,
the costs shall be paid by the board. Witness fees and costs may be taxed
by the board according to the statutes relating to procedure in the district
court. All costs accrued by the board, when it is the successful party, and
which the attorney general certifies cannot be collected from the appli-
cant or licensee shall be paid from the board of nursing fee fund. All
moneys collected following board proceedings shall be credited in full to the board of nursing fee fund.

(e) Professional incompetency defined. As used in this section, “professional incompetency” means:

(1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(f) Criminal justice information. The board upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board.

Sec. 6. K.S.A. 65-1127 is hereby amended to read as follows: 65-1127.

(a) A licensee shall report to the board of nursing any information the licensee may have relating to alleged incidents of malpractice or the qualifications, fitness or character of a person licensed to practice professional nursing or licensed to practice practical nursing, including persons holding a multi-state license under the nurse licensure compact. No person reporting to the board of nursing under oath and in good faith any information such person may have relating to alleged incidents of malpractice or the qualifications, fitness or character of a person licensed to practice professional nursing or licensed to practice practical nursing shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association of registered professional nurses or licensed practical nurses and the individual members of any committee thereof, which in good faith investigates or communicates information pertaining to the alleged incidents of malpractice or the qualifications, fitness or character of any licensee or registrant to the board of nursing or to any committee or agent thereof, shall be immune from liability in any civil action, that is based upon such information or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

Sec. 7. K.S.A. 2017 Supp. 74-1106 is hereby amended to read as follows: 74-1106.

(a) Appointment, term of office. (1) The governor shall appoint a board consisting of 11 members of which six shall be registered professional nurses, two shall be licensed practical nurses and three shall be members of the general public, which shall constitute a board of nursing, with the duties, power and authority set forth in this act.
(2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.

(3) On the effective date of this act, the Kansas federation of licensed practical nurses shall submit to the governor a list of licensed practical nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for a term of four years and until a successor is appointed and qualified.

(4) Each member of the general public shall be appointed for a term of four years and successors shall be appointed for a like term.

(5) Whenever a vacancy occurs on the board of nursing, it shall be filled by appointment for the remainder of the unexpired term in the same manner as the preceding appointment. No person shall serve more than two consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on such board.

(b) Qualifications of members. Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five years’ experience in nursing as such and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state with at least five years’ experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nurse membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced practice registered nurse or a registered nurse anesthetist. The consumer members shall represent the interests of the general public. At least one consumer member shall not have been involved in providing health care. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

(c) Duties and powers. (1) The board shall meet annually at Topeka during the month of September and shall elect from its members a president, vice-president and secretary, each of whom shall hold their respective offices for one year. The board shall employ an executive administrator, who shall be a registered professional nurse, who shall not be a member of the board and who shall be in the unclassified service
under the Kansas civil service act, and shall employ such other employees, who shall be in the classified service under the Kansas civil service act as necessary to carry on the work of the board. The information technology and operational staff shall remain employees of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.

2) The board shall adopt rules and regulations consistent with this act necessary to carry into effect the provisions thereof, and such rules and regulations may be published and copies thereof furnished to any person upon application.

3) The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and approve courses as meet the requirements of the appropriate act and rules and regulations of the board.

4) The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or approval of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or approval of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through institutes, conferences and other means.

5) The board shall have a seal of which the executive administrator shall be the custodian. The president and the secretary shall have the power and authority to administer oaths in transacting business of the board, and the secretary shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or licenses granted or revoked, which register shall be open at all times to public inspection.

6) The board may enter into contracts as may be necessary to carry out its duties.

7) The board is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts. The board shall remit all moneys received by it under this paragraph (7) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall
deposit the entire amount in the state treasury to the credit of the grants and gifts fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.

(8) A majority of the board of nursing including two professional nurse members shall constitute a quorum for the transaction of business.

(d) Subpoenas. In all investigations and proceedings, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all relevant and necessary papers, books, records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which such person may be lawfully questioned or to produce any books, papers, records, documentary evidence or relevant materials in the matter, after having been required by order of the board or by a subpoena of the board to do so, upon application by the board to any district judge in the state, may be ordered by such judge to comply therewith. Upon failure to comply with the order of the district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by the court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.

(e) Compensation and expenses. Members of the board of nursing attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. No member of the board of nursing shall be paid an amount as provided in K.S.A. 75-3223, and amendments thereto, if such member receives an amount from another governmental or private entity for the purpose for which such amount is payable under K.S.A. 75-3223, and amendments thereto.


Sec. 9. This act shall take effect and be in force from and after July 1, 2019, and its publication in the statute book.

Approved April 10, 2018.
AN ACT concerning economic development; relating to redevelopment districts encompassing federal enclaves, authorization of franchises for the provision of utilities; redevelopment authorities in certain counties, powers of authority; amending K.S.A. 19-4904 and repealing the existing section.

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

New Section 1. (a) The board of county commissioners of any county that has established a redevelopment district that includes property located within a federal enclave in the county pursuant to K.S.A. 19-4901 et seq., and amendments thereto, hereafter referred to as the redevelopment district, may, by resolution, authorize any person, firm or corporation to install, maintain and operate utilities serving the redevelopment district, including, but not limited to, the following:

(1) The construction, operation and maintenance of water lines and water treatment facilities;

(2) the construction, operation and maintenance of sewer and wastewater lines and treatment facilities;

(3) the construction, operation and maintenance of electrical lines and distribution facilities;

(4) the construction, operation and maintenance of gas lines and storage and transmission facilities;

(5) the construction, operation and maintenance of telecommunications services;

(6) the construction, operation and maintenance of rail lines, sidings and rail switching services; and

(7) use of roads within the confines of the redevelopment district, so long as such use is not prohibited by law.

(b) If the board of county commissioners of the county has, by resolution, established a redevelopment authority as a body corporate and politic to oversee economic development in the redevelopment district, the board of county commissioners may, by resolution, delegate the powers granted in subsection (a) to the board of directors of such redevelopment authority.

(c) If the board of county commissioners of the county or the board of directors of the redevelopment authority authorizes any activity specified in subsection (a), the grant of authority to engage in any such activity shall be subject to the following:

(1) All contracts granting or giving any such original franchise, right or privilege, or extending or renewing or amending any existing grant, franchise, right or privilege to engage in such an activity shall be made by a resolution duly adopted by the board of county commissioners of the county, or by a resolution duly adopted by the board of directors of
the development authority and approved by a resolution duly adopted by the board of county commissioners;

(2) no contract, grant, franchise, right or privilege to engage in such an activity shall be extended for any longer period of time than 20 years from the date of such grant or extension;

(3) no person, firm or corporation shall be granted any exclusive franchise, right or privilege whatsoever;

(4) no such grant, franchise, right or privilege shall be made to any person, firm, corporation or association, unless it provides for adequate compensation or consideration therefor to be paid to the county or to the redevelopment authority, as the case may be, and, regardless of whether or not other or additional compensation is provided for, such grantee shall pay such fixed charge as may be prescribed in the franchise agreement;

(5) no such grant, franchise, right or privilege shall be effective until the resolution of the board of county commissioners approving the same has been adopted as provided by law with all expenses of publishing any resolution adopted pursuant to this section being paid by the proposed grantee; and

(6) all contracts, grants, franchises, rights or privileges for the use of the roads of the redevelopment district, not herein mentioned, shall be governed by all the provisions of this act.

(d) No franchise fee shall exceed 6% of the utility customer’s gross charges for the utility service.

(e) Any franchise fees collected from any utility with respect to the provision of utilities within the redevelopment district shall be paid to the county treasurer. The county treasurer shall deposit franchise fees and other revenues received pursuant to subsection (a) to the credit of the redevelopment authority for use by the redevelopment authority as provided in this section. Any such franchise fees shall be specifically restricted for the payment of direct and indirect costs of installation, maintenance and operation of utilities serving the redevelopment district, including, but not limited to, the construction, operation and maintenance of water lines and treatment facilities, sewer and wastewater lines and treatment facilities, electrical lines and distribution facilities, gas lines and storage and transmission facilities, roads and bridges, railway improvements, the demolition of existing obsolete or otherwise unusable structures, the disposal of construction and demolition waste on-site and otherwise, the construction of capital improvements within the redevelopment district; the costs of developing, improving, managing and marketing properties within the redevelopment district; and the payment of bonds issued with respect to any of the foregoing.

(f) This section shall be a part of and supplemental to the provisions of article 1 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto.
Sec. 2. K.S.A. 19-4904 is hereby amended to read as follows: 19-4904.

(a) The board of county commissioners of Johnson county and the board of county commissioners of Labette county may create a redevelopment authority, which shall be composed and have such powers as the board may authorize and determine by resolution consistent with the provisions of this act.

(b) Any redevelopment authority created pursuant to subsection (a) of this section shall be composed of seven members appointed by the board of county commissioners, with at least three of the members being representatives of cities, townships or other local governmental entities located adjacent to the federal enclave property. Each member appointed to the redevelopment authority shall be a resident of the county and shall serve for a term consistent with the term of office for the board member making the appointment and until such member’s successor is appointed and qualifies established by the board of county commissioners. In case of a vacancy in office, a member shall be appointed by the board in the same manner to fill the unexpired term.

Any member of the redevelopment authority may be removed by the board of county commissioners for the same cause justifying removal of any appointive officer.

Members of the redevelopment authority shall receive no compensation for their services but may be reimbursed for necessary expenses incurred in the performance of their duties.

(c) Upon creation, the redevelopment authority shall be a body corporate and politic, as quasi-municipal organization under the laws of this state, with the powers conferred by this act or by resolution of the board of county commissioners. In performing the duties authorized under this act, the redevelopment authority shall have the power:

1. To sue and be sued;
2. to receive for its lawful activities any contributions or moneys appropriated by the state, any city, county or other political subdivision or agency, or by the federal government or any agency or officer thereof from any other source;
3. to disburse funds for its lawful activities;
4. to enter into contracts;
5. to acquire by donation, purchase or lease land that is located within a federal enclave or land located within a redevelopment district established under this act;
6. to sell and convey real estate acquired under this act; and
7. to do and perform all other things provided by this act, or amendments thereto, or by resolution of the board of county commissioners and to have the powers conferred by this act or board resolution.

Powers conferred on the redevelopment authority may be exercised only with the approval of the board of county commissioners and all ex-
penditures made by the redevelopment authority shall be within available resources.

(d) The redevelopment authority shall, at a minimum, perform the following duties:

1. Conduct meetings with representatives and officials of cities, counties, planning associations or commissions or similar entities or organizations to develop information and ensure that the full range of interests related to the redevelopment is considered;
2. review any comprehensive plan adopted for the property and develop recommendations for changes, if needed;
3. evaluate surrounding property uses, zoning regulations, and other land use factors and development recommendations to ensure compatibility;
4. evaluate the development potential and market feasibility for proposals and options for redevelopment of the property;
5. evaluate potential methods for the transfer, ownership and development of the property;
6. make recommendations to the board on proposals for the acquisition and financing of the property by the county;
7. conduct such other studies as the board may request or direct; and
8. present such studies, reports, recommendations and other information to the board.

(e) Upon the establishment of a redevelopment district pursuant to K.S.A. 19-4902 or 19-4903, and amendments thereto, the redevelopment authority shall perform the following additional duties as prescribed by the board:

1. Solicit and receive development proposals for all or parts of property;
2. evaluate development proposals received for all parts of the property and present the evaluation and recommendation to the board or to a zoning board as directed by the board;
3. coordinate with county officials or staff in negotiations with developers;
4. prepare recommendations to the board concerning financing or redevelopment or infrastructure for the property;
5. prepare recommendations for updates to the comprehensive master plan; and
6. perform such other studies and coordination as the board may request or direct.

(f) In the event that the board of county commissioners determines that it is in the best interest of the county to acquire all or part of the enclave property for redevelopment purposes, then the redevelopment authority shall perform the following additional duties as prescribed by the board:
(1) Act as the primary contact for developers who are interested in acquiring and developing land at the property;
(2) prepare and present marketing strategy for the property; and
(3) provide such other duties as the board may request or direct.

(e)(g) If created, the redevelopment authority may, upon approval of the board of county commissioners, acquire by negotiated sale, all or any part of the property located within a federal enclave in county, and in so doing, may enter into contracts for the payment of costs for such the property, may incur debt and obligation secured by the property, and may sell the property to pay such obligations. The redevelopment authority may not incur any other debt, nor pledge any other resources.

The board of county commissioners shall approve such acquisition if the following conditions are satisfied:

(1) The property is was part of the sunflower army ammunition plant in Johnson county or the property was a part of the Kansas army ammunition plant located in Labette county;
(2) the property is transferred by deed without restrictions due to environmental contamination and with a covenant of transfer in compliance with the provisions of 42 U.S.C. § 9620 et seq., and amendments thereto, or the governor has executed a finding of suitability for early transfer in compliance with federal laws and regulations;
(3) neither the state of Kansas through its subdivisions or agencies nor Johnson county or Labette county has declared an intent to acquire the property for redevelopment purposes;
(4) the acquisition will not require the redevelopment authority to finance the acquisition with resources other than that which is secured by the property itself;
(5) the acquisition is made upon terms that expressly exclude any obligation of Johnson county or Labette county or the state for the payment of any funds for the acquisition; and
(6) the redevelopment authority has presented a feasibility study demonstrating that the costs of acquisition, including all required obligations for environmental remediation, can be paid and satisfied as and when due through the subdivision, selling and redevelopment of the property.

Upon acquisition of all or any part of the property, the redevelopment authority shall immediately request establishment of a redevelopment district under K.S.A. 19–4902 or 19–4903, and amendments thereto, and all redevelopment or the property shall be in conformance with the comprehensive master plan and zoning and subdivision regulations adopted by the board of county commissioners.

(f)(h) If, at any time after creating a redevelopment authority pursuant to this section, the board of county commissioners determines that the redevelopment authority is no longer needed or should otherwise be dissolved, then the board of county commissioners may, by resolution,
dissolve and abolish the redevelopment authority. Thereafter, the board of county commissioners, for and on behalf of the county, shall assume and perform any on-going duties or powers of the authority, shall assume title to and possession of all property, real or personal, owned or held by the authority, and shall assume all debts, contracts and obligations lawfully incurred or entered into by the authority. The board of county commissioners may, by subsequent resolution, reestablish a redevelopment authority under this section at any later time.

(i) (1) The redevelopment authority may, by resolution duly adopted by the majority of the members of the redevelopment authority:

(A) Incur debt and issue bonds in the name of the redevelopment authority to pay the costs of developing and improving properties within the redevelopment district, specifically including, but not limited to, the construction, operation and maintenance of water lines and treatment facilities, sewer and wastewater lines and treatment facilities, electrical lines and distribution facilities, gas lines and storage and transmission facilities, roads and bridges, railway improvements, the demolition of existing obsolete or otherwise unusable structures and the disposal of construction and demolition waste on-site and otherwise, and the construction of buildings and other capital improvements within the redevelopment district;

(B) secure the indebtedness by lien upon, security interest in or mortgage of any property owned by the redevelopment authority; and

(C) acquire and finance the property and improvements through lease-purchase agreements pursuant to K.S.A. 10-1116b et seq., and amendments thereto.

(2) The principal and interest on any bonds or other indebtedness issued under the provisions of this act shall be payable solely from any lawful source of revenue of the redevelopment authority.

(3) The maximum maturity of any bonds issued pursuant to this act shall not exceed 20 years.

(4) Any debt incurred under the provisions of this act shall not be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision thereof. All such debt shall contain on the face thereof a statement to the effect that neither the state nor any political subdivision thereof shall be obligated to pay the same or the interest thereon except from revenues of the project or projects for which they are issued or from funds provided therefor and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged to the payment of the principal of or the interest on such debt.

(5) All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the authority beyond
the extent to which moneys shall have been provided under the provisions of this act.

Sec. 3. K.S.A. 19-4904 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 11, 2018.
Published in the Kansas Register April 19, 2018.

CHAPTER 44
HOUSE BILL No. 2580

AN ACT concerning unfair trade and consumer protection; relating to the fair credit reporting act; security freeze on consumer report; fees; amending K.S.A. 50-722 and K.S.A. 2017 Supp. 50-723 and 50-725 and repealing the existing sections.

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

Section 1. K.S.A. 50-722 is hereby amended to read as follows: 50-722. K.S.A. 50-701 to 50-722, inclusive through 50-725, and amendments thereto, may be cited as the fair credit reporting act.

Sec. 2. K.S.A. 2017 Supp. 50-723 is hereby amended to read as follows: 50-723. (a) A consumer may elect to place a security freeze on the consumer’s consumer report by written request, sent by certified mail or regular mail, through a secure website if made available by a consumer reporting agency, or by telephone, if the consumer reporting agency does not have an available secure website. A consumer reporting agency shall place a security freeze on a consumer’s consumer report no later than five business days after receiving:

(1) A request provided by this subsection; and
(2) proper identification.

(b) When a security freeze is in place, information from a consumer report shall not be released to a third party without prior express authorization from the consumer. This subsection shall not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to a consumer report.

(c) The consumer reporting agency, no later than 10 business days after the date the agency places a security freeze, shall provide the consumer with a unique personal identification number, password or similar device to be used by the consumer when providing authorization for the access to the consumer’s consumer report for a specific period of time. In addition, the consumer reporting agency shall simultaneously provide to the consumer in writing the process of placing, removing and temporarily lifting a security freeze and the process for allowing access to in-
formation from the consumer’s consumer report for a specific period while the security freeze is in effect.

(d) If, in connection with an application for credit or any other use, a third party requests access to a consumer report on which a security freeze is in effect, the third party may treat the application as incomplete if the consumer does not allow the consumer’s consumer report to be accessed for that specific period of time.

(e) If the consumer wishes to allow the consumer’s consumer report or score to be accessed for a specific period of time while a freeze is in place, the consumer shall contact the consumer reporting agency, request that the freeze be temporarily lifted and provide the following:

(1) Clear and proper identification;

(2) the unique personal identification number or password provided by the consumer reporting agency in accordance with subsection (c); and

(3) the proper information regarding the time period for which the report shall be available to users of the consumer report.

(f)(1) A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a consumer report pursuant to subsection (e) shall comply with the request:

(A) No later than three business days after receiving the request if the request is made at a postal address designated by the agency to receive such requests; or

(B) fifteen minutes after the request is received by the consumer reporting agency through the electronic contact method chosen by the consumer reporting agency in accordance with this section and such request is received between 6:00 a.m. and 9:30 p.m. in the central time zone.

(2) A consumer reporting agency is not required to temporarily lift a security freeze within the time provided in subsection (f)(1)(B) if the consumer fails to meet the requirements of subsection (e) or the consumer reporting agency’s ability to temporarily lift the security freeze within 15 minutes is prevented by:

(A) An act of God, including, but not limited to, fire, earthquake, hurricane, storm or similar natural disaster or phenomena;

(B) unauthorized or illegal acts by a third party, including, but not limited to, terrorism, sabotage, riot, vandalism, labor strikes or disputes disrupting operations or similar occurrence;

(C) operational interruption, including, but not limited to, electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failures inhibiting response time or similar disruption;

(D) governmental action, including, but not limited to, emergency orders or regulations, judicial or law enforcement action or similar directives;
(E) regularly scheduled maintenance, other than during normal business hours, of or updates to the consumer reporting agency’s systems; or
(F) commercially reasonable maintenance of or repair to the consumer reporting agency’s systems that is unexpected or unscheduled.

(g) A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer’s consumer report only in the following cases:
   (1) Upon consumer request as provided in this section; or
   (2) if the consumer’s consumer report was frozen due to a material misrepresentation of fact by the consumer, in which case, if a consumer reporting agency intends to remove a freeze upon the consumer’s consumer report, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer’s consumer report.

(h) A security freeze shall remain in place until the consumer requests that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days after receiving a request for removal from the consumer, who shall be required to provide:
   (1) Clear and proper identification; and
   (2) the unique personal identification number or password provided by the consumer reporting agency in accordance with subsection (c).

(i) A security freeze does not apply to a consumer report provided to:
   (1) A federal, state or local governmental entity, including a law enforcement agency or court, or agents or assigns thereof;
   (2) a private collection agency for the sole purpose of assisting in the collection of an existing debt of the consumer who is the subject of the consumer report requested;
   (3) a person or entity, or a subsidiary, affiliate or agent of such person or entity, or an assignee of a financial obligation owing by the consumer to such person or entity, or a prospective assignee of a financial obligation owing by the consumer to such person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment of an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this paragraph, “reviewing the account” includes activities related to account maintenance, monitoring, credit line increases and account upgrades and enhancements;
   (4) a subsidiary, affiliate, agent, assignee or prospective assignee of a person to whom access has been granted under subsection (e) for the purposes of facilitating the extension of credit;
(5) a person providing a credit report for the purposes permitted under 15 U.S.C. § 1681b(c);
(6) any person providing a consumer with a copy of the consumer’s own report at such consumer’s request;
(7) a child support enforcement agency;
(8) a consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer reporting agencies and does not maintain a permanent database of credit information from which new consumer reports are produced; however, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer report by another consumer reporting agency;
(9) a check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers or similar methods of payments;
(10) a deposit account information service company which issues to inquiring banks or other financial institutions, for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution, reports regarding account closures due to fraud, substantial overdrafts, ATM abuse or similar negative information regarding a consumer;
(11) an employer in connection with any application for employment with the employer;
(12) any person administering a credit file monitoring subscription service to which the consumer has subscribed; or
(13) any person or entity for use in setting or adjusting a rate, adjusting a claim or underwriting for insurance purposes.

(j) Except as otherwise provided in this section, a consumer reporting agency may not charge a fee not to exceed $5 for placing, temporarily lifting or removing each freeze. The consumer reporting agency shall not charge a fee for replacing a previously requested personal identification number. Such agency shall not charge a fee to a victim of identity theft for placing, temporarily lifting or removing a security freeze on a consumer report, provided that at the time of requesting a freeze the victim provides to the agency a valid copy of a police report, investigative report or complaint the consumer has filed with a law enforcement agency.

(1) A person who has learned or reasonably suspects that the person has been a victim of identity theft may contact the local law enforcement agency that has jurisdiction over the person’s actual residence, which shall take a police report of the matter, and provide the complainant with a copy of that report. Notwithstanding the fact the jurisdiction may be elsewhere for investigation and prosecution of a crime of identity theft, any local or state law enforcement agency shall take the complaint and provide
the complainant with a copy of the complaint and may refer the com-
plainant to a law enforcement agency in a different jurisdiction.

(2) Nothing in this section shall be construed to interfere with the
discretion of a law enforcement agency to allocate resources for investi-
gation of crimes. A complaint filed under this section is not required to
be counted as an open case for statistical reporting purposes.

(k) If a security freeze is in place, a consumer reporting agency shall
not change any of the following official information in the consumer re-
port without sending a written confirmation of the change to the con-
sumer within 30 days after the change is posted to the consumer’s file:
Name, date of birth, social security number and address. Written confir-
mation is not required for technical modifications of a consumer’s official
information, including name and street abbreviations, complete spellings
or transposition of numbers or letters. In the case of an address change,
the written confirmation shall be sent to both the new address and to the
former address.

(l) Any person who willfully fails to comply with any requirement
imposed under this subchapter with respect to any consumer is liable to
that consumer in an amount equal to the sum of:

(1) Actual damages sustained by the consumer as a result of the fail-
ure or damages of not less than $100 and not more than $1,000; or
(2) such amount of punitive damages as the court may allow; and
(3) in the case of any successful action to enforce any liability under
this section, the costs of the action together with reasonable attorney’s
fees as determined by the court.

(m) Any person who obtains a consumer report, requests a security
freeze, requests the temporary lift of a freeze, or the removal of a security
freeze from a consumer reporting agency under false pretenses or in an
attempt to violate federal or state law shall be liable to the consumer
reporting agency for actual damages sustained by the consumer reporting
agency or $1,000, whichever is greater.

(n) Any person who is negligent in failing to comply with any require-
ment imposed under this section with respect to any consumer, is liable
to that consumer in an amount equal to the sum of:

(1) Any actual damages sustained by the consumer as a result of the
failure; and
(2) in the case of any successful action to enforce any liability under
this section, the costs of the action together with reasonable attorney’s
fees as determined by the court.

(o) Upon a finding by the court that an unsuccessful pleading, motion
or other paper filed in connection with an action under this section was
filed in bad faith or for purposes of harassment, the court shall award to
the prevailing party attorney’s fees reasonable in relation to the work
expended in responding to the pleading, motion or other paper.
This section shall be part of and supplemental to the fair credit reporting act.

This section shall take effect and be in force on and after January 1, 2007.

Notwithstanding any other provision of law to the contrary, the exclusive authority to bring an action for any violation of subsection (f)(1)(B) shall be with the attorney general.

Sec. 3. K.S.A. 2017 Supp. 50-725 is hereby amended to read as follows: 50-725. (a) A consumer reporting agency shall place a security freeze for a protected consumer if the consumer reporting agency receives a request from the protected consumer’s representative for the placement of the security freeze and the protected consumer’s representative:

1. Submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;
2. Provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative; and
3. Provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and
4. Pays to the consumer reporting agency a fee as provided in subsection (g).

(b) If a consumer reporting agency does not have a record pertaining to a protected consumer when the consumer reporting agency receives a request under subsection (a), the consumer reporting agency shall create a record for the protected consumer.

(c) Within 30 days after receiving a request that meets the requirements of subsection (a), a consumer reporting agency shall place a security freeze for the protected consumer.

(d) Unless a security freeze for a protected consumer is removed in accordance with subsection (f) or (i), a consumer reporting agency shall not release the protected consumer’s consumer report, any information derived from the protected consumer’s consumer report, or any record created for the protected consumer.

(e) A security freeze for a protected consumer placed under subsection (c) shall remain in effect until:

1. The protected consumer or the protected consumer’s representative requests the consumer reporting agency to remove the security freeze in accordance with subsection (f); or
2. The security freeze is removed in accordance with subsection (i).

(f) If a protected consumer or a protected consumer’s representative wishes to remove a security freeze for a protected consumer, the protected consumer or the protected consumer’s representative shall:

1. Submit a request for the removal of the security freeze to the
consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency; and

(B)(2) provide to the consumer reporting agency sufficient proof of identification of the protected consumer and:

(i)(A) For a request by the protected consumer, proof that the sufficient proof of authority for the protected consumer’s representative to act on behalf of the protected consumer is no longer valid; or

(ii)(B) for a request by the representative of a protected consumer, sufficient proof of identification of the representative and sufficient proof of authority to act on behalf of the protected consumer; and

(C) pay to the consumer reporting agency a fee as provided in subsection (g).

(g)(1) Except as otherwise provided in subsection (g)(2), a consumer reporting agency shall not charge a fee for any service performed under this section.

(2) A consumer reporting agency may charge a reasonable fee, not exceeding $10, for each placement or removal of a security freeze for a protected consumer, except a consumer reporting agency shall not charge any fee under this section if:

(A) The protected consumer’s representative has obtained a police report or provided an affidavit of alleged fraud against the protected consumer and provides a copy of the report or the affidavit to the consumer reporting agency; or

(B) a request for the placement or removal of a security freeze is for a protected consumer who is under the age of 18 years at the time of the request and the consumer reporting agency has a consumer report pertaining to the protected consumer.

(h) This section shall not apply to:

(1) A person administering a credit file monitoring subscription service to which the protected consumer has subscribed or the representative of the protected consumer has subscribed on behalf of the protected consumer;

(2) a person providing the protected consumer or the protected consumer’s representative with a copy of the protected consumer’s consumer report on request of the protected consumer or the protected consumer’s representative; or

(3) a person or entity listed in K.S.A. 2017 Supp. 50-723(i)(1) and (6) through (12) or 50-724(a)(1) through (5), and amendments thereto.

(i) A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if such security freeze was placed or the record was created based on a material misrepresentation of a fact by the protected consumer or the protected consumer’s representative.

(j) Any person who fails to comply with any requirement imposed
under this section with respect to any protected consumer shall be liable pursuant to the provisions of the fair credit reporting act.

(k) This section shall be part of and supplemental to the fair credit reporting act.

Sec. 4. K.S.A. 50-722 and K.S.A. 2017 Supp. 50-723 and 50-725 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 12, 2018.

CHAPTER 45

HOUSE BILL No. 2581

AN ACT concerning crimes, punishment and criminal procedure; relating to giving a false alarm; criminal penalties; amending K.S.A. 2017 Supp. 21-6207 and repealing the existing section.

WHEREAS, The provisions of the amendments to the section in this act shall be known as the Andrew T. Finch act.

Now, therefore:

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

Section 1. K.S.A. 2017 Supp. 21-6207 is hereby amended to read as follows: 21-6207. (a) Giving a false alarm Making an unlawful request for emergency service assistance is:

(1) transmitting or communicating false or misleading information in any manner to the fire department of any city, township or other municipality a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists, or

(2) making a call in any manner for request emergency service assistance including police law enforcement, fire, medical or other emergency service provided under K.S.A. 12-5301 et seq., and amendments thereto, knowing at the time of such call that request there is no reasonable ground for believing such assistance is needed.

(b) Giving a false alarm Making an unlawful request for emergency service assistance is a:

(1) is a Class A nonperson misdemeanor, except as provided in subsections (b)(2) and (b)(3), (b)(4), (b)(5) and (b)(6);

(2) is a severity level 10, nonperson felony when the person uses an electronic device or software to alter, conceal or disguise the source of the request or the identity of the person making such transmission or such call request, except as provided in subsection (b)(3), (b)(4), (b)(5) and (b)(6); and
(3) as defined in subsection (a)(2) is a severity level 7, nonperson felony when the request for emergency service assistance made by the person includes false information that violent criminal activity or immediate threat to a person’s life or safety or the public safety has or is taking place, except as provided in subsection (b)(4), (b)(5) and (b)(6);

(4) severity level 6, person felony when bodily harm results from the response by emergency services, except as provided in subsections (b)(5) and (b)(6);

(5) severity level 4, person felony when great bodily harm results from the response by emergency services, except as provided in subsection (b)(6); and

(6) severity level 1, person felony when death results from the response by emergency services.

(c) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for interference with law enforcement, K.S.A. 2017 Supp. 21-5904, and amendments thereto.

(d) It shall not be a defense that the person who suffers bodily harm, great bodily harm or death contributed, or others contributed to such person’s bodily harm, great bodily harm or death.

(e) A person who violates the provisions of this section may also be prosecuted for any form of homicide.

Sec. 2. K.S.A. 2017 Supp. 21-6207 is hereby repealed.

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

Approved April 12, 2018.

CHAPTER 46

Senate Substitute for HOUSE BILL No. 2184

AN ACT concerning workers compensation death benefits; initial payments; legal heirs; dependents; funeral expenses; conservatorship; adequacy and equivalency with respect to other benefit limits; high school children over 18 years of age; amending K.S.A. 2017 Supp. 44-510b and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 44-510b is hereby amended to read as follows: 44-510b. Where death results from injury, compensation shall be paid as provided in K.S.A. 44-510h and 44-510i, and amendments thereto, and as follows:

(a) If an employee leaves any dependents wholly dependent upon the employee’s earnings at the time of the accident or injury, all compensation benefits under this section shall be paid to such the dependent persons. There shall be an initial payment of $40,000 $60,000 to the surviving legal
spouse or a wholly dependent child or children or both. The initial payment shall not be subject to the 8% discount as provided in K.S.A. 44-531, and amendments thereto. The initial payment shall be immediately due and payable and apportioned 50% to the surviving legal spouse and 50% to the dependent children. Thereafter, such the dependents shall be paid weekly compensation, except as otherwise provided in this section, in a total sum to all such the dependents, equal to 66\ subdivisions of 3\% of the average weekly wage of the employee at the time of the accident or injury, computed as provided in K.S.A. 44-511, and amendments thereto, but in no event shall such the weekly benefits exceed the maximum weekly benefits provided in K.S.A. 44-510c, and amendments thereto, nor be less than a minimum weekly benefit of the dollar amount nearest to 50% of the state’s average weekly wage as determined pursuant to K.S.A. 44-511, and amendments thereto, subject to the following:

1) If the employee leaves a surviving legal spouse or a wholly dependent child or children, or both, who are eligible for benefits under this section, then all death benefits shall be paid to such the surviving spouse or children, or both, and no benefits shall be paid to any other wholly or partially dependent persons.

2) A surviving legal spouse shall be paid compensation benefits for life, except as otherwise provided in this section.

3) Any wholly dependent child of the employee shall be paid compensation, except as otherwise provided in this section, until such the dependent child becomes 18 years of age, unless the child is enrolled in high school. In that event, compensation shall continue until May 30th of the child’s senior year in high school or until the child becomes 19 years of age, whichever is earlier. A wholly dependent child of the employee shall be paid compensation, except as otherwise provided in this section, until such the dependent child becomes 23 years of age during any period of time that one of the following conditions is met:

A) The wholly dependent child is not physically or mentally capable of earning wages in any type of substantial and gainful employment; or

B) the wholly dependent child is a student enrolled full-time in an accredited institution of higher education or vocational education.

4) If the employee leaves no legal spouse or dependent children eligible for benefits under this section but leaves other dependents wholly dependent upon the employee’s earnings, such the other dependents shall receive weekly compensation benefits as provided in this subsection until death, remarriage or so long as such the other dependents do not receive more than 50% of their support from any other earnings or income or from any other source, except that the maximum benefits payable to all such the other dependents, regardless of the number of such the other dependents, shall not exceed a maximum amount of $18,500 $100,000.

b) Where the employee leaves a surviving legal spouse and dependent children who were wholly dependent upon the employee’s earnings
and are eligible for benefits under this section 50% of the maximum weekly benefits payable shall be apportioned to such the spouse and 50% to such the dependent children.

(c) If an employee does not leave any dependents who were wholly dependent upon the employee's earnings at the time of the injury but leaves dependents, other than a spouse or children, in part dependent on the employee's earnings, such the percentage of a sum equal to three times the employee's average yearly earnings but not exceeding $18,500 $100,000 but not less than $2,500 $25,000, as such the employee's average annual contributions which the employee made to the support of such the dependents during the two years preceding the date of the injury, bears to the employee's average yearly earnings during the contemporaneous two-year period, shall be paid in compensation to such the dependents, in weekly payments as provided in subsection (a), not to exceed $18,500 $100,000 to all such the dependents.

(d) If an employee does not leave any dependents, either wholly or partially dependent upon the employee, a lump-sum payment of $25,000 $100,000 shall be made to the legal heirs of such the employee in accordance with Kansas law. If the employer procured a life insurance policy with beneficiaries designated by the employee and in an amount not less than $50,000, then the amount paid to the legal heirs under this section shall be reduced by the amount of the life insurance policy up to a maximum deduction of $100,000. However under no circumstances shall such the payment escheat to the state. Notwithstanding the provisions of this subsection, no such payment shall be required if the employer has provided coverage in an amount not less than $18,500.

(e) The administrative law judge, except as otherwise provided in this section, shall have the power and authority to apportion and reapportion the compensation allowed under this section, either to wholly dependent persons or partially dependent persons, in accordance with the degree of dependency as of the date of the injury, except that the weekly payment of compensation to any and all dependents shall not exceed the maximum nor be less than the minimum weekly benefits provided in subsection (a).

(f) In all cases of death compensable under this section, the employer shall pay the reasonable expense of burial not exceeding $5,000 $10,000. Where required, the employer shall pay the costs of a court-appointed conservator not to exceed $1,000 $2,500.

(g) The marriage or death of any dependent shall terminate all compensation, under this section, to such the dependent except the marriage of the surviving legal spouse shall not terminate benefits to such the spouse. Upon the death of the surviving legal spouse or the marriage or death of a dependent child, the compensation payable to such the spouse or child shall be reapportioned to those, among the surviving legal spouse
and dependent children, who remain eligible to receive compensation under this section.

(h) Notwithstanding any other provision in this section to the contrary, the maximum amount of compensation benefits payable under this section, including the initial payment in subsection (a) to any and all dependents by the employer shall not exceed a total amount of $300,000 and when such the total amount has been paid the liability of the employer for any further compensation under this section to dependents, other than minor children of the employee, shall cease except that the payment of compensation under this section to any minor child of the employee shall continue for the period of the child’s minority at the weekly rate in effect when the employer’s liability is otherwise terminated under this subsection and shall not be subject to termination under this subsection until such the child becomes 18 years of age.

(i) Persons receiving benefits under this section shall submit an annual statement to the insurance carrier, self-insured employer or group-funded workers compensation pool paying the benefits, in such the form and containing such the information relating to eligibility for compensation under this section as may be required by rules and regulations of the director. If the person receiving benefits under this section is a surviving spouse or a dependent child who has reached the age of majority, such the person shall personally submit an annual statement. If the person receiving benefits under this section is a dependent child subject to a conservator, the conservator of such the child shall submit the annual statement. If such the person fails to submit an annual statement, the payer of benefits may notify the director of such the failure and the director shall notify the person of the failure by certified mail with return receipt. If such the person fails to submit the annual statement or fails to reasonably provide the required information within 30 days after receipt of the notice from the director, all compensation benefits paid under this section to such the person shall be suspended until the annual statement is submitted in proper form to the payer of benefits.

Sec. 2. K.S.A. 2017 Supp. 44-510b is hereby repealed.

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

Approved April 12, 2018.
CHAPTER 47

HOUSE BILL No. 2639

AN ACT concerning child care facilities; relating to individuals maintaining or residing, working or regularly volunteering at a child care facility; collection of a fee for fingerprinting such individuals; amending K.S.A. 2017 Supp. 65-516 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 65-516 is hereby amended to read as follows: 65-516. (a) No person shall knowingly maintain a child care facility if there resides, works or regularly volunteers any person who in this state or in other states or the federal government:

   (1) (A) Has been convicted of a crime that is classified as a person felony under the Kansas criminal code;

   (B) has been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

   (C) has been convicted of any act that is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto, or been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, to commit any such act or been convicted of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, to commit such act, or similar statutes of any other state or the federal government;

   (D) has been convicted of any act that is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto, or similar statutes of any other state or the federal government; or

   (E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 2017 Supp. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government;

   (2) has been adjudicated a juvenile offender because of having committed an act that if done by an adult would constitute the commission of a felony and that is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto, or similar statutes of any other state or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A.
(3) has been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, as a sex offender in any other state or as a sex offender on the national sex offender registry;

(4) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 2017 Supp. 38-2226, and amendments thereto, or any similar child abuse and neglect registries maintained by any other state or the federal government and:

(A) The person has failed to successfully complete a corrective action plan that had been deemed appropriate and approved by the Kansas department for children and families or requirements of similar entities in any other state or the federal government; or

(B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families or similar entities in any other state or the federal government;

(5) has had a child removed from home based on a court order pursuant to K.S.A. 2017 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;

(6) has had parental rights terminated pursuant to the Kansas juvenile code or K.S.A. 2017 Supp. 38-2266 through 38-2270, and amendments thereto, or a similar statute of other states;

(7) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 2017 Supp. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or

(8) has an infectious or contagious disease.

(b) No person shall maintain a child care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.

(c) Any person who resides in a child care facility and who has been found to be in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.

(d) In accordance with the provisions of this subsection, the secretary of health and environment shall have access to any court orders or adjudications of any court of record, any records of such orders or adjudi-
cations, criminal history record information including, but not limited to, diversion agreements, in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 2017 Supp. 38-2226, and amendments thereto, in the possession of the Kansas department for children and families or court of this state concerning persons working, regularly volunteering or residing in a child care facility. The secretary shall have access to these records for the purpose of determining whether or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.

(e) In accordance with the provisions of this subsection, the secretary is authorized to conduct national criminal history record checks to determine criminal history on persons residing, working or regularly volunteering in a child care facility. In order to conduct a national criminal history check the secretary shall require fingerprinting for identification and determination of criminal history. The secretary shall submit the fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation and receive a reply to enable the secretary to verify the identity of such person and whether such person has been convicted of any crime that would prohibit such person from residing, working or regularly volunteering in a child care facility. The secretary is authorized to use information obtained from the national criminal history record check to determine such person’s fitness to reside, work or regularly volunteer in a child care facility.

(f) Local and state law enforcement officers and agencies shall assist the secretary in taking and processing fingerprints of persons residing, working or regularly volunteering in a child care facility and shall release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the department.

(g) (1) The secretary shall adopt rules and regulations on or before January 1, 2019, to fix a fee for fingerprinting persons residing, working or regularly volunteering in a child care facility, as may be required by the department to reimburse the department for the cost of the fingerprinting.

(2) The secretary shall remit all moneys received from the fees established under this section to the state treasurer in accordance with 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 child care criminal background and fingerprinting fund.

(h) The child care criminal background and fingerprinting fund is hereby created in the state treasury to be administered by the secretary of health and environment. All moneys credited to the child care criminal background and fingerprinting fund shall be used to pay local and state law enforcement officers and agencies for the processing of fingerprints and criminal history background checks for the department. All expend-
itures from the child care criminal background and fingerprinting fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

(i) The secretary shall notify the child care applicant or licensee, within seven days by certified mail with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsections (a)(1) through (8) with regard to the person who is the subject of the review.

(jj) No child care facility or the employees thereof, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such facility’s or home’s compliance with the provisions of this section if such home acts in good faith to comply with this section.

(kk) For the purpose of subsection (a)(3), a person listed in the child abuse and neglect central registry shall not be prohibited from residing, working or volunteering in a child care facility unless such person has:

1. Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and
2. Been given notice of the agency decision and an opportunity to appeal such decision to the secretary and to the courts pursuant to the Kansas judicial review act.

(ll) In regard to Kansas issued criminal history records:

1. The secretary of health and environment shall provide in writing information available to the secretary to each child placement agency requesting information under this section, including the information provided by the Kansas bureau of investigation pursuant to this section, for the purpose of assessing the fitness of persons living, working or regularly volunteering in a family foster home under the child placement agency’s sponsorship.

2. The child placement agency is considered to be a governmental entity and the designee of the secretary of health and environment for the purposes of obtaining, using and disseminating information obtained under this section.

3. The information shall be provided to the child placement agency regardless of whether the information discloses that the subject of the request has been convicted of any offense.

4. Whenever the information available to the secretary reveals that the subject of the request has no criminal history on record, the secretary shall provide notice thereof in writing to each child placement agency requesting information under this section.

5. Any staff person of a child placement agency who receives information under this subsection shall keep such information confidential, except that the staff person may disclose such information on a need-to-know basis to:
(A) The person who is the subject of the request for information;
(B) the applicant or operator of the family foster home in which the person lives, works or regularly volunteers;
(C) the department of health and environment;
(D) the Kansas department for children and families;
(E) the department of corrections; and
(F) the courts.

(6) A violation of the provisions of subsection (l) shall be an unclassified misdemeanor punishable by a fine of $100 for each violation.

No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except where extraordinary circumstances exist, the secretary of health and environment may exercise discretion to make exceptions to this requirement. The provisions of this subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010, or who had an application for an initial license or the renewal of an existing license pending on July 1, 2010.

Sec. 2. K.S.A. 2017 Supp. 65-516 is hereby repealed.

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

Approved April 12, 2018.

CHAPTER 48
Substitute for HOUSE BILL No. 2147*

AN ACT concerning income taxation; relating to refunds; certain Native American veterans.

WHEREAS, Native Americans have a long history of serving their country through active duty in the armed forces of the United States during periods of both war and peace and have made great sacrifices in fulfilling such duty; and

WHEREAS, Native American veterans domiciled on their tribal lands during their periods of active military service may have been exempt from paying state income taxes on their military income, but may have had state income taxes improperly withheld from their military income; and

WHEREAS, Native American veterans are now barred by the state statute of limitations from claiming refunds of state income taxes that may have been improperly withheld from their military income, and even if not barred by the statute of limitations, the passage of time extending to decades will make it difficult for many Native American veterans to meet
strict standards of proof that such veterans are entitled to a refund of improperly withheld state income taxes.

Now, therefore:

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

Section 1. (a) On and after October 1, 2018, any Native American veteran who was domiciled within the boundaries of such veteran’s tribal lands during the period of active military duty from the tax years 1977 through 2001, and who had Kansas personal income taxes withheld from such veteran’s federal military income may apply to receive a refund as provided in this section. An application for refund shall be made to the director of taxation upon a form furnished by the director. Such refund shall be equal to the amount of the tax actually paid pursuant to the Kansas income tax act that is attributable to federal military income, plus interest on the amount of overpayment at the rate prescribed by K.S.A. 79-2968, and amendments thereto, from the due date of the original income tax return through September 30, 2018. When any person otherwise entitled to receive a refund payment under this section is deceased, such refund shall be paid upon a claim duly made on behalf of the estate of the deceased or, in the absence of any such claim, upon a claim by or on behalf of a surviving spouse and, if none, upon the claim of any heir-at-law.

(b) A fund designated as the Native American veterans’ income tax refund fund shall be set apart and maintained by the director of taxation from the moneys collected under the provisions of the Kansas income tax act and held by the state treasurer for prompt payment of refunds as provided by this section. The fund shall be in such amount as the director determines is necessary to meet refund requirements under this section. In the event such fund is at any time insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funding required to the director of accounts and reports, who shall promptly transfer the required amount from the state general fund to the Native American veterans’ income tax refund fund and notify the state treasurer, who shall make proper entry in the records.

(c) On or before February 1, 2019, and February 1, 2020, the secretary of revenue shall report to the house committee on veterans and military, the house committee on appropriations, and the senate ways and means committee on how the provisions of this section are being administered, including the number of claimants and the moneys expended.

(d) No claim for refund under this section may be submitted by a Native American veteran or, if such person is deceased, on behalf of the estate of the deceased or, in the absence of any such claim, upon a claim by or on behalf of a surviving spouse and, if none, upon the claim of any heir-at-law after June 30, 2020.
(e) The secretary of revenue may adopt rules and regulations necessary to administer the provisions of this section.

(f) As used in this section: (1) “Native American” means a member of the Prairie Band Potawatomi Nation in Kansas, the Iowa Tribe of Kansas and Nebraska, the Kickapoo Tribe in Kansas, or the Sac and Fox Nation of Missouri in Kansas and Nebraska; and

(2) “tribal lands” means:

(A) For the Iowa Tribe of Kansas and Nebraska, only the land that comprises that portion of the Tribe’s reservation as established by the treaty between the United States and the Tribe dated May 17, 1854, that: (i) Is within the boundaries of the state of Kansas; and (ii) is unaffected by the treaty between the United States and the Sauk and Foxes Tribes dated March 6, 1861, to the extent such treaty reduced the land set aside for the Tribe pursuant to the prior treaty dated May 17, 1854, and specifically excludes any portion of the Tribe’s reservation that is not within the boundaries of the state of Kansas. For the purposes of this section, the Tribe’s land shall also not include any lands that are inside the boundaries of the state of Kansas, but are outside the boundaries of the Tribe’s reservation established by the 1854 treaty that have been or may at any time be taken into trust by the United States;

(B) for the Kickapoo Tribe in Kansas, only the land granted in the treaty between the United States and the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas dated June 28, 1862;

(C) for the Sac and Fox Nation of Missouri in Kansas and Nebraska, only the land granted in the treaty between the United States and the Tribe dated March 6, 1861, and ratified on February 6, 1863; or

(D) for the Prairie Band Potawatomi Nation, only the land granted in Article 4 of the treaty with the Potawatomi Nation ratified on July 22, 1846, as modified by the treaties with the Potawatomi Nation ratified on April 15, 1862, and July 25, 1868, respectively.

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

Approved April 12, 2018.
(1) “Manufacturer” means a first or second stage manufacturer of vehicles, factory branch, distributor or factory representative, officer or agent or any representative thereof;

(2) “substantial reimbursement” means an amount equal to or greater than the cost of the savings that would result if the dealer were to utilize a vendor of the dealer’s own selection instead of using the vendor identified by the manufacturer; and

(3) “goods” does not include moveable displays, brochures and promotional materials containing material subject to the intellectual property rights of the manufacturer.

(b) Notwithstanding the terms and conditions of any franchise agreement, including any policy, bulletin, practice or guideline with respect thereto or performance thereunder, and in addition to the other provisions of the vehicle dealers and manufacturers licensing act, K.S.A. 8-2401 et seq., and amendments thereto:

(1) No manufacturer shall coerce or require any vehicle dealer to construct improvements to facilities or install new signs or other franchise or image elements that replace or substantially alter improvements, signs or franchise or image elements completed within the past 10 years that were required and approved by the manufacturer or one of its contractors or affiliates. For the purposes of this subsection, the term “substantially alter” does not include routine maintenance, including, but not limited to, interior painting that is reasonably necessary to keep a dealer facility in attractive condition.

(2) The 10-year period set forth under this section shall begin to run for a vehicle dealer, including that dealer’s successors and assigns, on the date that the manufacturer gave final written approval of the facility, facility improvements or installation of signs or other franchise or image elements or the date that the dealer receives a certificate of occupancy, whichever is later.

(3) (A) No manufacturer shall require a vehicle dealer to purchase goods or services to make improvements to the dealer’s facilities from a vendor selected, identified or designated by the manufacturer or one of its contractors or affiliates by agreement, program, incentive provision or bulletin or otherwise without allowing or making available to the dealer the option to obtain goods or services of substantially similar kind, quality and overall design from a vendor chosen by the dealer and approved by the manufacturer, except that approval by the manufacturer shall not be unreasonably withheld and the dealer’s option to select a vendor shall not be available if the manufacturer provides substantial reimbursement for the goods or services offered.

(B) This section is not intended to prohibit a manufacturer from requiring changes or updates to signs that contain the manufacturer brand, logo or other intellectual property protected by federal intellectual property law more frequently than every 10 years, provided the manufacturer
offers the dealer compensation for the sign or pays for the sign if sign changes are required more than every five years.

(4) A manufacturer shall not use sales or service performance criteria for the purpose of canceling, terminating or non-renewing a franchise agreement or otherwise rely upon such criteria for purposes related to K.S.A. 8-2414 or 8-2416, and amendments thereto, that fail to meet the requirements of this subsection. A standard measuring sales or service performance of any new vehicle dealer of the manufacturer shall not use criteria that:

(A) Are unfair, unreasonable, arbitrary or inequitable; or
(B) do not consider the relevant and material local and state or regional criteria, including prevailing economic conditions affecting the sales or service performance of a vehicle dealer or any relevant and material data and facts presented by the dealer in writing. Relevant and material criteria, data or facts include, but are not limited to: (i) Those motor vehicle dealerships of comparable size and comparable markets; (ii) demographics in the new vehicle dealer’s area; (iii) geographic and market characteristics in the new vehicle dealer’s area; (iv) the proximity of other new vehicle dealers of the same line and make; (v) the proximity of motor vehicle manufacturing facilities; (vi) the buying patterns and consumer preferences of motor vehicle purchases; and (vii) customer drive time and distance. If such performance measurement criteria are based in whole or in part on a survey, that survey must be based on a statistically significant and valid random sample or must survey a majority of new vehicle retail sales and warranty service customers of the dealer if the survey is one measuring customer satisfaction of the dealer’s sales or service operations. A manufacturer, contractor or common entity or an affiliate that enforces against any vehicle dealer any such performance measurement criteria shall, upon the request of the dealer, describe in writing to the dealer, in detail, how the performance measurement criteria were calculated and uniformly applied and shall also provide any data upon which it relied in reaching the performance standard and applying it to the dealer.

(c) This section shall be a part of and supplemental to the vehicle dealers and manufacturers licensing act.

Sec. 2. (a) As used in this section:

(1) “Manufacturer” means a first or second stage manufacturer of vehicles, factory branch, distributor or factory representative, officer or agent or any representative thereof or any other person acting on their behalf;

(2) “Stop-sale order” means a notification or its equivalent issued by a manufacturer to its franchised new vehicle dealer stating that certain motor vehicles in inventory shall not be sold or leased, at either retail or
wholesale, due to a federal safety recall for a defect or noncompliance or a federal emissions recall; and

(3) “do-not-drive order” means a notification or its equivalent issued by the national highway traffic safety administration that prohibits the sale or operation of certain motor vehicles held in inventory due to a federal safety recall for a defect or non-compliance or a federal emissions recall.

(b) (1) A manufacturer shall compensate its new vehicle dealers for all labor and parts required to perform recall repairs. Compensation for recall repairs shall be reasonable. If parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a vehicle dealer authorized to sell and service new vehicles of the same line-make within 30 days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a stop-sale or do-not-drive order on the vehicle, then the manufacturer shall compensate the dealer at the prorated rate of at least 1% of the value of the vehicle per month beginning on the date that is 30 days after the date on which the stop-sale or do-not-drive order was provided to the dealer until the earlier of either:

(A) The date the recall or remedy parts are made available; or
(B) the date the dealer sells, trades or otherwise disposes of the affected used motor vehicle.

(2) The value of a used vehicle shall be the average trade-in value for used vehicles as indicated in an independent third party guide for the year, make and model of the recalled vehicle.

(3) In the alternative, a manufacturer may compensate its new vehicle dealers subject to a stop-sale or do-not-drive order under a national recall compensation program, provided that the compensation under the program is equal to or greater than that provided under this subsection, or the manufacturer and dealer otherwise agree.

(c) This section shall apply only to used vehicles subject to safety or emissions recalls pursuant to, and recalled in accordance with, federal law as well as rules and regulations adopted thereunder where a stop-sale or do-not-drive order has been issued and repair parts or remedy parts remain unavailable for 30 days or longer. Furthermore, this section shall apply only to new vehicle dealers holding an affected used vehicle for sale:

(1) In inventory at the time the stop-sale or do-not-drive order was issued; or
(2) that was taken into the used vehicle inventory of the dealer as a consumer trade-in incident to the purchase of a new vehicle from the dealer after the stop-sale or do-not-drive order was issued; and
(3) that are a line-make that the dealer is franchised to sell or on which the dealer is authorized to perform recall repairs.

(d) It shall be a violation of this section for a manufacturer to reduce
the amount of compensation otherwise owed to a new vehicle dealer, or otherwise retaliate, whether through a chargeback, removal of the individual dealer from an incentive program or reduction in the amount owed under an incentive program or any other means, solely because the new vehicle dealer has made or submitted a claim for reimbursement under this section. This subsection shall not apply to an action by a manufacturer that is applied uniformly among all dealers of the same line-make in the state.

(e) A manufacturer may direct the manner and method in which a vehicle dealer must demonstrate the inventory status and identification of the affected used vehicle to determine eligibility under this section, provided that the manner and method may not be unduly burdensome and may not require information that is unduly burdensome to provide.

(f) Nothing in this section shall require a manufacturer to provide total compensation to a vehicle dealer for any single unit that would exceed the total average trade-in value of the affected used motor vehicle as originally determined under subsection (b).

(g) Any remedy provided to a vehicle dealer under this section is exclusive and may not be combined with any other state or federal recall compensation remedy. It shall not be deemed to supersede or otherwise replace the provisions of K.S.A. 8-2419, and amendments thereto.

(h) This section shall be a part of and supplement to the vehicle dealers and manufacturers licensing act.

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

Approved April 12, 2018.
Published in the Kansas Register April 19, 2018.

CHAPTER 50
SENATE BILL No. 410

AN ACT concerning insurance; relating to captive insurance companies; providing for association captive insurance companies, branch captive insurance companies and special purpose insurance captives; rules and regulations; amending K.S.A. 40-4301, 40-4302, 40-4303, 40-4304, 40-4306, 40-4307, 40-4308, 40-4309, 40-4310, 40-4311, 40-4313, 40-4314, 40-4317 and 40-4318 and repealing the existing sections; also repealing K.S.A. 40-4305 and 40-4316.

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

New Section 1. K.S.A. 40-4301 through 40-4304, 40-4306 through 40-4315, 40-4317 and 40-4318 and sections 1 through 35, and amendments thereto, shall be known and may be cited as the captive insurance act.
New Sec. 2. The commissioner may adopt rules and regulations establishing standards to ensure that a pure captive insurance company’s parent or any of its affiliated companies is able to exercise control of the risk management function of any controlled unaffiliated business to be insured by the pure captive insurance company, except that, until such time as rules and regulations under this section are adopted, the commissioner may approve the coverage of such risks by a pure captive insurance company on a case-by-case basis.

New Sec. 3. The following actions shall not be taken without the prior approval of the commissioner:

(a) The dissolution of a captive insurance company;
(b) the sale, exchange, lease, mortgage, assignment, pledge or other transfer of or granting of a security interest in all or substantially all of the assets of a captive insurance company;
(c) the making of a loan, investment or extension of credit by a captive insurance company, provided each such transaction is equal to or exceeds 3% of the captive insurance company’s admitted assets, except as provided in K.S.A. 40-430, and amendments thereto;
(d) any distribution or dividend out of the capital and surplus, or otherwise;
(e) any merger or consolidation to which a captive insurance company is a party;
(f) any conversion of a captive insurance company to another business form;
(g) any transfer to or domestication in any jurisdiction by a captive insurance company; or
(h) any amendment of the organizational documents of a captive insurance company.

New Sec. 4. (a) Unless otherwise approved by the commissioner, a captive insurance company shall maintain its books, records, documents, accounts, vouchers and agreements in Kansas. Notwithstanding the foregoing, all electronic documents shall be accessible within the state. A captive insurance company shall make its books, records, documents, accounts, vouchers and agreements available for inspection by the commissioner at any time. A captive insurance company shall keep its books, records, documents, accounts, vouchers and agreements in such manner that its financial condition, affairs and operations can be readily ascertained and in such manner that the commissioner may readily verify its financial statements and determine its compliance with all relevant statutes.

(b) Unless otherwise approved by the commissioner, all original books, records, documents, accounts, vouchers and agreements of a captive insurance company must be preserved and kept available in Kansas for the purpose of examination and inspection until the commissioner
approves their destruction or other disposition. If the commissioner approves the preservation and keeping of the foregoing outside of Kansas, the captive insurance company shall maintain a complete and true copy of each such original within the state. Books, records, documents, accounts, vouchers and agreements may be photographed, reproduced on film or stored and reproduced electronically.

(c) If any company, by its officers, directors, employees or agents, fails to comply with subsections (a) and (b), the commissioner, after notice and opportunity for hearing, may impose a civil penalty of up to $5,000 for each violation or act, along with a penalty of up to $1,000 for each week thereafter that such report or document is not provided. A violation of subsection (a) or (b) shall also be grounds for suspension or refusal of, or nonrenewal of, the certificate of authority held by the captive insurance company. Any proceeding for suspension, revocation or refusal of any certificate of authority shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

New Sec. 5. There is hereby created a fund in the state treasury to be known as the captive insurance regulatory and supervision fund to be administered by the commissioner. All moneys credited to such fund shall be expended only for the purpose of providing for the administration of this act. All fees received by the commissioner under the captive insurance act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the captive insurance regulatory and supervision fund. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner. All amounts received by the department pursuant to this act shall be credited to this fund.

New Sec. 6. (a) As used in this section, unless the context requires otherwise, “dormant captive insurance company” means a captive insurance company that has:

1. Ceased transacting the business of insurance, including the issuance of insurance policies; and
2. no remaining liabilities associated with insurance business transactions or insurance policies issued prior to the filing of its application for a certificate of dormancy under this section.

(b) A captive insurance company domiciled in Kansas that meets the criteria of subsection (a) may apply to the commissioner for a certificate of dormancy. The certificate of dormancy shall be subject to renewal every five years and shall be forfeited if not renewed within such time.

(c) A dormant captive insurance company that has been issued a certificate of dormancy shall:
(1) Possess and thereafter maintain unimpaired, paid-in capital and surplus of not less than $25,000;

(2) prior to March 15 of each year, submit to the commissioner a report of its financial condition, verified by oath by two of its executive officers, in a form as may be prescribed by the commissioner; and

(3) pay a license renewal fee of $500.

(d) A dormant captive insurance company shall not be subject to or liable for the payment of any tax under K.S.A. 40-4314, and amendments thereto, or as provided in article 28 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(e) A dormant captive insurance company shall apply to the commissioner for approval to surrender its certificate of dormancy and resume conducting the business of insurance prior to issuing any insurance policies.

(f) A certificate of dormancy shall be revoked if a dormant captive insurance company no longer meets the criteria of subsection (a).

(g) The commissioner may promulgate rules and regulations as necessary to carry out the provisions of this section.

New Sec. 7. The captive insurance company shall notify the commissioner in writing within 10 days of any material change in the financial condition or management of the captive insurance company. The commissioner shall designate material changes through rules and regulations.

New Sec. 8. (a) A branch captive insurance company, as defined in section 9, and amendments thereto, may be established in Kansas in accordance with the provisions of the captive insurance act. In addition to the general provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, the provisions of the captive insurance act shall apply to branch captive insurance companies. In the event of conflict between the provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, and the provisions of the captive insurance act, the latter shall control.

(b) No branch captive insurance company shall do any insurance business in Kansas unless it maintains the principal place of business for its branch operations, as defined in section 9, and amendments thereto, in Kansas and it appoints a principal representative in Kansas who is a resident of Kansas.

New Sec. 9. As used in sections 8 through 14, and amendments thereto:

(a) “Alien” means formed under the laws of any country or jurisdiction other than the United States of America or any of its states, districts, commonwealths or possessions.

(b) “Alien captive insurance company” means any insurance company formed to write insurance business of a nature that the commissioner determines is otherwise permissible under this act and is licensed or au-
thorized pursuant to the laws of an alien jurisdiction that imposes statutory or regulatory standards in a form acceptable to the commissioner on companies transacting business of insurance in such jurisdiction.

(c) “Branch business” means any insurance business transacted by a branch captive insurance company in Kansas.

(d) “Branch captive insurance company” means any alien captive insurance company that has been issued a certificate of authority by the commissioner to transact the business of insurance in Kansas through a business unit with a principal place of business in Kansas, and has not otherwise been issued a certificate of authority by the commissioner to transact insurance under this act.

(5) “Branch operations” means any business operations of a branch captive insurance company in Kansas.

(6) “Principal representative” shall mean a person designated as such by the branch captive insurance company as its principal representative on such forms and with such information as required by the commissioner.

New Sec. 10. (a) No branch captive insurance company shall be issued a certificate of authority unless it shall possess and thereafter maintain, as security for the payment of liabilities attributable to the branch operations:

1. Minimum capital and surplus of an amount equal to the amount set forth in K.S.A. 40-4304, and amendments thereto, as the minimum capital requirement for a pure captive insurance company; and
2. reserves on such insurance policies or such reinsurance contracts as may be issued or assumed by the branch captive insurance company through its branch operations, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses, and unearned premiums with regard to business written through the branch operations, except that, the commissioner may permit a branch captive insurance company to credit against any such reserve requirement in accordance with K.S.A. 40-221a, and amendments thereto.

(b) Subject to the prior approval of the commissioner, the amounts required in subsection (a) may be held in the form of:

1. A trust formed under a trust agreement and funded by assets acceptable to the commissioner;
2. an irrevocable letter of credit issued or confirmed by a bank approved by the commissioner; or
3. any combination thereof.

(c) The commissioner may, on a case-by-case basis, exempt a branch captive insurance company from any or all of the requirements of this section, provided the commissioner finds satisfactory evidence of the branch captive insurer’s financial stability.

New Sec. 11. (a) In the case of a captive insurance company author-
ized as a branch captive, the branch captive insurance company shall petition the commissioner to issue a certificate setting forth the commissioner’s finding that, after considering the character, reputation, financial responsibility, insurance experience and business qualifications of the officers and directors of the branch captive insurance company, the licensing and maintenance of the branch operations will promote the general good of Kansas. The branch captive insurance company may register to do business in Kansas after the commissioner’s certificate is issued.

(b) In making this determination, the commissioner or the commissioner’s designee shall have free access to the books and papers of any such company that relate to its business and to the books and papers kept by any of its agents and may examine under oath, which the commissioner is empowered to administer, the directors, officers, agents or employees of any such company in relation to its affairs, transactions and condition.

New Sec. 12. (a) A branch captive insurance company shall file with the commissioner a copy of all reports and statements required to be filed under the laws of the jurisdiction in which the alien captive insurance company is formed, verified by oath of two of its executive officers. Such reports and statements shall be filed with the commissioner on the same day that such reports and statements are due in the domiciliary jurisdiction of the alien captive insurance company.

(b) If the commissioner is satisfied that the annual report filed in accordance with subsection (a) provides adequate information concerning the financial condition of the branch captive insurance company, the commissioner may waive the requirement for completion of the annual report required under K.S.A. 40-4307, and amendments thereto. If the commissioner is not satisfied with the reports and statements filed pursuant to subsection (a), a report that meets the requirements of K.S.A. 40-4307, and amendments thereto, shall be filed with the commissioner at such date as the commissioner shall establish.

(c) If the branch captive insurance company is not required to file reports or statements in its domiciliary jurisdiction, the requirements of K.S.A. 40-4307, and amendments thereto, shall apply.

(d) All reports shall be provided the same confidential treatment as provided in K.S.A. 40-4308, and amendments thereto.

New Sec. 13. (a) The examination of a branch captive insurance company pursuant to K.S.A. 40-4308, and amendments thereto, shall be of branch business and branch operations only, so long as the branch captive insurance company provides annually to the commissioner a certificate of compliance, or its equivalent, issued by or filed with the licensing authority of the domiciliary jurisdiction of the branch captive insurance company, and demonstrates to the commissioner’s satisfaction that it is operating in sound financial condition in accordance with all applicable laws and regulations of such jurisdiction.
(b) As a condition of the issuance of a certificate of authority under this act, a branch captive insurance company shall grant authority to the commissioner for examination of the affairs of a branch captive insurance company in the jurisdiction in which the branch captive insurance company is formed, operates or maintains books and records.

(c) All reports shall be given the same confidential treatment as provided in K.S.A. 40-4308, and amendments thereto.

New Sec. 14. In the case of a branch captive insurance company, the tax provided for in K.S.A. 40-4314, and amendments thereto, shall apply only to the branch business of such company.

New Sec. 15. As used in sections 15 through 35, and amendments thereto:

(a) “Affiliate” means a company that controls, is controlled by or under common control with a special purpose insurance captive.

(b) “Affiliated agreements” means written agreements, including a special purpose insurance captive contract, between a special purpose insurance captive and its affiliate.

(c) “Ceded reinsurance agreements” means reinsurance agreements entered into by the special purpose insurance captive with affiliates or unaffiliated parties for the purpose of obtaining reinsurance for all or some portion of the risks assumed by the special purpose insurance captive under special purpose insurance captive contracts.

(d) “Ceding company” means the insurer ceding business to the special purpose insurance captive under the special purpose insurance captive contract.

(e) “Commissioner” means the commissioner of insurance, or the commissioner’s designee.

(f) “Department” means the Kansas insurance department.

(g) “Letter of credit” means a letter issued by a qualified United States financial institution to serve as a guarantee of payment. The letter of credit shall be clean and irrevocable.

(h) “NAIC” means the national association of insurance commissioners.

(i) “Organizational documents” means the special purpose insurance captive’s articles of organization, bylaws, operating agreement or other foundational document that establishes the special purpose insurance captive as a legal entity or prescribes its existence.

(j) “Permitted investments” means investments authorized by articles 2a and 2b of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or as specifically authorized by the commissioner by order.

(k) “Risk-based capital” or “RBC” has the same meaning the term is defined in K.S.A. 40-2d01, and amendments thereto.

(l) “Securitization” means a transaction or a group of related transactions, which may include capital market offerings, that are effected
through related risk transfer instruments and facilitating administrative agreements where all or part of the result of such transactions is used to fund a special purpose insurance captive’s obligations under a reinsurance contract with a ceding insurer and by which proceeds are: (1) Obtained by a special purpose insurance captive, directly or indirectly, through the issuance of securities by the special purpose insurance captive or any other person; or (2) provided through one or more letters of credit or other assets for the benefit of the special purpose insurance captive that the commissioner authorizes to treat as admitted assets for purposes of the special purpose insurance captive’s annual statement, where all or any part of such proceeds, letters of credit, or assets, as applicable, are used to fund the special purpose insurance captive’s obligations under a reinsurance contract with a ceding insurer. The term “securitization” does not include the issuance of a letter of credit for the benefit of the commissioner to satisfy all or part of the special purpose insurance captive’s capital and surplus requirements under the captive insurance act.

(m) “Special purpose insurance captive” means a captive insurance company that has received a certificate of authority from the commissioner for the limited purposes provided for in section 17, and amendments thereto.

(n) “Special purpose insurance captive contract” means a written contract between the special purpose insurance captive and the ceding company under which the special purpose insurance captive agrees to provide reinsurance protection to the ceding company for risks associated with the ceding company’s written or assumed annuity, life insurance or accident and health insurance business.

(o) “State” means the state of Kansas.

(p) “Surplus note” means an unsecured subordinated debt obligation, including any contingent obligation for the repayment of a sum of money upon a written agreement that the loan or advance with interest shall be repaid only out of funds as specified in the approved plan of operation, or any approved amendment thereto.

(q) “Valuation manual” means the manual of valuation instructions adopted by the NAIC.

New Sec. 16. (a) No provision of the Kansas insurance laws, other than those specifically referenced in sections 15 through 35, and amendments thereto, apply to a special purpose insurance captive, its operations, assets, investments and special purpose insurance captive contracts. Notwithstanding the foregoing, article 33 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, shall continue to apply as applicable.

(b) In the event of a conflict between any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, and sections 15 through 35, and amendments thereto, the latter shall control as to the
special purpose insurance captive and its operations, assets, dividends, special purpose insurance captive contracts, and surplus notes and investments. The commissioner may exempt all, or any one, special purpose insurance captive by rules and regulations or order from the provisions of sections 15 through 35, and amendments thereto, that the commissioner determines to be inappropriate, but may not expand the application of these sections.

New Sec. 17. (a) To transact business in Kansas, a special purpose insurance captive shall:

(1) Obtain from the commissioner a certificate of authority authorizing it to conduct reinsurance business in Kansas;

(2) hold at least one meeting of its board of directors each year within Kansas;

(3) maintain its principal place of business in Kansas;

(4) authorize the commissioner to accept service of process on its behalf in accordance with K.S.A. 40-218, and amendments thereto;

(5) maintain unimpaired paid-in capital and surplus of not less than $5,000,000;

(6) maintain a risk-based capital of at least 200%; and

(7) pay all applicable fees as required by this act.

(b) A special purpose insurance captive, when permitted by its organizational documents, may apply to the commissioner for a certificate of authority to conduct reinsurance in Kansas as authorized by this section.

(1) An authorized special purpose insurance captive may only reinsure the risks of its ceding company. A special purpose insurance captive may reinsure risks of more than one ceding company, provided all ceding companies from which a special purpose insurance captive assumes risks shall be affiliated with one another.

(2) An authorized special purpose insurance captive may cede all or a portion of its assumed risks under ceded reinsurance agreements.

(3) An authorized special purpose insurance captive may take credit or a reduction from liability for the reinsurance of risks or portions of risks ceded to a reinsurer in accordance with K.S.A. 40-221a, and amendments thereto, or as otherwise approved by the commissioner.

(c) To obtain a certificate of authority to transact business as a special purpose insurance captive in Kansas, the special purpose insurance captive shall:

(1) File an application, which shall include the following:

(A) Certified copies of its organizational documents;

(B) a statement under oath from any of the applicant’s officers as to the financial condition of the applicant as of the time the application is filed;

(C) evidence of the applicant’s assets as of the time of the application;
(D) complete biographical sketches for each officer and director on forms created by the NAIC;

(E) a plan of operation as described in section 18, and amendments thereto;

(F) an affidavit signed by the applicant that the special purpose insurance captive will operate only in accordance with the provisions of this section and its plan of operation;

(G) a description of the investment strategy the special purpose insurance captive will follow; and

(H) a description of the source and form of the initial minimum capital proposed in the plan of operation; and

(2) have deposited with the commissioner of insurance pursuant to K.S.A. 40-229a, and amendments thereto, securities authorized by K.S.A. 40-2a01 et seq., and amendments thereto, in an amount equal to not less than the minimum capital stock required of such company for the protection of its policyholders or creditors, or both;

(3) demonstrate that the minimum surplus required is established and held in Kansas; and

(4) provide copies of any filings made by the ceding company with the ceding company’s domiciliary insurance regulator to obtain approval for the ceding company to enter into the special purpose insurance captive contract and copies of any filings made by any affiliate of the special purpose insurance captive to obtain regulatory approval to contribute capital to the special purpose insurance captive or to acquire direct or indirect ownership of the special purpose insurance captive. The special purpose insurance captive shall provide copies of any letters of approval or disapproval received from the insurance regulator responding to such filing.

(d) The commissioner may require the special purpose insurance captive to revise its plan of operation under section 18, and amendments thereto, and meet all requirements imposed by a revised plan of operation as approved by the commissioner thereunder.

(e) The department shall act upon a complete application within 30 days of its filing. Upon good cause shown, the commissioner may extend the time to act on the application by 30 days.

(f) In the event the ceding company is not required to make filings with its domiciliary insurance regulator as described in subsection (c)(4), no such filing shall be required under subsection (c)(4) in Kansas, provided the applicant provides the commissioner with a certification signed by one of its officers attesting that no such filing is required with the ceding company’s domiciliary regulator.

(g) Once granted, a certificate of authority under this section shall continue until March 1 of each year. At such time, the certificate of authority may be renewed at the discretion of the commissioner.

(h) A special purpose insurance captive shall pay to the commissioner a nonrefundable application fee of $10,000 for examining, investigating
and processing its application for certificate of authority, and the commissioner is authorized to retain legal, financial, actuarial and examination services from outside the department, the reasonable costs of which may be additionally charged against the applicant. In addition, each special purpose insurance captive shall pay a renewal fee for each year thereafter of $10,000.

New Sec. 18. (a) A special purpose insurance captive must file, as part of its application, a plan of operation to consist of a description of the contemplated financing transaction or transactions and a detailed description of transaction documents to which the special purpose insurance captive will be a party, including, but not limited to, the special purpose insurance captive contract and related transactions to which the special purpose insurance captive will be a party that must include:

(1) Draft documentation or, at the commissioner’s discretion, a written summary of all material agreements to which the special purpose insurance captive is to be a party that are to be entered into to effectuate the special purpose insurance captive contract and the financing transaction;

(2) the purpose of the transaction;

(3) maximum amounts;

(4) interrelationships of the various transactions, to which the special purpose insurance captive will be a party, required to effectuate the financing;

(5) the investment strategy and plan for the special purpose insurance captive;

(6) a description of the underwriting, reporting and claims payment methods by which losses covered by the special purpose insurance captive contract will be reported, accounted for and settled;

(7) the initial minimum capital to be held by the special purpose insurance captive; and

(8) a pro forma balance sheet and income statements illustrating the performance of the special purpose insurance captive, the special purpose insurance captive contract, and any ceded reinsurance agreements under scenarios reasonably requested by the commissioner or specified by rules and regulations.

(b) The pro forma balance sheets and income statements filed under this section must be updated by the special purpose insurance captive and filed with the commissioner in the event of a material deviation from the original or most recently filed plan of operation.

(1) The plan of operation must specify which deviations are to be considered material; and

(2) any other documents or descriptions the commissioner deems appropriate to explain such material deviation.

New Sec. 19. (a) In order to approve an application and issue a cer-
tificate of authority to a special purpose insurance captive, the commis-

(1) The proposed plan of operation provides a reasonable and expected successful operation;

(2) the terms of the transactions proposed in the plan of operation to which the special purpose insurance captive is a party comply with sections 15 through 35, and amendments thereto; and

(3) the commissioner of the domiciliary state of each ceding company has notified the commissioner in writing or the applicant has otherwise provided assurance satisfactory to the commissioner that such regulator has either approved or granted a disapproval of the special purpose insurance captive contract.

(b) In evaluating the expectation of a successful operation, the commissioner shall consider whether the proposed special purpose insurance captive and its management are of known good character and reasonably believed not to be affiliated, directly or indirectly, with a person known to have been involved with the improper manipulation of assets, accounts or reinsurance. In the event the commissioner of the state of domicile of any ceding company is not required to review the special purpose insurance captive contract, then the approval described in subsection (a)(3) shall not be required for licensing of the special purpose insurance captive hereunder.

New Sec. 20. A special purpose insurance captive may be incorpo-

rated as a stock insurer subject to the provisions in K.S.A. 40-205, and amendments thereto, or as a nonstock corporation, or may be formed as a limited liability company, partnership or limited partnership.

New Sec. 21. (a) Activities of a special purpose insurance captive shall be limited to those necessary to accomplish its purpose as outlined in its plan of operation.

(b) The name of a special purpose insurance captive shall not be deceptively similar to or likely to be confused with another existing business name registered in the state.

(c) A special purpose insurance captive must have at least three incorporators or organizers, at least one of whom shall be a resident of the state.

(d) The capital stock of a special purpose insurance captive incorporated as a stock company shall be issued at not less than par value.

New Sec. 22. A special purpose insurance captive may enter into a special purpose insurance captive contract with a ceding company, pro-

vided:

(a) The special purpose insurance captive has been granted a certif-
icate of authority to transact business as a special purpose insurance captive under this section; and

(b) the special purpose insurance captive provides the commissioner
with evidence of approval or disapproval from the insurance regulatory official of the ceding company’s state or country of domicile to enter into the special purpose insurance captive contract. If the ceding company’s domiciliary insurance regulatory official does not customarily provide evidence of such approval or disapproval, the commissioner shall approve the special purpose insurance captive’s execution of such special purpose insurance captive contract, if such special purpose insurance captive contract would be acceptable and if an assuming insurer domiciled in Kansas were to propose execution of the same with its ceding company for the purpose of assuming such reinsurance and an officer of the special purpose insurance captive provides the commissioner with a certification that terms of the special purpose insurance captive contract meet the requirements for the ceding company to obtain credit in its state of domicile for reinsurance ceded under the special purpose insurance captive contract.

New Sec. 23. (a) A special purpose insurance captive may issue approved securities, subject to and in accordance with applicable law, its approved plan of operation and its organizational documents. A special purpose insurance captive may enter into and perform all its obligations under any required contract to facilitate the issuance of these securities.

(b) The commissioner may approve the use of surplus notes. If the commissioner so approves, the special purpose insurance captive shall:

(1) Account for the proceeds of surplus notes as surplus and not debt for purposes of statutory accounting; and

(2) submit for prior approval of the commissioner periodic written requests for payments of interest on and repayments of principal of surplus notes.

(c) The obligation to repay principal or interest, or both, on the securities issued by the special purpose insurance captive shall reflect the risk associated with the reinsurance obligations assumed by the special purpose insurance captive.

New Sec. 24. A special purpose insurance captive’s assets shall be managed in accordance with an investment management agreement filed with and approved by order of the commissioner. A special purpose insurance captive shall invest at least 90% of its assets in cash and securities that are investment grade at the time of the acquisition. The balance may be invested in cash, securities or other assets otherwise permitted in chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 25. Admitted assets of the special purpose insurance captive shall include permitted investments, proceeds from a securitization, premium and other amounts payable by a ceding insurer to the special purpose insurance captive, and any other assets approved by the commissioner. Additionally, letters of credit and guarantees of a parent may be recognized as an admitted asset on the special purpose insurance captive’s financial statements with prior approval of the commissioner. The
commissioner may, by order, reduce the amount of admitted assets previously approved if the commissioner determines that the value of those assets has decreased. At least 30 days prior to issuing any such order, the commissioner shall notify the special purpose insurance captive and provide it with an opportunity to remedy the issues identified by the commissioner. If the issues identified by the commissioner have not been resolved to the commissioner's satisfaction at the end of the 30-day period, the commissioner shall issue the order. The special purpose insurance captive shall have the right to a hearing, at which the insurer may challenge any determination or action by the commissioner. The special purpose insurance captive shall notify the commissioner of its request for hearing within 15 days after the issuance of the order. Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

New Sec. 26. A special purpose insurance captive shall not:

(a) Enter into a special purpose insurance captive contract with a person that is not authorized to transact the business of insurance or reinsurance in at least its state or country of domicile; or

(b) lend or otherwise invest or place in custody, trust or under management any of its assets with, or to borrow money or receive a loan, other than according to the plan of operation filed with and approved by the commissioner.

New Sec. 27. (a) A special purpose insurance captive shall not declare or pay dividends or distributions in any form to its owners other than in accordance with the transaction agreements or plan of operation.

(b) Dividends and distributions may not decrease the capital of the special purpose insurance captive below the minimum capital requirements.

(c) All dividends and distributions shall be approved by the commissioner. After giving effect to the dividends, the assets of the special purpose insurance captive, including assets held in trust and letters of credit issued for the exclusive benefit of the special purpose insurance captive, must be sufficient to satisfy the commissioner so that it can meet its obligations, in order to be approved.

(d) Dividends and distributions may be declared by the management of the special purpose insurance captive, provided that the dividend amount or form does not violate the provisions of this section or jeopardize the fulfillment of the obligations of the special purpose insurance captive.

New Sec. 28. Any material changes to a special purpose insurance captive’s plan of operation shall require the prior written approval of the commissioner. The plan of operation must specify which deviations shall be considered material.

New Sec. 29. Copies of all completed affiliated agreements to which
the special purpose insurance captive is a party, including, but not limited to, the special purpose insurance captive contract or contracts and any reinsurance agreements to which the special purpose insurance captive is a party must be filed with the commissioner for prior approval.

New Sec. 30. (a) Prior to March 1 of each year, each captive insurance company shall submit to the commissioner a report of its financial condition, verified by oath by two of its executive officers or other authorized persons.

(b) A special purpose insurance captive shall report using statutory accounting principles, unless the commissioner requires, approves or accepts the use of generally accepted accounting principles or another comprehensive basis of accounting, in each case with any appropriate or necessary modifications or adaptations required or approved or accepted by the commissioner and as supplemented by additional information required by the commissioner. The commissioner shall, by rules and regulations or order, establish the form and content of the annual report to be filed by a special purpose insurance captive.

(c) A special purpose insurance captive shall file a report of financial condition on a quarterly basis to be designated by the commissioner. The contents and form of the report shall be governed by subsection (b).

(d) A special purpose insurance captive shall file annually with the commissioner an actuarial opinion on reserves for all risks assumed by the special purpose insurance captive pursuant to its reinsurance contracts provided by an internal actuary and may discount its reserves in accordance with that actuarial opinion, subject to approval by the commissioner. A special purpose insurance captive shall file biennially an opinion of a qualified independent actuary acceptable to the commissioner concerning the methods and assumptions used to set reserves. Each opinion shall be governed by K.S.A. 40-409, and amendments thereto. The opinion and memorandum shall be filed with the report of financial condition required by subsection (a).

(e) A special purpose insurance captive may make written application to file its annual report on a fiscal year basis. If an alternative reporting date is granted, the commissioner shall establish the due date and content of any filing required by the special purpose insurance captive in addition to its annual report.

(f) Unless otherwise approved in advance by the commissioner, a special purpose insurance captive company shall maintain its books, records, documents, accounts, vouchers and agreements in Kansas. A special purpose insurance captive shall make its books, records, documents, accounts, vouchers and agreements available for inspection by the commissioner at any time. A special purpose insurance captive shall keep its books and records in such manner that its financial condition, affairs and operations can be readily ascertained and so that the commissioner may
readily verify its financial statements and determine its compliance with this act.

(g) Unless otherwise approved in advance by the commissioner, all original books, records, documents, accounts, vouchers and agreements shall be preserved and kept available in this state for the purpose of examination and inspection and until such time as the commissioner approves the destruction or other disposition of such books, records, documents, accounts, vouchers and agreements. If the commissioner approves the keeping of the items listed in this subsection outside this state, the special purpose insurance captive shall maintain within this state a complete and true copy of each such original. Books, records, documents, accounts, vouchers and agreements may be photographed, reproduced on film, or stored and reproduced electronically.

New Sec. 31. (a) Whenever the commissioner of insurance deems it necessary, but at least once every five years, the commissioner may make, or direct to be made, a financial examination of any special purpose insurance captive. The commissioner may engage in continuous analysis for the preparation of the examination. In addition, at the commissioner’s discretion, the commissioner may make, or direct to be made, a market regulation examination of any insurance company doing business in this state.

(b) In scheduling and determining the nature, scope and frequency of examinations of financial condition, the commissioner shall consider such matters, such as the results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, reports of independent certified public accountants and other criteria as set forth in the examiner’s handbook adopted by the national association of insurance commissioners and in effect when the commissioner exercises discretion under this subsection.

(c) The commissioner, for the purpose of making such examination or analysis, shall have free access to the books and papers of any such company that relate to its business and to the books and papers kept by any of its agents and may examine under oath, which the commissioner is empowered to administer, the directors, officers, agents or employees of any such company in relation to its affairs, transactions and condition.

(d) For the purpose of such analysis, the commissioner may require reports and other documents to be filed with the commissioner.

(e) The commissioner may also examine or investigate any person, or the business of any person, insofar as such examination or investigation is, in the sole discretion of the commissioner, necessary or material to the examination of the company, but such examination or investigation shall not infringe upon or extend to any communications or information accorded privileged or confidential status under any other laws of this state.

(f) Upon determining that an examination should be conducted, the
commissioner shall appoint one or more examiners to perform the examination and instruct them as to the scope of the examination. The commissioner may also employ such other guidelines or procedures as the commissioner may deem appropriate.

(g) When making an examination under this act, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants or other professionals and specialists as examiners, the reasonable cost of which shall be borne by the company that is the subject of the examination.

(h) (1) No later than 30 days following completion of the examination or at such earlier time as the commissioner shall prescribe, the examiner in charge shall file with the department a verified written report of examination under oath. No later than 30 days following receipt of the verified report, the department shall transmit the report to the company examined, together with a notice that shall afford such company examined a reasonable opportunity of not more than 30 days to make a written submission or rebuttal with respect to any matters contained in the examination report.

(2) Within 30 days of the end of the period allowed for the receipt of written submissions or rebuttals, the commissioner shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiners’ workpapers and enter an order:

(A) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, rules and regulations or prior order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure such violations;

(B) rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation or information, and refiling pursuant to subsection (k); or

(C) call for and conduct a fact-finding hearing in accordance with K.S.A. 40-281, and amendments thereto, for purposes of obtaining additional documentation, data, information and testimony.

(3) All orders entered as a result of revelations contained in the examination report shall be accompanied by findings and conclusions resulting from the commissioner’s consideration and review of the examination report, relevant examiner workpapers and any written submissions or rebuttals. Within 30 days of the issuance of the adopted report, the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders.

(4) Upon the adoption of the examination report, the commissioner shall hold the content of the examination report as private and confiden-
tial information for a period of 30 days. Thereafter, the commissioner may open the report for public inspection, so long as no court of competent jurisdiction has stayed its publication. Nothing contained in this act shall be construed to limit the commissioner’s authority to use and, if appropriate, to make public any final or preliminary examination report in the furtherance of any legal or regulatory action that the commissioner may, in the commissioner’s sole discretion, deem appropriate.

(i) Nothing contained in this act shall be construed to limit the commissioner’s authority to terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to the insurance laws of Kansas.

(j) Section 33, and amendments thereto, shall apply to the confidentiality of all working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the commissioner or any other person in the course of an examination made under this act, including analyses by the commissioner pertaining to either the financial condition or the market regulation.

New Sec. 32. (a) Each special purpose insurance captive shall pay to the commissioner on or before May 1 of each year a premium tax at the rate of 0.214 of 1% on the first $20,000,000 of the assumed reinsurance premium, 0.143 of 1% on the next $20,000,000, 0.048 of 1% on the next $20,000,000 and 0.024 of 1% of each dollar thereafter. No reinsurance premium tax shall be payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control if such transaction is part of a plan to discontinue the operations of such other insurer, and if the intent of the parties to such transaction is to renew or maintain such business with the captive insurance company.

(b) The premium tax imposed by subsection (a) shall constitute all taxes collectible under the laws of this state from any special purpose insurance captive, and no other occupation tax or other taxes shall be levied or collected from any captive insurance company by the state or any county, city or municipality within this state, except ad valorem taxes on real and personal property used in the production of income.

(c) Every special purpose insurance captive shall, on or before February 1 of each year, make a return on a form provided by the commissioner, verified by the affidavit of the company’s president and secretary or other authorized officers, to the commissioner stating the amount of all direct premiums received and assumed reinsurance premiums received, whether in cash or in notes, during the year ending on December 31 next preceding. Upon receipt of such returns, the commissioner shall verify the same and certify the amount of tax due from the various companies on the basis and at the rate provided in this section, on or before
March 31 of each year. The commissioner shall immediately thereafter notify and assess each company the amount of tax due.

(d) A special purpose insurance captive failing to make returns as required by subsection (c), or failing to pay within the time required all taxes assessed by this section, shall be subject to the provisions of K.S.A. 40-2806, and amendments thereto.

New Sec. 33. (a) Documents, materials or other information obtained by or disclosed to the commissioner pursuant to sections 15 through 35, and amendments thereto, shall:

(1) Be confidential and privileged, except as provided in section 30, and amendments thereto; and

(2) not be subject to disclosure under the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2023, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.

(b) The commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates that would be affected thereby notice and opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act, determines that the interests of policyholders, shareholders or the public would be served by the publication thereof, in which event, the commissioner may publish all or any part thereof in such a manner as the commissioner may deem appropriate. In making such determination, the commissioner of insurance also shall take into consideration any potential adverse consequences of the disclosure thereof.

(c) Neither the commissioner of insurance nor any person who received documents, materials or other information while acting under the authority of the commissioner of insurance or with whom such documents, materials or other information are shared pursuant to this section shall be permitted or required to testify in any private civil action concerning any confidential documents, materials or information subject to subsection (a).

(d) In order to assist in the performance of the commissioner’s duties, the commissioner of insurance may:

(1) Share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subsection (a), with federal and international regulatory agencies, and the NAIC and its affiliates, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material or other information, and has verified in writing the legal authority to maintain confidentiality;
(2) receive documents, materials or information, including otherwise confidential and privileged documents, materials or information from the national association of insurance commissioners, and its affiliates and subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information. Documents received pursuant to this section shall not be subject to disclosure pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2023, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023; and

(3) Sharing agreements provided for in subsection (d) shall:

(A) Specify procedures and protocols regarding the confidentiality and security of information shared with the national association of insurance commissioners and its affiliates and subsidiaries pursuant to this act, including procedures and protocols for sharing by the national association of insurance commissioners with other state, federal or international regulators;

(B) specify that ownership of information shared with the NAIC and its affiliates and subsidiaries pursuant to this act remains with the commissioner, and the NAIC’s use of the information is subject to the direction of the commissioner;

(C) require prompt notice to be given to an insurer and its affiliates whose confidential information in the possession of the NAIC, pursuant to this act, is subject to a request or subpoena to the NAIC for disclosure or production; and

(D) require the NAIC and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the NAIC and its affiliates and subsidiaries may be required to disclose confidential information about the insurer and its affiliates shared with the NAIC and its affiliates and subsidiaries pursuant to this act. Documents, materials or other information in the possession or control of the national association of insurance commissioners shall be confidential by law and privileged, shall not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. The provisions of this paragraph shall expire on July 1, 2023, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.

(e) The sharing of information by the commissioner of insurance, pursuant to this act, shall not constitute a delegation of regulatory authority or rulemaking authority, and the commissioner of insurance is
solely responsible for the administration, execution and enforcement of the provisions of this act.

(f) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner of insurance under this act or as a result of sharing as authorized in subsection (d).

New Sec. 34. (a) The commissioner may, after notice and hearing, issue an order, subject to the Kansas administrative procedure act, to conserve, rehabilitate or liquidate a special purpose insurance captive domiciled in this state on one or more of the following grounds:

(1) There has been embezzlement, wrongful sequestration, dissipation or diversion of the assets of the special purpose insurance captive;

(2) the special purpose insurance captive is financially impaired, insolvent or otherwise deemed to be in a hazardous financial condition pursuant to K.S.A. 40-222b, and amendments thereto; or

(3) the holders of a majority in outstanding principal amount of each class of special purpose insurance captive securities or surplus notes request or consent to conservation, rehabilitation or liquidation under the provisions of this section.

(b) Upon any order of conservation, rehabilitation or liquidation of a special purpose insurance captive, the receiver shall manage the assets and liabilities of the special purpose insurance captive under the provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(c) With respect to amounts recoverable under a special purpose insurance captive contract, the amount recoverable by the receiver must not be reduced or diminished as a result of the entry of an order of conservation, rehabilitation or liquidation with respect to the ceding company, notwithstanding another provision in the special purpose insurance captive contract or other documentation governing the special purpose insurance captive’s transactions.

New Sec. 35. The commissioner may promulgate all rules and regulations necessary to effectuate the provisions of sections 15 through 35, and amendments thereto.

Sec. 36. K.S.A. 40-4301 is hereby amended to read as follows: 40-4301. As used in this the captive insurance act, unless the context requires otherwise:

(a) “Affiliated company” means any company person, other than a natural person in that person’s individual capacity, in the same corporate system as a parent, an industrial insured, or a member organization by virtue of or an associate member by common ownership, control, operation or management.

(b) “Aircraft captive insurance company” means any pure captive insurance company which is formed under the provisions of this act by a
corporation or an affiliated company of a corporation engaged in the manufacture of aircraft and having its principal place of business within the state of Kansas and which insures only risks in the same corporate system.

“Association” means any legal association of persons, corporations, limited liability companies, partnerships, associations or other entities that have been in continuous existence for at least one year or such lesser period of time approved by the commissioner, whether or not in conjunction with some or all of the member organizations that:

1. Own, control or hold with power to vote all of the outstanding voting securities of an association captive insurance company incorporated as a stock insurer;
2. Have complete voting control over an association captive insurance company incorporated as a mutual insurer;
3. Constitute all of the subscribers of an association captive insurance company formed as a limited liability company; or
4. Have complete voting control over an association captive insurance company formed as a limited liability company.

(c) “Association captive insurance company” means any captive insurance company that insures risks of association members.

(d) “Association member” means any person that belongs to an association.

(e) “Capital and surplus” means the amount by which the value of all of the assets exceeds all of the liabilities of the captive insurance company, as determined under the method of accounting utilized by the captive insurance company in accordance with the applicable provisions of this act.

(f) “Captive insurance company” means any pure captive insurance company or industrial insured or association captive insurance company formed under the provisions of this act. For purposes of this act, a branch captive insurance company shall be a pure captive insurance company with respect to operations in this state, unless otherwise permitted by the commissioner.

(d)(g) “Commissioner” means the commissioner of insurance.

(e) “Industrial insured” means an insured:
1. Who procures the insurance of any risk or risks by use of the services of a full-time employee acting as an insurance manager or buyer;
2. Whose aggregate annual premiums for the kinds of insurance total at least $50,000;
3. Who has at least 25 full-time employees;
4. Whose principal activity consists of the manufacture of a product or products; and
5. Who contributes not less than $10,000 to the capital or surplus of the industrial insured captive insurance company that insures its risks. Such contribution shall be in the form of cash which may be returned at
such time as the risks of the industrial insured cease to be insured by the captive insurance company.

(f) “Industrial insured captive insurance company” means any company that insures risks of the industrial insureds that comprise the industrial insured group, and their affiliated companies.

(g) “Industrial insured group” means any group of not more than 10 industrial insureds in the same or similar line of business that:

(1) Collectively owns, controls or holds with power to vote all of the outstanding voting securities of an industrial insured captive insurance company incorporated as a stock insurer; or

(2) collectively has complete voting control over an industrial insured captive insurance company incorporated as a mutual insurer, or

(3) is created under the product liability risk retention act of 1981 (U.S. Public Law 97-45), as amended by the risk retention act of 1986, as a corporation or other limited liability association taxable as a stock insurance company or a mutual insurer under the laws of the state of Kansas:

(A) Whose primary activity consists of assuming and spreading all, or any portion, of the product liability or completed operations liability risk exposure of its group members;

(B) which is organized for the primary purpose of conducting the activity described in subdivision (g)(3)(A) of this section;

(C) which does not exclude any person from membership in the group solely to provide for members of such group a competitive advantage over such a person; and

(D) which is composed of members each of whose principal activity consists of the manufacture, design, importation, distribution, packaging, labeling, lease or sale of a product or products.

(h) “Controlled unaffiliated business” means any person other than a natural person in that natural person’s individual capacity:

(1) That is not a part of the corporate system of a parent and its affiliated companies;

(2) that has an existing contractual relationship with such parent or any such affiliated company; and

(3) whose risks are managed by a pure captive insurance company.

(i) “Department” means the Kansas insurance department.

(j) “Domestic” means any insurance company formed under the laws of the state of Kansas.

(k) “Insurer” means the same as “insurance company” as that term is defined in K.S.A. 40-222c, and amendments thereto.

(l) “Member organization” means any individual, corporation, limited liability company, partnership, association or other entity that belongs to an association.

(m) “Natural person” means a human being.

(n) “Organizational documents” means the captive insurance com-
pany’s articles of organization, bylaws, operating agreement or other foundational document that establishes the captive insurance company as a legal entity or prescribes its existence.

(o) “Parent” means a corporation, partnership or individual that directly or indirectly owns, controls or holds with power to vote more than 50% of the outstanding voting securities or other voting interest of a pure captive insurance company, or as assigned in the plan of operation.

(p) “Person” means a natural person, partnership, trust, estate, association, corporation, limited liability company, custodian, nominee or other individual or entity in its own or any representative capacity, in each case whether domestic, foreign or alien.

(q) “Personal lines of insurance” means personal motor vehicle, homeowner’s insurance coverage, residential fire insurance or any component thereof.

(r) “Pure captive insurance company” means any company that insures risks of its parent and affiliated companies and controlled unaffiliated business.

(s) “Risk retention group” means a captive insurance company organized under the laws of the state of Kansas pursuant to the liability risk retention act of 1986, 15 U.S.C. § 3901 et seq., as amended, as a stock or mutual corporation, a reciprocal or other limited liability entity.

Sec. 37. K.S.A. 40-4302 is hereby amended to read as follows: 40-4302. (a) Any captive insurance company, when permitted by its articles of incorporation or charter organizational documents, may apply to the commissioner for a certificate of authority to do any and all insurance comprised in articles 9 and 11 of chapter 40 of the Kansas Statutes Annotated, except K.S.A. 40-901 et seq., 40-1102 (1)(a), (1)(c) through (1)(n), and amendments thereto, and to issue life, accident and health insurance policies provided that:

(1) No pure captive insurance company may insure any risks other than those of its parent and affiliated companies and, upon prior approval of the commissioner, any controlled unaffiliated business up to 5% of total direct written premium;

(2) no industrial insured captive insurance company may insure any risks other than those of the industrial insureds that comprise the industrial insured group, and their affiliated companies association captive insurance company shall insure any risks other than those of its association and those of the member organizations of its association. No association captive insurance company shall expose itself to loss on any one risk or hazard in an amount exceeding 10% of its paid-up capital and surplus;

(3) no captive insurance company may provide homeowner’s personal lines of insurance, workers’ compensation or employers’ liability insurance coverage, long-term care coverage, critical care coverage, surety, title insurance, credit insurance or any component thereof; and
(4) no captive insurance company may shall accept or cede reinsurance except as provided in K.S.A. 40-4311, and amendments thereto;
(5) no captive insurance company shall provide accident and health, life insurance or annuities on a direct basis;
(6) no captive insurance company authorized as a life insurance company shall transact business other than life insurance; and
(7) no captive insurance company authorized to transact business under article 9 or 11 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, shall engage in the business of life insurance.

Any captive insurance company that provides motor vehicle liability insurance coverage on motor vehicles of its industrial insureds or parent or affiliated companies shall be required to insure all of the motor vehicles of such industrial insureds or parent or affiliated companies, and when such insurance coverage is provided by the captive insurance company, no motor vehicle of an industrial insured or parent or affiliated company shall be eligible for insurance coverage under any automobile insurance plan provided for in K.S.A. 40-2101 and 40-2102, and amendments thereto.

(b) No captive insurance company organized under the laws of this state shall do any insurance business in this state unless:
   (1) It first obtains from the commissioner a certificate of authority authorizing it to do insurance business in this state;
   (2) its board of directors, members, partners, managers, committee of managers or other governing body holds at least one meeting each year in this state;
   (3) it maintains its principal place of business in this state; and
   (4) it authorizes the commissioner to accept service of process on its behalf in accordance with K.S.A. 40-218, and amendments thereto.

(c) Before receiving a certificate of authority, an applicant captive insurance company shall file with the commissioner a certified copy of its articles of incorporation and bylaws, a statement under oath of its president and secretary showing its financial condition, and any other statements or documents required by the commissioner:
   (1) A copy of the applicant captive insurance company’s organizational documents; and
   (2) In addition to the information required by subdivision (1) of this subsection (c), each applicant captive insurance company shall file with the commissioner evidence of the following a plan of operation or a feasibility study describing the anticipated activities and results of the applicant captive insurance company that shall include:
      (A) The amount and liquidity of its assets relative to the risks to be assumed by the company’s loss prevention program of its parent and insureds, as applicable;
      (B) the adequacy of the expertise, experience and character of the person or persons who will manage it historical and expected loss expe-
rience of the risks to be insured or reinsured by the applicant captive insurance company;

(C) the overall soundness of its plan of operation, pro forma financial statements and projections of the proposed business operations of the applicant captive insurance company;

(D) the adequacy of the loss prevention programs of its parent or industrial insureds as applicable; and an analysis of the adequacy of the applicant captive insurance company’s proposed premiums, assets and capital and surplus levels relative to the risks to be insured or reinsured by the captive insurance company;

(E) such other factors deemed relevant by the commissioner in ascertaining whether the proposed captive insurance company will be able to meet its policy obligations;

(F) a statement of the applicant captive insurance company’s net retained limited liability on any contract of insurance or reinsurance it intends to issue and the nature of any reinsurance it intends to cede;

(G) a statement certifying that the applicant captive insurance company’s investment policy is in compliance with this act and specifying the type of investments to be made;

(H) a statement identifying the geographic areas in which the applicant captive insurance company intends to operate;

(I) whenever required by the commissioner, an appropriate opinion by a qualified independent actuary regarding the adequacy of the applicant captive insurance company’s proposed capital, surplus and premium levels;

(3) a description of the coverages, deductibles, coverage limits, rates and forms, together with any additional information that the commissioner may require;

(4) such other items deemed relevant by the commissioner in ascertaining whether the proposed captive insurance company will be able to meet its obligations; and

(5) any modification or change in the items required under this subsection that shall require the prior approval of the commissioner.

(d) Each captive insurance company not in existence on January 1, 2018, shall pay to the commissioner a nonrefundable fee of $500 $10,000 for examining, investigating and processing its application for a certificate of authority. The commissioner is authorized to retain legal, financial, actuarial, analysis and examination services from outside the department, the reasonable costs of which shall be charged against the applicant. In
addition, it shall pay a fee for the year of registration and a renewal fee for each year thereafter of $110.

(c) Each captive insurance company already in existence on January 1, 2018, shall pay an annual renewal fee of $110 until January 1, 2028, after which the provisions of subsection (d) shall apply.

(f) If the commissioner is satisfied that the documents and statements that such captive insurance company has filed comply with the provisions of this act, the commissioner may grant a certificate of authority authorizing it to do insurance business in this state until March 1 thereafter, which certificate of authority may be renewed.

(g) Information submitted under this section shall be and remain confidential, and shall not be made public by the commissioner or any employee or agent of the commissioner without the written consent of the company, except that:

1. Such information may be discoverable by a party in a civil action or contested case to which the captive insurance company that submitted such information is a party, upon a showing by the party seeking to discover such information that:
   A. The information sought is relevant to and necessary for the furtherance of such action or case;
   B. The information sought is unavailable from other non-confidential sources; and
   C. A subpoena issued by a judicial or administrative officer or competent jurisdiction has been submitted to the commissioner; and

2. The commissioner may disclose such information to a public officer having jurisdiction over the regulation of insurance in another state, provided that:
   A. Such public official shall agree in writing to maintain the confidentiality of such information; and
   B. The laws of the state in which such public official serves requires such information to be and to remain confidential; and

3. Access may also be granted to the national association of insurance commissioners and its affiliates, and the international association of supervisors and its affiliates. Such parties must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the company gives prior written consent.

Sec. 38. K.S.A. 40-4303 is hereby amended to read as follows: 40-4303. The word “captive” shall be incorporated into the name of every captive insurance company organized under the laws of this state, except that an aircraft captive insurance company incorporating the word “air” or “aircraft” into its name shall not be required to incorporate the word “captive” into its name. No captive insurance company shall adopt a name that is the same, deceptively similar or likely to be confused with or mis-
taken for any other existing business name registered in the state of Kansas.

Sec. 39. K.S.A. 40-4304 is hereby amended to read as follows: 40-4304. (a) No pure captive insurance company or industrial insured captive insurance company incorporated as a stock insurer shall be issued a certificate of authority unless it shall possess and thereafter maintain unimpaired paid-in capital and surplus of:

(1) In the case of a pure captive insurance company, not less than $100,000; and
(2) in the case of an industrial insured association captive insurance company incorporated as a stock insurer, not less than $200,000.

(b) Such capital may be in the form of cash or, upon approval of the commissioner, an irrevocable letter of credit issued by a bank chartered by the state of Kansas or the United States comptroller of currency, domiciled in Kansas, and approved by the commissioner.

(c) In connection with the issuance of a certificate of authority, the commissioner may prescribe additional minimum capital and surplus based upon the type, volume and nature of the insurance business transacted.

(d) Loans of minimum capital and surplus funds shall be prohibited. Notwithstanding the foregoing, the minimum capital and surplus funds may be received by the issuance of a surplus note as approved by the commissioner.

(e) No pure captive insurance company shall make a loan or an investment in its parent company or affiliates without prior written approval of the commissioner, and any such loan or investment shall be evidenced by documentation approved by the commissioner.

Sec. 40. K.S.A. 40-4306 is hereby amended to read as follows: 40-4306. (a) A pure captive insurance company shall be incorporated as a stock insurer with its capital divided into shares and held by the stockholders, as a nonstock corporation, or may be formed as a limited liability company, partnership or limited partnership.

(b) An industrial insured captive insurance company may be incorporated. An association captive insurance company may be incorporated as a stock corporation or as a nonstock corporation, or may be formed as a limited liability company, partnership or limited partnership.

(1) As a stock insurer with its capital divided into shares and held by the stockholders, or
(2) as a mutual insurer without capital stock.

(c) A captive insurance company shall have not less than three incorporators of whom not less than two shall be residents of this state incorporated or organized in Kansas shall have one or more incorporators or organizers, as applicable, at least one of whom shall be a resident of Kansas.
(d) Before the articles of incorporation are transmitted to the secretary of state, the incorporators shall petition the commissioner to issue a certificate setting forth such commissioner’s finding that the establishment and maintenance of the proposed corporation will promote the general good of the state. In arriving at such finding the commissioner shall consider:

In the case of a captive insurance company:

(1) The character, reputation, financial standing and purposes of the incorporators formed as a corporation, with at least one of the members of the board of directors who shall be a resident of Kansas, or have that member’s personal place of business in Kansas;

(2) the character, reputation, financial responsibility, insurance experience and business qualifications of the officers and directors; and

formed as a limited liability company, with at least one of the managers who shall be a resident of, or have its principal place of business in Kansas;

(3) such other aspects as the commissioner shall deem advisable formed as a partnership, with at least one member or person in whom management of the partnership is vested or to whom rights and powers to manage and control the business and affairs of the partnership have been delegated, shall be a resident of, or have such member’s or person’s principal place of business in Kansas; or

(4) formed as a limited partnership, with at least one general partner or person in whom management of the limited partnership is vested or to whom rights and powers to manage and control the business and affairs of the limited partnership have been delegated, shall be a resident of, or have such partner’s or person’s principal place of business in Kansas.

(e) The articles of incorporation or bylaws of a captive insurance company formed as a corporation may authorize a quorum of its board of directors to consist of no less than \( \frac{1}{3} \) of the full board of directors, provided that a quorum shall not consist of fewer than two directors.

(f) The articles of incorporation, such certificate and the organization fee shall be transmitted to the secretary of state, who shall thereupon record both the articles of incorporation and the certificate. Before the articles of incorporation are transmitted to the secretary of state, the incorporators shall petition the commissioner to issue a certificate setting forth such commissioner’s findings that the establishment and maintenance of the proposed corporation will promote the general good of the state.

(1) In arriving at such finding the commissioner shall consider:

(A) The character, reputation, financial standing and purpose of the incorporators;

(B) the character, reputation, financial responsibility, insurance experience and business qualifications of the officers and directors; and

(C) such other aspects as the commissioner shall deem advisable.

(2) The articles of incorporation, certificate of general good and the
(f) The capital stock of a captive insurance company incorporated as a stock insurer shall be issued at not less than par value.

(g) At least one of the members of the board of directors of a captive insurance company incorporated in this state shall be a resident of this state.

(h) A captive insurance company incorporated, formed or organized under the laws of Kansas or under the laws of another jurisdiction that is authorized under the provisions of this act shall have the privileges and be subject to the provisions of the laws of Kansas or the laws of such other jurisdiction, as applicable, under which such captive insurance company is incorporated, formed or organized as well as the applicable provisions contained in this act.

(i) Captive insurance companies formed under the provisions of this chapter shall have the privileges and be subject to the provisions of the general corporation code as well as the applicable provisions contained in this act. In the event of conflict between the provisions of the general corporation code and the provisions of this act, the latter shall control.

Sec. 41. K.S.A. 40-4307 is hereby amended to read as follows: 40-4307.

(a) Prior to March 1 of each year, each captive insurance company shall submit to the commissioner a report of its financial condition, verified by oath of two of its executive officers. Each captive insurance company shall file its report in the form required by K.S.A. 40-225, and amendments thereto.

(b) The report may be filed using generally accepted accounting principles, unless the commissioner approves the use of statutory accounting principles, with any appropriate or necessary modifications or adaptations thereof required or approved or accepted by the commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the commissioner. The commissioner shall by rules and regulations prescribe the forms by which captive insurance companies shall report.

(c) Any captive insurance company may make written application to the commissioner for filing the report required by subsection (a) on a fiscal year end. If an alternative reporting date is granted by the commissioner:

(1) The annual report shall be due 60 days after the fiscal year end; and

(2) in order to provide sufficient detail to support the premium tax return, the captive insurance company shall file prior to March 1 of each year for each calendar year end such form or information as the commissioner shall by rules and regulations prescribe, verified by the oath by two of its executive officers or other authorized persons.
(d) The captive insurance company shall file a report of financial condition on a quarterly basis to be designated by the commissioner. The contents and form of the report shall be governed by subsection (b).

(e) All reports shall be given the same confidential treatment as provided in K.S.A. 40-4308, and amendments thereto.

Sec. 42. K.S.A. 40-4308 is hereby amended to read as follows: 40-4308. At least once in three years, and whenever the commissioner determines it to be prudent, the commissioner shall personally, or by some competent person appointed by the commissioner, visit each captive insurance company and thoroughly inspect and examine its affairs to ascertain its financial condition, its ability to fulfill its obligations and whether it has complied with the provisions of this act. The commissioner upon application, in the exercise of discretion, may enlarge the aforesaid three year period to five years, if such captive insurance company is subject to a comprehensive annual audit during such period of a scope satisfactory to the commissioner by independent auditors approved by such commissioner. The expenses and charges of the examination shall be paid to the state by the company or companies examined.

(a) Whenever the commissioner deems it necessary, but at least once every three years, the commissioner may make, or direct to be made, a financial examination of any captive insurance company in the process of organization, or applying for admission or doing business in Kansas. The commissioner may engage in continuous analysis for the preparation of the examination. In addition, at the commissioner’s discretion, the commissioner may make, or direct to be made, a market regulation examination of any insurance company doing business in Kansas.

(b) In scheduling and determining the nature, scope and frequency of examinations of financial condition, the commissioner shall consider such matters as the results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, reports of independent certified public accountants and other criteria as set forth in the examiner’s handbook adopted by the national association of insurance commissioners in effect when the commissioner exercises discretion under this subsection.

(c) The commissioner shall have free access to the books and papers of any such company that relate to its business and to the books and papers kept by any of its agents and may examine under oath, which the commissioner shall be empowered to administer, the directors, officers, agents or employees of any such company in relation to its affairs, transactions and condition.

(d) For the purpose of such analysis, the commissioner may require reports and other documents be filed with the commissioner.

(e) The commissioner may also examine or investigate any person, or the business of any person, insofar as such examination or investigation
is, in the sole discretion of the commissioner, necessary or material to the examination of the company, but such examination or investigation shall not infringe upon or extend to any communications or information accorded privileged or confidential status under any other laws of this state.

(f) Upon determining that an examination should be conducted, the commissioner or the commissioner’s designee shall appoint one or more examiners to perform the examination and instruct them as to the scope of the examination. The commissioner may also employ such other guidelines or procedures as the commissioner may deem appropriate.

(g) When making an examination under this act, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants or other professionals and specialists as examiners, the reasonable cost of which shall be borne by the company that is the subject of the examination.

(h) (1) No later than 30 days following completion of the examination or at such earlier time as the commissioner shall prescribe, the examiner in charge shall file with the department a verified written report of examination under oath. No later than 30 days following receipt of the verified report, the department shall transmit the report to the company examined, together with a notice that shall afford such company examined a reasonable opportunity of not more than 30 days to make a written submission or rebuttal with respect to any matters contained in the examination report.

(2) Within 30 days of the end of the period allowed for the receipt of written submissions or rebuttals, the commissioner shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiners’ workpapers and enter an order:

(A) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, rule and regulation or prior order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure such violations;

(B) rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation or information; or

(C) call for and conduct a fact-finding hearing in accordance with K.S.A. 40-281, and amendments thereto, for purposes of obtaining additional documentation, data, information and testimony.

(3) All orders entered as a result of revelations contained in the final examination report shall be accompanied by findings and conclusions resulting from the commissioner’s consideration and review of the examination report, relevant examiner work papers and any written submissions or rebuttals. Within 30 days of the issuance of the adopted report,
the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders.

(4) Upon the adoption of the examination report of an association captive insurance company, the commissioner shall hold the content of the examination report as private and confidential as to the pure captive insurance company. Nothing contained in this act shall be construed to limit the commissioner’s authority to use and, if appropriate, to make public any final or preliminary examination report in the furtherance of any legal or regulatory action that the commissioner may, in the commissioner’s discretion, deem appropriate.

(i) Nothing contained in this act shall be construed to limit the commissioner’s authority to terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this state.

(j) All examination reports, preliminary examination reports or results, working papers, recorded information, documents and copies thereof produced by, obtained by, or disclosed to the commissioner or any other person in the course of an examination made under this section are confidential and are not subject to subpoena and may not be made public by the commissioner or an employee or agent of the commissioner without the written consent of the company, except to the extent provided in this subsection. Nothing in this subsection shall prevent the commissioner from using such information in furtherance of the commissioner’s regulatory authority under this act. The commissioner may grant access to such information to public officers having jurisdiction over the regulation of insurance in any other state or country, or to law enforcement officers of Kansas or any other state or agency of the federal government at any time. Access may also be granted to the national association of insurance commissioners and its affiliates, and the international association of insurance supervisors and its affiliates. Persons receiving such information must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the company to which it pertains has been obtained.

(k) The commissioner may receive documents, materials or information, including otherwise confidential and privileged documents, materials or information from the national association of insurance commissioners, and its affiliates and subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information. Documents received pursuant to this section shall not be subject to disclosure pursuant to the open records act, K.S.A. 45-
215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2023, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.

Sec. 43. K.S.A. 40-4309 is hereby amended to read as follows: 40-4309. (a) The certificate of authority of a captive insurance company to do an insurance business in this state may be suspended or revoked by the commissioner for any of the following reasons:

1. Insolvency or impairment of capital or surplus. The captive insurance company is financially impaired, insolvent or otherwise deemed to be in a hazardous financial condition pursuant to K.S.A. 40-222b, and amendments thereto;

2. failure to meet the requirements of K.S.A. 40-4304 or 40-4305, and amendments thereto;

3. refusal or failure to submit the report, required by K.S.A. 40-4307, and amendments thereto, or any other report or statement required by law or by lawful order of the commissioner;

4. failure to comply with the provisions of its own articles of incorporation or bylaws organizational documents;

5. failure to submit to examination or any legal obligation relative thereto, as required by K.S.A. 40-4308 failure to pay any tax or fee, or to submit to pay the cost of examination or any legal obligation relative thereto, as required by Kansas law;

6. refusal or failure to pay the cost of examination as required by K.S.A. 40-4308;

7. use of methods that, although not otherwise specifically prohibited by law, nevertheless render its operation detrimental or its condition unsound with respect to the public or to its policyholders;

8. failure otherwise to comply with the laws of this state.

(b) If the commissioner finds, upon examination, hearing or other evidence, that any captive insurance company has committed any of the acts specified in subsection (a), such commissioner may suspend or revoke such license if such commissioner deems it in the best interest of the public and the policyholders of such captive insurance company, notwithstanding any other provision of this act Whenever it appears to the commissioner that any captive insurance company has committed any of the acts specified in subsection (a), the commissioner shall give the company notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act. If the commissioner finds, upon examination, hearing or other evidence, that any captive insurance company has committed any of the acts specified in subsection (a), the commissioner may suspend or revoke such certificate of authority if the commissioner deems it in the best interests of the public and the
policyholders of such captive insurance company, notwithstanding any other provisions of this act.

(c) Although issued and delivered to the captive insurance company, the certificate of authority at all times shall be the property of this state. Upon any expiration, suspension or termination thereof, the captive insurance company shall promptly deliver the certificate of authority to the commissioner.

(d) Suspension of a captive insurance company’s certificate of authority shall be for such period as the commissioner specifies in the order of suspension. During the suspension period, the commissioner may rescind or shorten the suspension by further order.

(e) During the suspension period, the captive insurance company may not solicit or write any new business, but must file annual statements, pay fees and taxes as required under this act, and unless otherwise provided in the order of suspension, may service its business already in force as if the certificate of authority had continued in full force.

Sec. 44. K.S.A. 40-4310 is hereby amended to read as follows: 40-4310. No captive insurance company shall be subject to any restrictions on allowable investments whatever, including those limitations contained in sections K.S.A. 40-2a01 et seq., and amendments thereto, except that the commissioner may prohibit or limit any investment that threatens the solvency or liquidity of any such company (a) Captive insurance companies shall comply with:

(1) The investment requirements contained in articles 2a and 2b of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, as applicable; and

(2) such investment requirements as may otherwise be approved by the commissioner upon application by any such captive insurance company.

(b) Investments of association captive insurance companies shall be valued in accordance with the valuation procedures established by the national association of insurance commissioners, except to the extent it is inconsistent with the accounting standards in use by the company and approved by the commissioner.

Sec. 45. K.S.A. 40-4311 is hereby amended to read as follows: 40-4311. (a) Any captive insurance company may provide reinsurance, comprised in articles 9 and 11 of chapter 40 of the Kansas Statutes Annotated as limited by subsection (a)(3) of K.S.A. 40-4302, and amendments thereto on risks ceded by any other captive insurance company organized under the laws of this state may, with the consent of the commissioner, assume all or any part of an individual risk or all or any part of a particular class of risks by affiliated insurers.

(b) Any risks or portions of risks of any captive insurance company that is reinsured shall be ceded to an insurance company that is authorized
to transact business in this state or that has been approved by the commissioner. A captive insurance company may take credit for reserves on risks or portions of risks ceded. The commissioner may require any other documents, financial information or other evidence that such a reinsurer will be able to provide adequate security for its financial obligations. The commissioner may deny authorization or impose any limitations on the activities of a reinsurer that, in such commissioner’s judgment, are necessary and proper to provide adequate security for the ceding captive insurance company and for the protection and consequent benefit of the public at large. Any captive insurance company may take a credit or reduction from liability for the reinsurance of risks or portions of risks ceded to a reinsurer in accordance with K.S.A. 40-221a, and amendments thereto, or as otherwise approved by the commissioner. The commissioner may require any other documents, financial information or other evidence that such reinsurer will be able to provide adequate security for its financial obligations. The commissioner may deny authorization or impose any limitation on the activities of a reinsurer that in the commissioner’s judgment are necessary and proper to provide adequate security for the ceding captive insurance company and for the protection and consequent benefit of the public at large.

(c) Any aircraft captive insurance company may provide reinsurance, comprised in articles 9 and 11 of chapter 40 of the Kansas Statutes Annotated as limited by subsection (a)(3) of K.S.A. 40-4302, and amendments thereto, on risks ceded by an insurance company which is an affiliated company and is authorized to transact business in the state of Kansas, if the requirements of either paragraph (1) or (2) of subsection (b) of K.S.A. 40-221a, and amendments thereto, are met by the ceding insurer with respect to the reinsurance provided by the aircraft captive.

Sec. 46. K.S.A. 40-4313 is hereby amended to read as follows: 40-4313. No captive insurance company shall be permitted to join or contribute financially to any plan, pool, association or guaranty or insolvency fund in this state, nor shall any captive insurance company, or its insured, or its parent or any affiliated company, receive any benefit from any such plan, pool, association or guaranty or insolvency fund for claims arising out of the operations of such captive insurance company. Prior to insuring a risk or hazard of an association member, the association captive insurance company must notify the association member that it does not participate in any guaranty or insolvency fund in Kansas.

Sec. 47. K.S.A. 40-4314 is hereby amended to read as follows: 40-4314. (a) Each captive insurance company shall, at the time it files the report required by K.S.A. 40-4307, and amendments thereto, pay a tax on all premiums received on risks located in this state at the rate prescribed in K.S.A. 40-252 A, and amendments thereto. Such taxes shall be subject
to the procedures and provisions of K.S.A. 40-252 C, 40-252b, 40-252c and 40-253, and amendments thereto.

The tax provided for in this section shall constitute all taxes collectible under the laws of this state from any captive insurance company, and no other occupation tax or other taxes shall be levied or collected from any captive insurance company by the state or any county, city or municipality within this state, except ad valorem taxes on real and personal property used in the production of income.

(b) Each captive insurance company shall pay the commissioner a tax at the rate of $2\times\frac{1}{10}$ of 1% on each dollar of direct premiums collected or contracted for, during the year ending December 31 next preceding, on policies or contracts of insurance written by the captive insurance company, after deducting from the direct premiums subject to the tax amounts paid to policyholders as return premiums with respect to such preceding year only, which amounts shall include only dividends or distributions of unabsorbed premiums or premium deposits returned or credited to policyholders, up to a maximum tax for such year of $500,000, except that no tax shall be due or payable as a consideration received for annuity contracts.

(c) Each captive insurance company shall pay to the commissioner no later than March 1 of each year a tax at the rate of $1\times\frac{1}{10}$ of 1% on each dollar assumed reinsurance premiums collected or contracted for, during the year end December 31 next preceding, on policies or contracts of insurance written by the captive insurance company, up to a maximum tax for such year of $300,000. However, no such tax applies to premiums for risks or portion of risks that are subject to taxation on a direct basis pursuant to subsection (b), and no such tax shall be payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control if such transaction is part of a plan to discontinue the operations of such other insurer and if the intent of the company by the state or any county, city or municipality within Kansas, except ad valorem taxes on real and personal property used in the production of income.

(d) The tax provided in this section shall be calculated on an annual basis, notwithstanding that policies or contracts of insurance or contracts of reinsurance are issued on a multi-year basis. In the case of multi-year policies or contracts, the premium shall be prorated for purposes of determining the tax under this section.

Sec. 48. K.S.A. 40-4317 is hereby amended to read as follows: 40-4317. The commissioner may adopt such rules and regulations relating to captive insurance companies as are necessary to carry out the provisions of this act. The commissioner, on a case-by-case basis, may by order, exempt a captive insurance company from the provisions of this act and any rule or regulation adopted by the commissioner that, as reasonably
determined by the commissioner, based on such factors deemed relevant by the commissioner, consistent with the purposes of this act, are inappropriate to apply to such captive insurance company.

Sec. 49. K.S.A. 40-4318 is hereby amended to read as follows: 40-4318. (a) No provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, other than those contained in this act or contained in specific references contained in this act or specific references contained in statutory sections cited in subsections (b) and (c), shall apply to captive insurance companies.

(b) The provisions of K.S.A. 40-2209 and 40-2215, and amendments thereto, shall apply to captive insurance companies and to all contracts issued under the act of which this section is a part.

(c) The provisions of article 33 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, shall continue to apply to insurers, as applicable.

(d) To the extent not inconsistent with this act, the provisions of article 36 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, shall apply to captive insurance companies authorized under this act.


Sec. 51. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 12, 2018.

CHAPTER 51
SENATE BILL No. 394


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

Section 1. K.S.A. 2017 Supp. 46-222 is hereby amended to read as follows: 46-222. (a) “Lobbyist” means:

(1) Any person employed in considerable degree for lobbying;

(2) any person formally appointed as the primary representative of an organization or other person to lobby in person on state-owned or leased property; or

(3) any person who makes expenditures in an aggregate amount of
Chapter 51

2018 Session Laws of Kansas

Section 1. Any person hired as an independent contractor and compensated by an executive agency, as defined in K.S.A. 46-225, and amendments thereto, for the purpose of evaluation, management, consulting or acting as a liaison for the executive agency and who engages in lobbying, except an attorney or law firm representing the executive agency in a legal matter.

(b) “Lobbyist” shall not include:

(1) Any state officer or employee engaged in carrying out the duties of their office;
(2) the employer of a lobbyist, if such lobbyist has registered the name and address of such employer under K.S.A. 46-265, and amendments thereto;
(3) any nonprofit organization which has qualified under 501(c)(3) of the internal revenue code of 1986, as amended, which is interstate in its operations and of which a primary purpose is the nonpartisan analysis, study or research of legislative procedures or practices and the dissemination of the results thereof to the public, irrespective of whether such organization may recommend a course of action as a result of such analysis, study or research;
(4) any justice or commissioner of the supreme court or judge of the judicial branch or employee or officer of the judicial branch or, any member of a board, council or commission who is appointed by the supreme court or who is elected or appointed to exercise duties pertaining to functions of the judicial branch, when such person is engaged in performing a function or duty for the judicial branch; or
(5) any appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in K.S.A. 75-3223(e), and amendments thereto, when such member is engaged in performing a function or duty for such council, commission or board.

Section 2. K.S.A. 46-225 is hereby amended to read as follows: 46-225.

(a) Except as otherwise provided, “lobbying” means:
(1) Promoting or opposing in any manner action or nonaction by the legislature on any legislative matter or the adoption or nonadoption of any rule and regulation by any state agency; or
(2) promoting or opposing in any manner an action or nonaction by any executive agency on any executive administrative matter;
(3) promoting or opposing in any manner an action or nonaction by any judicial agency on any judicial administrative matter; or
(4) entertaining any state officer or employee or giving any gift, honorarium or payment to a state officer or employee in an aggregate value of $40 or more within any calendar year, if at any time during such year
the person supplying the entertainment, gifts, honoraria or payments has a financial interest in any contract with, or action, proceeding or other matter before the state agency in which such state officer or employee serves, or if such person is the representative of a person having such a financial interest.

(c) “Lobbying” does not include any expenditure from amounts appropriated by the legislature for official hospitality.

(d) “Lobbying” does not include representation of a claimant on a claim filed by the claimant under K.S.A. 46-907 and 46-912 to 46-919, inclusive, and amendments thereto, in proceedings before the joint committee on special claims against the state.

(e) “Lobbying” does not include bona fide personal or business entertaining.

(f) No legislator may be hired as a lobbyist to represent anyone before any state agency.

(g) “Lobbying” does not include:

1. Written communications by an employee of a private business seeking a contract, agreement or lease with an executive agency or judicial agency solely for the purpose of describing goods or services to be provided or for preparing a bid, proposal or other document relating to a contract, agreement or lease, such as factual information, specifications, terms, conditions, timing or similar technical or commercial information or communications by an employee of a private business awarded a bid or contract for the purpose of carrying out ongoing negotiations following the award of the bid or contract;

2. Communications by an attorney representing a client involving ongoing legal work with respect to an executive administrative matter or judicial administrative matter, or an administrative proceeding or hearing and negotiations conducted by and with attorneys for executive agencies or judicial agencies, or interactions between parties in litigation or other contested matters, and testimony by a witness in an administrative hearing or communications to or by investigators or authorities in the course of any investigation;

3. Communications among and between members of the legislature or executive or judicial officials or employees;

4. Providing written information in response to a written request from an executive agency for technical advice or factual information regarding a standard, rate, rule or regulation, policy or procurement or from a judicial agency regarding a procurement;

5. Communications regarding a contract, lease or agreement of $5,000 or less;

6. Communications made by or on behalf of a private business for the purpose of securing a grant, loan or tax benefit pursuant to a Kansas economic development program for the purpose of locating, relocating or expanding a private business within or into Kansas; or
(7) communications made by officers or employees of a certified business or disabled veteran business, as defined in K.S.A. 75-3740, and amendments thereto.

(h) As used in this section, “executive administrative matter” means any rule and regulation, utility ratemaking decision, any agreement, contract, bid or bid process, or any procurement decision, including, but not limited to, any financial services agreement, software licensing, servicing or procurement agreement, any lease, grant, award, loan, bond issue, certificate, license, permit, administrative order or any other matter that is within the official jurisdiction or cognizance of the executive agency.

(i) As used in this section, “judicial administrative matter” means any administrative matter regarding an agreement, contract, bid or bid process, any procurement decision, including, but not limited to, any financial services agreement, software licensing, servicing or procurement agreement, lease, or any other administrative procurement or contractual matter.

(j) As used in this section, “executive agency” means any state agency, state officer or state officer elect, or employee of the executive branch and includes, but is not limited to, the board of regents and state board of education, but does not include local boards of education of school districts or municipalities or other political subdivisions.

(k) As used in this section, “judicial agency” means any department, institution, office, officer, employee, commission, board or bureau, or any agency, division or unit thereof, of the judicial branch of government and includes any justice or commissioner of the supreme court or judge or judge elect of the judicial branch, or any member of a board, council or commission who is appointed by the supreme court or who is elected and is performing a function or duty of the judicial branch that constitutes a judicial administrative matter.

(l) As used in this section, “written communications” or “written information” includes email or other electronic forms of communication that are retained as a record by the executive agency or judicial agency.

Sec. 3. K.S.A. 46-237 is hereby amended to read as follows: 46-237.

(a) Except as provided by this section, no state officer or employee, candidate for state office or state officer elect shall accept, or agree to accept any:

(1) Economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of $40 or more in any calendar year; or

(2) hospitality in the form of recreation having an aggregate value of $100 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.
(b) Except as provided by this section, no person with a special interest shall offer, pay, give or make any:

(1) Economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of $40 or more in any calendar year; or

(2) hospitality in the form of recreation having an aggregate value of $100 or more in any calendar year to any state officer or employee, candidate for state office or state officer elect with a major purpose of influencing such officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties or to a member or member elect or employee of the judicial branch with a major purpose of influencing the member or member elect or employee of the judicial branch in the performance of official duties or prospective official duties pertaining to a judicial administrative matter, as defined in K.S.A. 46-225, and amendments thereto.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of $40 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency.

(d) Hospitality in the form of food and beverages is presumed not to be given to influence a state officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties, or to influence a member or member elect or employee of the judicial branch in the performance of official duties or prospective official duties pertaining to a judicial administrative matter as defined in K.S.A. 46-225, and amendments thereto, except when a particular course of official action is to be followed as a condition thereon.

(e) 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; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

(f) No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the commission prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

(g) The provisions of this section shall not be applicable to or prohibit the acceptance of gifts from governmental agencies of foreign nations except that any gift accepted from such foreign governmental agency,
having an aggregate value of $100 or more, shall be accepted on behalf of the state of Kansas.

(h) No legislator shall solicit any contribution to be made to any organization for the purpose of paying for travel, subsistence and other expenses incurred by such legislator or other members of the legislature in attending and participating in meetings, programs and activities of such organization or those conducted or sponsored by such organization, but nothing in this act or the act of which this act is amendatory shall be construed to prohibit any legislator from accepting reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities sponsored by the government of any foreign nation, or any organization organized under the laws of such foreign nation or any international organization or any national, nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation, when paid from funds of such organization and nothing shall be construed to limit or prohibit the expenditure of funds of and by any such organization for such purposes.

Sec. 4. K.S.A. 2017 Supp. 46-237a is hereby amended to read as follows: 46-237a. (a) The provisions of this section shall apply to:

1. The governor;
2. the lieutenant governor;
3. the governor’s spouse;
4. all officers and employees of the executive branch of state government;
5. all members of boards, commissions and authorities of the executive branch of state government.

(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person’s official position, except:

1. A gift having an aggregate value of less than $40 given at a ceremony or public function where the person is accepting the gift in such person’s official capacity; or
2. gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person’s official position; or
3. anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; or
4. contributions solicited on behalf of a nonprofit organization which is exempt from taxation under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended.

(c) No person subject to the provisions of this section shall solicit or
accept free or special discount meals from a source outside of state government, except:

(1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is “widely attended” when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;

(2) meals provided at public events in which the person is attending in an official capacity;

(3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person’s official position;

(4) food such as soft drinks, coffee or snack foods not offered as part of a meal;

(5) any meal, the value of which is $25 or less, not provided by a lobbyist registered pursuant to K.S.A. 46-265, and amendments thereto;

(6) meals provided to a person when the person’s presence at the event or meeting at which the meal is provided serves a legitimate state purpose or interest and the agency of which such person is an officer or employee authorizes such person’s attendance at such event or meeting; and

(7) meals provided to the governor’s spouse and members of the governor’s immediate family at the event or meeting at which the meal is provided serve a legitimate state purpose or interest; and

(8) any meal, if provided by a lobbyist registered pursuant to K.S.A. 46-265, and amendments thereto, and the lobbyist reports providing the meal as required pursuant to K.S.A. 46-269, and amendments thereto, except when a particular course of official action is to be followed as a condition of accepting the meal.

(d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:

(1) When it is obvious to the person accepting the same that the free or special discount travel and related expenses are not being provided because of the person’s official position; or

(2) when the person’s presence at a meeting, seminar or event serves a legitimate state purpose or interest and the person’s agency authorizes or would authorize payment for such travel and expenses.

(e) No person subject to the provisions of this section shall solicit or accept free or special discount tickets or access to entertainment or sporting events or activities such as plays, concerts, games, golf, exclusive swimming, hunting or fishing or other recreational activities when the free or special discount tickets or access are provided because of the person’s official position. The provisions of this subsection shall not apply to per-
sons whose official position requires or obliges them to be present at such events or activities.

(f) (1) Violations of the provisions of this section by any classified employee in the civil service of the state of Kansas shall be considered personal conduct detrimental to the state service and shall be a basis for suspension, demotion or dismissal, subject to applicable state law.

(2) Violations of the provisions of this section by any unclassified employee shall subject such employee to discipline up to and including termination.

(3) In addition to the penalty prescribed under paragraphs (1) and (2), the commission may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation of this section, in an amount not to exceed $5,000 for the first violation, not to exceed $10,000 for the second violation and not to exceed $15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto.

(4) Receiving a meal provided by a lobbyist who is not registered pursuant to K.S.A. 46-265, and amendments thereto, or who fails to report providing the meal as required pursuant to K.S.A. 46-269, and amendments thereto, or as required by subsection (c)(8), shall not be considered a violation of this section, unless the recipient knew the lobbyist was not registered or requested that the lobbyist not report the meal.

Sec. 5. K.S.A. 2017 Supp. 46-265 is hereby amended to read as follows: 46-265. (a) Every lobbyist shall register with the secretary of state by completing and signing a registration form prescribed and provided by the commission. Such registration shall show the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying, the purpose of the employment, the name of each state agency or state office and any agency, division or unit thereof and each judicial department, institution, office, commission, board or bureau and any agency, division or unit thereof and whether the lobbyist will lobby the legislative branch and the method of determining and computing the compensation of the lobbyist. If the lobbyist is compensated or to be compensated for lobbying by more than one employer or is to be engaged in more than one employment, the relevant facts listed above shall be stated separately for each employer and each employment. Whenever any new lobbying employment or lobbying position is accepted by a lobbyist already registered as provided in this section, such the lobbyist shall report the same on forms prescribed and provided by the commission before engaging in any lobbying activity related to such the new
employment or position, and such the report shall be filed with the secretary of state. When a lobbyist is an employee of a lobbying group or firm which contracts to lobby and not an owner or partner of such entity, the lobbyist shall report each client of the group, firm or entity whose interest the lobbyist represents. Whenever the lobbying of a lobbyist concerns a legislative matter, the secretary of state promptly shall transmit copies of each registration and each report filed under this act to the secretary of the senate and the chief clerk of the house of representatives.

(b) On or after October 1, in any year any person may register as a lobbyist under this section for the succeeding calendar year. Such The registration shall expire annually on December 31 of the year for which the lobbyist is registered. In any calendar year, before engaging in lobbying, persons to whom this section applies shall register or renew their registration as provided in this section. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending $1,000 or less for lobbying in such the registration year on behalf of any one employer shall pay to the secretary of state a fee of $50 for lobbying for each such employer. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending more than $1,000 for lobbying in such the registration year on behalf of any one employer shall pay to the secretary of state a fee of $350 for lobbying for such the employer. Any lobbyist who at the time of initial registration anticipated spending less than $1,000, on behalf of any one employer, but at a later date spends in excess of such that amount, within three days of the date when expenditures exceed such that amount, shall file an amended registration form which shall be accompanied by an additional fee of $300 for such the year. Every person registering or renewing registration as a lobbyist who is an employee of a lobbying group or firm and not an owner or partner of such entity the lobbying group or firm shall pay an annual fee of $450. The secretary of state shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the governmental ethics commission fee fund.

(c) Any person who has registered as a lobbyist pursuant to this act may file, upon termination of such the person’s lobbying activities, a statement terminating such the person’s registration as a lobbyist. Such The statement shall be on a form prescribed by the commission and shall state the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying and the date of the termination of the lobbyist’s lobbying activities.

(d) No person who has failed or refused to pay any civil penalty imposed pursuant to K.S.A. 46-280, and amendments thereto, shall be au-
Sec. 6. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist’s employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed $100. Individual expenditures of less than $2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported according to the following categories of expenditures:

1. Food and beverages provided as hospitality;
2. Entertainment, gifts, honoraria or payments;
3. Mass media communications;
4. Recreation provided as hospitality;
5. Communications for the purpose of influencing legislative or executive action; and
6. All other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or state officer elect or on an employee or officer or officer elect of the judicial branch or on such officer or employee’s spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist’s employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of $100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, state officers or employees or state officers elect or to members, members elect or employees of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of the legislator or legislator elect, member, member elect or employee of the judicial branch and or the state officer or employee or state officer elect who received such gift, entertainment or hospitality and the amount.
expended on such gift, entertainment or hospitality and the date the gift, entertainment or hospitality was provided.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

(A) Meals, the provision of which is motivated by a personal or family relationship;

(B) meals provided at public events in which the person is attending in an official capacity;

(C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person’s official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

(i) All members of the legislature or all members of either house of the legislature; or

(ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.

Sec. 7. K.S.A. 46-271 is hereby amended to read as follows: 46-271. No lobbyist shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of $40 or more in any calendar year to any state officer or employee or candidate for state office or to any officer or candidate for office or employee of the judicial branch with a major purpose of influencing such the state officer or employee or candidate for state office or officer or candidate for office or employee of the judicial branch in the
performance of any judicial administrative matter, as defined in K.S.A. 46-225, and amendments thereto. Hospitality in the form of recreation, food and beverages are presumed not to be given to influence a state officer or employee or candidate for state office in the performance of official duties, or an officer or candidate for office or employee of the judicial branch in the performance of any judicial administrative matter, as defined in K.S.A. 46-225, and amendments thereto, except when a particular course of official action is to be followed as a condition thereon.

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 as amended; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.


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

Approved April 16, 2018.

CHAPTER 52

HOUSE BILL No. 2454

AN ACT concerning children and minors; relating to the revised Kansas juvenile justice code; review hearings; dispositional hearing; overall case length limits; absconders; Kansas juvenile justice oversight committee; amending K.S.A. 2017 Supp. 38-2343, 38-2360, 38-2391 and 75-52,161 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 38-2343 is hereby amended to read as follows: 38-2343. (a) Basis for extended detention; findings and placement. Whenever a juvenile is taken into custody, the juvenile shall not remain in detention for more than 48 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, from the time the initial detention was imposed, unless the court determines after hearing, within the 48-hour period, that further detention is warranted based on the criteria in K.S.A. 2017 Supp. 38-2331, and amendments thereto.

(b) (1) If the juvenile is in custody on the basis of a new offense which would be a felony or misdemeanor if committed by an adult and no prior judicial determination of probable cause has been made, the court shall determine whether there is probable cause to believe that the juvenile has committed the alleged offense.
(2) In the absence of the necessary findings, the court shall order the juvenile released.

(c) Waiver of detention hearing. The detention hearing may be waived in writing by the juvenile and the juvenile’s attorney with approval of the court. The right to a detention hearing may be reasserted in writing by the juvenile or the juvenile’s attorney or parent at anytime not less than 48 hours prior to trial.

(d) Notice of hearing. Whenever it is determined that a detention hearing is required the court shall immediately set the time and place for the hearing. Except as otherwise provided by K.S.A. 2017 Supp. 38-2332(c)(1), and amendments thereto, notice of the detention hearing shall be given at least 24 hours prior to the hearing, unless waived.

When there is insufficient time to give written notice, oral notice may be given and is completed upon filing a certificate of oral notice with the clerk.

(e) Attorney for juvenile. At the time set for the detention hearing if no retained attorney is present to represent the juvenile, the court shall appoint an attorney, and may recess the hearing for 24 hours, excluding Saturdays, Sundays and legal holidays, to obtain attendance of the attorney appointed.

(f) Hearing. (1) The detention hearing is an informal procedure to which the ordinary rules of evidence do not apply. The court may consider affidavits, detention risk assessment tool results, professional reports and representations of counsel to make the necessary findings, if the court determines that these materials are sufficiently reliable.

(2) If probable cause to believe that the juvenile has committed an alleged offense is contested, the court shall allow the opportunity to present contrary evidence or information upon request.

(3) If the court orders the juvenile to be detained in a juvenile detention facility, the court shall record the specific findings of fact upon which the order is based, including any reasons for overriding a detention risk assessment tool score.

(g) Rehearing. (1) If detention is ordered and the parent was not notified of the hearing and did not appear and later requests a rehearing, the court shall rehear the matter without unnecessary delay.

(2) Within 14 days of the detention hearing, if the juvenile had not previously presented evidence regarding the determination of probable cause to believe that the juvenile has committed an offense, the juvenile may request a rehearing to contest the determination of probable cause to believe that the juvenile has committed an offense. The rehearing request shall identify evidence or information that the juvenile could not reasonably produce at the detention hearing. If the court determines that the evidence or information could not reasonably be produced at the detention hearing, the court shall rehear the matter without unnecessary delay.
(h) **Audio-video communications.** All hearings conducted pursuant to this section may be conducted by two-way electronic audio-video communication between the juvenile and the judge in lieu of personal presence of the juvenile or the juvenile’s attorney in the courtroom from any location within Kansas in the discretion of the court. The juvenile may be accompanied by the juvenile’s attorney during such proceedings or the juvenile’s attorney may be personally present in court as long as a means of confidential communication between the juvenile and the juvenile’s attorney is available.

(i) **Review hearing.** The court shall hold a detention review hearing at least every 14 days that a juvenile is in detention to determine if the juvenile should continue to be held in detention. The provisions of this subsection shall not apply if the juvenile is charged with a crime that, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony. The review hearings provided in this subsection are not required for a juvenile offender held in detention awaiting disposition in such juvenile offender’s case pursuant to K.S.A. 2017 Supp. 38-2360(f), and amendments thereto.

Sec. 2. K.S.A. 2017 Supp. 38-2360 is hereby amended to read as follows: 38-2360. (a) At any time after the juvenile has been adjudicated to be a juvenile offender, the court shall order one or more of the tools described in this subsection to be submitted to assist the court unless the court finds that adequate and current information from a risk and needs assessment is available from a previous investigation, report or other sources:

1. An evaluation and written report by a mental health or a qualified professional stating the psychological or emotional development or needs of the juvenile. The court also may order a report from any mental health or qualified professional who has previously evaluated the juvenile stating the psychological or emotional development needs of the juvenile. If the court orders an evaluation as provided in this section, a parent of the juvenile shall have the right to obtain an independent evaluation at the expense of the parent. If the evaluation indicates that the juvenile requires acute inpatient mental health or substance abuse treatment, the court shall have the authority to compel an assessment by the secretary for aging and disability services. The court may use the results to inform a treatment and payment plan according to the same eligibility process used for non-court-involved youth.

2. A report of the medical condition and needs of the juvenile. The court also may order a report from any physician who has been attending the juvenile, stating the diagnosis, condition and treatment afforded the juvenile.

3. An educational needs assessment of the juvenile from the chief administrative officer of the school which the juvenile attends or attended
to provide to the court information that is readily available which the school officials feel would properly indicate the educational needs of the juvenile. The educational needs assessment may include a meeting involving any of the following: (A) The juvenile’s parents; (B) the juvenile’s teacher or teachers; (C) the school psychologist; (D) a school special services representative; (E) a representative of the commissioner; (F) the juvenile’s court appointed special advocate; (G) the juvenile’s foster parents or legal guardian; and (H) other persons that the chief administrative officer of the school, or the officer’s designee, deems appropriate.

(4) Any other presentence investigation and report from a court services officer which includes: (A) The circumstances of the offense; (B) the attitude of the complainant, victim or the victim’s family; (C) the record of juvenile offenses; (D) the social history of the juvenile; and (E) the present condition of the juvenile. Except where specifically prohibited by law, all local governmental public and private educational institutions and state agencies shall furnish to the officer conducting the predispositional investigation the records the officer requests. Predispositional investigations shall contain other information prescribed by the court.

(5) The court in its discretion may direct that the parents submit a domestic relations affidavit.

(b) A summary of the results from a risk and needs assessment shall be provided to the court post-adjudication, predisposition and used to inform supervision levels. A single, uniform risk and needs assessment shall be adopted by the office of judicial administration and the department of corrections to be used in all judicial districts. The office of judicial administration and the secretary of corrections shall establish cutoff scores determining risk levels of juveniles. Training on such risk and needs assessment shall be required for all administrators of the assessment. Data shall be collected on the results of the assessment to inform a validation study on the Kansas juvenile justice population to be conducted by June 30, 2020.

(c) Expenses for post adjudication tools may be waived or assessed pursuant to K.S.A. 2017 Supp. 38-2314(c)(2), and amendments thereto.

(d) Except as otherwise prohibited by law or policy, the court shall make any of the reports ordered pursuant to subsection (a) available to the attorneys and shall allow the attorneys a reasonable time to review the report before ordering the sentencing of the juvenile offender.

(e) At any time prior to sentencing, the judge, at the request of a party, shall hear additional evidence as to proposals for reasonable and appropriate sentencing of the case.

(f) If a juvenile is being held in detention, a dispositional hearing to sentence the juvenile offender shall take place within 45 days after such juvenile offender has been adjudicated.

Sec. 3. K.S.A. 2017 Supp. 38-2391 is hereby amended to read as
(a) Upon adjudication as a juvenile offender pursuant to K.S.A. 2017 Supp. 38-2356, and amendments thereto, modification of sentence pursuant to K.S.A. 2017 Supp. 38-2367, and amendments thereto, or violation of a condition of sentence pursuant to K.S.A. 2017 Supp. 38-2368, and amendments thereto, the court may impose one or more of the sentencing alternatives under K.S.A. 2017 Supp. 38-2361, and amendments thereto, for a period of time pursuant to this section and K.S.A. 2017 Supp. 38-2369, and amendments thereto. The period of time ordered by the court shall not exceed the overall case length limit.

(b) Except as provided in subsection (c), the overall case length limit shall be calculated based on the adjudicated offense and the results of a risk and needs assessment, as follows:

1. Offenders adjudicated for a misdemeanor may remain under the jurisdiction of the court for up to 12 months;
2. Low-risk and moderate-risk offenders adjudicated for a felony may remain under court jurisdiction for up to 15 months; and
3. High-risk offenders adjudicated for a felony may remain under court jurisdiction for up to 18 months.

(c) There shall be no overall case length limit for a juvenile adjudicated for a felony which, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony.

(d) When a juvenile is adjudicated for multiple counts, the maximum overall case length shall be calculated based on the most severe adjudicated count or any other adjudicated count at the court’s discretion. The court shall not run multiple adjudicated counts consecutively.

(e) When the juvenile is adjudicated for multiple cases simultaneously, the court shall run those cases concurrently.

(f) Upon expiration of the overall case length limit as defined in subsection (b), the court’s jurisdiction terminates and shall not be extended.

(g) (1) For the purposes of placing juvenile offenders on probation pursuant to K.S.A. 2017 Supp. 38-2361, and amendments thereto, the court shall establish a specific term of probation as specified in this subsection based on the most serious adjudicated count in combination with the results of a risk and needs assessment, as follows, except that the term of probation shall not exceed the overall case length limit:

A. Low-risk and moderate-risk offenders adjudicated for a misdemeanor and low-risk offenders adjudicated for a felony may be placed on probation for a term up to six months;
B. High-risk offenders adjudicated for a misdemeanor and moderate-risk offenders adjudicated for a felony may be placed on probation for a term up to nine months; and
C. High-risk offenders adjudicated for a felony may be placed on probation for a term up to 12 months.

(2) The court may extend the term of probation if a juvenile needs time to complete an evidence-based program as determined to be nec-
necessary based on the results of a validated risk and needs assessment. The court may also extend the term of probation for good cause shown for one month for low-risk offenders, three months for moderate-risk offenders and six months for high-risk offenders. Prior to extension of the initial probationary term, the court shall find and enter into the written record the criteria permitting extension of probation. Extensions of probation shall only be granted incrementally and shall not exceed the overall case length limit. When the court extends the term of probation for a juvenile offender, the court services officer or community correctional services officer responsible for monitoring such juvenile offender shall record the reason given for extending probation. Court services officers shall report such records to the office of judicial administration, and community correctional services officers shall report such records to the department of corrections. The office of judicial administration and the department of corrections shall report such recorded data to the Kansas juvenile justice oversight committee on a quarterly basis.

(3) The probation term limits do not apply to those offenders adjudicated for an offense which, if committed by an adult, would constitute an off-grid crime, rape as defined in K.S.A. 2017 Supp. 21-5503(a)(1), and amendments thereto, aggravated criminal sodomy as defined in K.S.A. 2017 Supp. 21-5504(b)(3), and amendments thereto, or murder in the second degree as defined in K.S.A. 2017 Supp. 21-5403, and amendments thereto. Such offenders may be placed on probation for a term consistent with the overall case length limit.

(4) The probation term limits and overall case length limits provided in this section shall be tolled during any time that the offender has absconded from supervision while on probation, and the time on such limits shall not start to run again until the offender is located and brought back to the jurisdiction.

(h) For the purpose of placing juvenile offenders in detention pursuant to K.S.A. 2017 Supp. 38-2361 and 38-2369, and amendments thereto, the court shall establish a specific term of detention. The term of detention shall not exceed the overall case length limit or the cumulative detention limit. Cumulative detention use shall be limited to a maximum of 45 days over the course of the juvenile offender’s case, except that there shall be no limit on cumulative detention for juvenile offenders adjudicated for a felony which, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony.

(i) The provisions of this section shall apply upon disposition or 15 days after adjudication, whichever is sooner, unless the juvenile fails to appear for such juvenile’s dispositional hearing. If a juvenile fails to appear at such juvenile’s dispositional hearing, the probation term limits and overall case length limits provided in this section shall not apply until the juvenile is brought before the court for disposition in such juvenile’s case.
(j) This section shall be part of and supplemental to the revised Kansas juvenile justice code.

Sec. 4. K.S.A. 2017 Supp. 75-52,161 is hereby amended to read as follows: 75-52,161. (a) There is hereby established the Kansas juvenile justice oversight committee for the purpose of overseeing the implementation of reform measures intended to improve the state’s juvenile justice system.

(b) The Kansas juvenile justice oversight committee shall be composed of 21 members including the following individuals:

1. The governor or the governor’s designee;
2. one member of the house of representatives appointed by the speaker of the house of representatives;
3. one member of the house of representatives appointed by the minority leader of the house of representatives;
4. one member of the senate appointed by the president of the senate;
5. one member of the senate appointed by the minority leader of the senate;
6. the secretary of corrections or the secretary’s designee;
7. the secretary for children and families or the secretary’s designee;
8. the commissioner of education or the commissioner’s designee;
9. the deputy secretary of juvenile services at the department of corrections or the deputy’s designee;
10. the director of community-based services at the department of corrections, or the director’s designee;
11. two district court judges appointed by the chief justice of the supreme court;
12. one chief court services officer appointed by the chief justice of the supreme court;
13. one member of the office of judicial administration appointed by the chief justice of the supreme court;
14. one juvenile defense attorney appointed by the chief justice of the supreme court;
15. one juvenile crime victim advocate appointed by the governor;
16. one member from a local law enforcement agency appointed by the attorney general;
17. one attorney from a prosecuting attorney’s office appointed by the attorney general;
18. one member from a community corrections agency appointed by the governor;
19. one youth member of the Kansas advisory group on juvenile justice and delinquency prevention appointed by the chair of the Kansas advisory group on juvenile justice and delinquency prevention; and
(20) one director of a juvenile detention facility appointed by the attorney general.

(c) The committee shall be appointed by September 1, 2016, and shall meet within 60 days after appointment and at least quarterly thereafter, upon notice by the chair. The committee shall select a chairperson and vice-chairperson, and 11 members shall be considered a quorum.

(d) The committee shall perform the following duties:

1. Guide and evaluate the implementation of the changes in law relating to juvenile justice reform;
2. Define performance measures and recidivism;
3. Approve a plan developed by court services and the department of corrections instituting a uniform process for collecting and reviewing performance measures and recidivism, costs and outcomes of programs;
4. Consider utilizing the Kansas criminal justice information system for data collection and analyses;
5. Ensure system integration and accountability;
6. Monitor the fidelity of implementation efforts to programs and training efforts;
7. Calculate any state expenditures that have been avoided by reductions in the number of youth placed in out-of-home placements to recommend to the governor and the legislature reinvestment of funds into:
   A. Evidence-based practices and programs in the community pursuant to K.S.A. 2017 Supp. 38-2302, and amendments thereto, for use by intake and assessment services, immediate intervention, probation and conditional release;
   B. Training on evidence-based practices for juvenile justice system staff, including, but not limited to, training in cognitive behavioral therapies, family-centered therapies, substance abuse, sex offender therapy and other services that address a juvenile’s risks and needs; and
   C. Monitor the plan from the department of corrections for the prioritization of funds pursuant to K.S.A. 2017 Supp. 75-52,164(d), and amendments thereto;
8. Continue to review any additional topics relating to the continued improvement of the juvenile justice system, including:
   A. The confidentiality of juvenile records;
   B. The reduction of the financial burden placed on families involved in the juvenile justice system;
   C. Juvenile due process rights, including, but not limited to, the development of rights to a speedy trial and preliminary hearings;
   D. The improvement of conditions of confinement for juveniles;
   E. The removal from the home of children in need of care for non-abuse or neglect, truancy, running away or additional child behavior problems when there is no court finding of parental abuse or neglect; and
   F. The requirement for youth residential facilities to maintain sight
and sound separation between children in need of care that have an open juvenile offender case and children in need of care that do not have an open juvenile offender case;

(9) adhere to the goals of the juvenile justice code as provided in K.S.A. 2017 Supp. 38-2301, and amendments thereto;

(10) analyze and investigate gaps in the juvenile justice system and explore alternatives to out-of-home placement of juvenile offenders in youth residential facilities;

(11) identify evidence-based training models, needs and resources and make appropriate recommendations;

(12) study and create a plan to address the disparate treatment and availability of resources for juveniles with mental health needs in the juvenile justice system; and

(13) review portions of juvenile justice reform that require the department of corrections and the office of judicial administration to cooperate and make recommendations when there is not consensus between the two agencies.

(e) The committee shall issue an annual report to the governor, the president of the senate, the speaker of the house of representatives and the chief justice of the supreme court on or before November 30 each year starting in 2017. Such report shall include:

(1) An assessment of the progress made in implementation of juvenile justice reform efforts;

(2) a summary of the committee’s efforts in fulfilling its duties as set forth in this section;

(3) an analysis of the recidivism data obtained by the committee pursuant to this section;

(4) a summary of the averted costs calculated by the committee determined pursuant to this section and a recommendation for any reinvestment of the averted costs to fund services or programs to expand Kansas’ continuum of alternatives for juveniles who would otherwise be placed in out-of-home placements;

(5) an analysis of detention risk-assessment data to determine if any disparate impacts resulted at any stage of the juvenile justice system based on race, sex, national origin or economic status;

(6) recommendations for continued improvements to the juvenile justice system;

(7) data pertaining to the completion of training on evidence-based practices in juvenile justice, including, but not limited to, the number of judges, district and county attorneys and appointed defense attorneys, that participated in training; and

(8) data received from the office of judicial administration and the department of corrections, pursuant to K.S.A. 2017 Supp. 38-2391, and amendments thereto, pertaining to extensions of probation for juvenile offenders and an analysis of such data to identify how probation exten-
visions are being used and conclusions regarding the effectiveness of such extensions.

(f) After initial appointment, members appointed to this committee by the governor, the president of the senate, the speaker of the house of representatives or the chief justice of the supreme court pursuant to subsection (b), shall serve for a term of two years and shall be eligible for reappointment to such position. All members appointed to the committee shall serve until a successor has been duly appointed.

(g) The staff of the Kansas department of corrections shall provide such assistance as may be requested by the committee. To facilitate the organization of the meetings of the committee, the Kansas department of corrections shall provide administrative assistance.

Sec. 5. K.S.A. 2017 Supp. 38-2343, 38-2360, 38-2391 and 75-52,161 are hereby repealed.

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

Approved April 16, 2018.

CHAPTER 53

HOUSE BILL No. 2606
(Amended by Chapter 102)

AN ACT concerning drivers’ licenses; relating to electronic online renewal; vision requirements; reports to legislature; approved safety training curriculum for motorcycle licenses; renewal period for commercial driver’s licenses; amending K.S.A. 2017 Supp. 8-240, 8-247 and 8-2,135 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 8-240 is hereby amended to read as follows: 8-240. (a) (1) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of $2 for class A, B, C or M and $5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of $3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. All commercial class applicants shall be charged a $15 driving test fee for the drive test portion of the commercial driver’s license application. If the applicant is not required to take an examination or the commercial license drive test, the examination or commercial drive test fee shall not be required. The examination shall consist of three tests, as follows: (A) Vision; (B) written; and (C) driving. For a commercial driver’s license, the drive test shall consist of three components, as follows: (A) Pre-trip; (B) skills
test; and (C) road test. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of $1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of $1.50. If an applicant for a commercial driver’s license fails any portion of the commercial drive test, the applicant may take such test again upon the payment of an additional drive test fee of $10. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of $3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver’s license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(2) Applicants for class M licenses who have completed prior motorcycle safety training in accordance with department of defense instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation are not required to complete further written and driving testing pursuant to paragraph (1) of this subsection. An applicant seeking exemption from the written and driving tests pursuant to this paragraph shall provide a copy of the motorcycle safety foundation completion form to the division prior to receiving a class M license.

(3) On and after January 1, 2017, an applicant for a class M license who passes a driving examination administered by the division on a three-wheeled motorcycle which is not an autocycle shall have a restriction placed on such applicant’s license limiting the applicant to the operation of a registered three-wheeled motorcycle. An applicant for a class M license who passes a driving examination administered by the division on a two-wheeled motorcycle may operate any registered two-wheeled or three-wheeled motorcycle. The driving examination required by this paragraph shall be administered by the division, by the department of defense or as part of a curriculum recognized by the motorcycle safety foundation.

(b) (1) For the purposes of obtaining any driver’s license or instruction permit, an applicant shall submit, with the application, proof of age and proof of identity as the division may require. The applicant also shall
provide a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant’s full legal name and date of birth, and documentation showing the applicant’s name, the applicant’s address of principal residence and the applicant’s social security number. The applicant’s social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the license or permit.

(2) The division shall not issue any driver’s license or instruction permit to any person who fails to provide proof that the person is lawfully present in the United States. Before issuing a driver’s license or instruction permit to a person, the division shall require valid documentary evidence that the applicant: (A) Is a citizen or national of the United States; (B) is an alien lawfully admitted for permanent or temporary residence in the United States; (C) has conditional permanent resident status in the United States; (D) has an approved application for asylum in the United States or has entered into the United States in refugee status; (E) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (F) has a pending application for asylum in the United States; (G) has a pending or approved application for temporary protected status in the United States; (H) has approved deferred action status; or (I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(3) If an applicant provides evidence of lawful presence set out in subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B), the division may only issue a driver’s license to the person under the following conditions: (A) A driver’s license issued pursuant to this subparagraph shall be valid only during the period of time of the applicant’s authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a driver’s license issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires; (C) no driver’s license issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver’s license issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions as set out in this subsection (b) for the issuance of the original driver’s license.

(4) The division shall not issue any driver’s license or instruction permit to any person who is not a resident of the state of Kansas, except as provided in K.S.A. 8-2,148, and amendments thereto.

(5) The division shall not issue a driver’s license to a person holding
a driver’s license issued by another state without making reasonable efforts to confirm that the person is terminating or has terminated the driver’s license in the other state.

(6) The parent or guardian of an applicant under 16 years of age shall sign the application for any driver’s license submitted by such applicant.

(c) Every application shall state the full legal name, date of birth, gender and address of principal residence of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition, applications for commercial drivers’ licenses and instruction permits for commercial licenses must include the following: The applicant’s social security number; the person’s signature; the person’s: (1) Digital color image or photograph; or (2) a laser engraved photograph; certifications, including those required by 49 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division.

(d) When an application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver’s record from the other jurisdiction. When received, the driver’s record shall become a part of the driver’s record in this state with the same force and effect as though entered on the driver’s record in this state in the original instance.

(e) When the division receives a request for a driver’s record from another licensing jurisdiction the record shall be forwarded without charge.

(f) A fee shall be charged as follows:

1. For a class C driver’s license issued to a person at least 21 years of age, but less than 65 years of age, $18;

2. for a class C driver’s license issued to a person 65 years of age or older, $12;

3. for a class M driver’s license issued to a person at least 21 years of age, but less than 65 years of age, $12.50;

4. for a class M driver’s license issued to a person 65 years of age or older, $9;

5. for a class A or B driver’s license issued to a person who is at least 21 years of age, but less than 65 years of age, $24;

6. for a class A or B driver’s license issued to a person 65 years of age or older, $16;

7. for any class of commercial driver’s license issued to a person 21 years of age or older, $18; or

8. for class A, B, C or M, or a farm permit, or any commercial driver’s license issued to a person less than 21 years of age, $20.
A fee of $10 shall be charged for each commercial driver’s license endorsement, except air brake endorsements which shall have no charge. A fee of $3 per year shall be charged for any renewal of a license issued prior to the effective date of this act to a person less than 21 years of age.

If one fails to make an original application or renewal application for a driver’s license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of $1 shall be added to the fee charged for the driver’s license.

(g) Any person who possesses an identification card as provided in K.S.A. 8-1324, and amendments thereto, shall surrender such identification card to the division upon being issued a valid Kansas driver’s license or upon reinstatement and return of a valid Kansas driver’s license.

(h) The division shall require that any person applying for a driver’s license submit to a mandatory facial image capture. The captured facial image shall be displayed on the front of the applicant’s driver’s license.

(i) The director of vehicles may issue a temporary driver’s license to an applicant who cannot provide valid documentary evidence as defined by subsection (b)(2), if the applicant provides compelling evidence proving current lawful presence. Any temporary license issued pursuant to this subsection shall be valid for one year.

(j)(1) For purposes of this subsection, the division may rely on the division’s most recent, existing color digital image and signature image of the applicant for the class C or M driver’s license if the division has the information on file. The determination on whether an electronic online renewal application or equivalent of a driver’s license is permitted shall be made by the director of vehicles or the director’s designee. The division shall not renew a driver’s license through an electronic online or equivalent process if the license has been previously renewed through an electronic online application in the immediately preceding driver’s license period. No renewal under this subsection shall be granted to any person who is: (A) Younger than 30 days from turning 21 years of age; (B) 65 years of age or older; (C) a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto; or (D) has a temporary driver’s license issued pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the license is not otherwise withdrawn.

(2) The vision examination requirements in K.S.A. 8-247(e), and amendments thereto, are not required for electronic online renewal applications, except that the electronic online renewal applicant must certify under penalty of law that the applicant’s vision satisfies the requirements of K.S.A. 8-295, and amendments thereto, and has undergone an examination of eyesight by a licensed ophthalmologist or a licensed optometrist within the last year. As a condition for any electronic online renewal application, the applicant must: (A) Authorize the exchange of vision and medical information between the division and the applicant’s ophthalmologist or optometrist; and (B) is at least 21 years of age, but less than
50 years of age. The ophthalmologist or optometrist shall have four business days to confirm or deny the vision and medical information of the applicant. If no response is received by the division, the division shall accept the vision and medical information provided for processing the renewal application. The waiver of vision examination for online renewal applications contained within this subsection shall expire on July 1, 2022.

(3) The secretary of revenue—may shall—adopt and administer rules and regulations to implement a program to permit an electronic online renewal of a driver’s license, including, but not limited to, requirements that an electronic online renewal applicant shall have previously provided documentation of identity, lawful presence and residence to the division for electronic scanning.

(4) Prior to February 1, 2022, the division shall report to the house and senate committees on transportation regarding the online renewal process of this subsection and its effects to safety on the state’s roads and highways.

Sec. 2. K.S.A. 2017 Supp. 8-247 is hereby amended to read as follows: 8-247. (a) (1) All original licenses issued on and after July 1, 2018, shall expire as follows:

(A) Licenses issued to persons who are at least 21 years of age, but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee which is nearest the date of application;

(B) licenses issued to persons who are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(C) any commercial drivers license shall expire on the fourth/fifth anniversary of the date of birth of the licensee which is nearest the date of application;

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; or

(E) licenses issued to persons who are less than 21 years of age shall expire on the licensee’s twenty-first birthday.

(2) All renewals under: (A) Paragraph (1)(A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1)(B) and (C) shall expire on every fourth anniversary of the date of birth of the licensee; (C) paragraph (1)(C) shall expire on every fifth anniversary of the date of birth of the licensee; (D) paragraph (1)(D) shall expire every year on the date of birth of the licensee; and (E) paragraph (1)(E), if a renewal license is issued, shall expire on the licensee’s twenty-first birthday. No driver’s license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal
license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver's license of any person expires while such person is outside of the state of Kansas and such person is on active duty in the armed forces of the United States, or is the spouse or a person who is residing with and is a dependent of such person on active duty, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after residence within the state is reestablished, whichever time is sooner. If the driver's license of any person under this subsection expires while such person is outside the United States, the division shall provide for renewal by mail, as long as the division has a photograph or digital image of such person maintained in the division's records. A driver's license renewed under the provisions of this subsection shall be renewed by mail only once.

(c) At least 30 days prior to the expiration of a person's license the division shall mail a notice of expiration or renewal application to such person at the address shown on the license. The division shall include with such notice a written explanation of substantial changes to traffic regulations enacted by the legislature.

(d) (1) Except as provided in paragraph (2), every driver's license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver's license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of subsection (b) of K.S.A. 8-240(b), and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under subsection (b) of K.S.A. 8-240(b), and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(2) Any licensee, whose driver's license expires on their twenty-first 21st birthday, shall have 45 days from the date of expiration of such license to make application to renew such licensee's license. Such license shall continue to be valid for such 45 days or until such license is renewed,
whichever occurs sooner. A licensee who renews under the provisions of this paragraph shall not be required by the division to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(e) (1) Prior to renewal of a driver’s license, the applicant shall pass an examination of eyesight. Such examination shall be equivalent to the test required for an original driver’s license under K.S.A. 8-235d, and amendments thereto. A driver’s license examiner shall administer the examination without charge and shall report the results of the examination on a form provided by the division.

(2) In lieu of the examination of the applicant’s eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant’s eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished by the division to the applicant.

(3) The division shall determine whether the results of the eyesight examination or report is sufficient for renewal of the license and, if the results of the eyesight examination or report is insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant’s eyesight, the division may request an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

(4) An applicant who is denied a license under this subsection (e) may reapply for renewal of such person’s driver’s license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver’s license.

(5) When the division has good cause to believe that an applicant for renewal of a driver’s license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (6) of this subsection, in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by subsection (b) of K.S.A. 8-255b(b), and amendments thereto. Any such applicant who is denied the renewal of such a driver’s license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by subsection (c) of K.S.A. 8-255(c), and amendments thereto.

(6) Seizure disorders which are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person
be issued a driver’s license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders which are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver’s license and whenever a person licensed to practice medicine and surgery makes a written report to the division stating that the licensee’s seizures are controlled. The report shall be based on an examination of the applicant’s medical condition not more than three months prior to the date the report is submitted. Such report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver’s license and subsequent operation of a motor vehicle by the licensee.

(f) If the driver’s license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner. This subsection (f) shall not apply to temporary drivers’ licenses issued pursuant to subsection (b)(3) of K.S.A. 8-240(b)(3), and amendments thereto.

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

1. Information explaining the person’s right to make an anatomical gift in accordance with K.S.A. 8-243, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments thereto;

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

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

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

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

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

(B) providing printed material to an applicant who personally appears at an examining station; and

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

(h) Notwithstanding any other provisions of law, any offender under subsection (a)(1)(D) who held a valid driver’s license on the effective date of this act may continue to operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date such driver’s license shall expire and the offender shall be subject to the provisions of this section.

(i) The director of the division of vehicles shall submit a report to the legislature at the beginning of the regular session in 2012 regarding the impact of not requiring a written test for the renewal of a driver’s license, including any cost savings to the division.

Sec. 3. K.S.A. 2017 Supp. 8-2,135 is hereby amended to read as follows: 8-2,135. (a) The commercial driver’s license shall be marked “commercial driver’s license” or “CDL,” and must be, to the maximum extent practicable, tamper proof. It shall include, but not be limited to, the following information:

(1) The requirements set out in K.S.A. 8-243, and amendments thereto;

(2) a number or identifier deemed appropriate by the state licensing authority;

(3) the class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restriction;

(4) the name of this state; and

(5) the dates between which the license is valid.
(b) Commercial drivers’ licenses issued pursuant to K.S.A. 8-234b, and amendments thereto, may be issued with the following endorsements or restrictions; and the holder of a valid commercial driver’s license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles, except motorcycles and vehicles which require an endorsement, unless the proper endorsement appears on the license;

(1) “H”—authorizes the driver to drive a vehicle transporting hazardous materials;
(2) “L”—restricts the driver to vehicles not equipped with airbrakes;
(3) “T”—authorizes driving double and triple trailers;
(4) “P”—authorizes driving vehicles carrying passengers;
(5) “N”—authorizes driving tank vehicles;
(6) “X”—represents a combination of hazardous materials and tank vehicle endorsements;
(7) “S”—authorizes driving school buses;
(8) “E”—no manual transmission in CMV;
(9) “O”—no tractor-trailer;
(10) “M”—no class A passenger vehicle;
(11) “N”—no class A or B passenger vehicle;
(12) “Z”—no full air brake in CMV;
(13) “K”—for intrastate only; or
(14) “V”—for medical variance.

(c) Before issuing a commercial driver’s license, the division must obtain driving record information through the commercial driver license information system, the national driver register and from each state in which the person has been licensed.

(d) Within 10 days after issuing a commercial driver’s license, the division shall notify the commercial driver license information system of that fact, providing all information required to ensure identification of the person.

(e) All original licenses issued on and after April 1, 1992, shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application. All renewals thereof shall expire on every fourth anniversary of the date of birth of the licensee. No driver’s license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire at midnight on every fourth anniversary of the date of birth of the applicant. At least 30 days prior to the expiration of a person’s license, the division shall mail a notice of expiration or renewal application to such person at the address shown on the license.

(f) When applying for renewal of a commercial driver’s license, the applicant must complete the test required in K.S.A. 8-247(e), and amend-
ments thereto, and the application form required by K.S.A. 8-2,134(b), and amendments thereto, providing updated information and required certifications and if the applicant wishes to retain a hazardous materials endorsement, the applicant must take and pass the test for such endorsement.

Sec. 4. K.S.A. 2017 Supp. 8-240, 8-247 and 8-2,135 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 16, 2018.

CHAPTER 54

HOUSE BILL No. 2232*

AN ACT concerning adult care homes; relating to electronic monitoring.

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

Section 1. (a) As used in this section:
   (1) “Adult care home” means the same as defined in K.S.A. 39-923, and amendments thereto;
   (2) “Authorized electronic monitoring” means the placement of one or more electronic monitoring devices in the room of an adult care home resident and making recordings with such devices after notifying the adult care home of the resident’s intent to conduct electronic monitoring;
   (3) “Electronic monitoring device” means a surveillance instrument used to broadcast or record activity or sound occurring in a room, including a video surveillance camera or an audio device designed to acquire communications or other sounds occurring in the room, but not to intercept wire or electronic communications; and
   (4) “Resident’s room” means a room in an adult care home that is used as a resident’s private living quarters.
   (b) A resident shall be permitted to conduct authorized electronic monitoring in the resident’s room subject to the requirements of this section.
   (c) An adult care home shall not discharge or refuse to admit a resident or person or otherwise retaliate against a resident or person based on conducting or consenting to authorized electronic monitoring.
   (d) A resident, or such resident’s guardian or legal representative, who wishes to conduct authorized electronic monitoring shall notify the adult care home on a form prescribed by the secretary for aging and disability services. Such form shall be maintained in such person’s resi-
dent file at the adult care home and shall require the resident, or such resident’s guardian or legal representative, to:

(1) Release the adult care home from any civil liability for a violation of the resident’s privacy rights in connection with the use of the electronic monitoring device;
(2) be informed of the proper procedures for reporting complaints, as outlined by the Kansas department for aging and disability services;
(3) if the electronic monitoring device is a video surveillance camera, choose whether the camera will always be unobstructed or will be obstructed in specified circumstances to protect the dignity of the resident; and
(4) if the resident resides in a multi-resident room, obtain the consent of other residents in the room on a form prescribed for this purpose by the secretary.

The adult care home shall provide a copy of the completed form to the resident, any resident or residents with whom the resident shall share a room and the office of the state long-term care ombudsman.

(e) An adult care home shall make reasonable physical accommodations for authorized electronic monitoring, including:

(1) Providing a reasonably secure place to mount the electronic monitoring device;
(2) providing access to power sources for the electronic monitoring device;
(3) making reasonable accommodations if a resident in a multi-resident room wishes to conduct electronic monitoring pursuant to this section and the resident or residents with whom the resident shares the room do not consent to the monitoring, including offering to move the resident who wishes to conduct electronic monitoring to another shared room that is available or becomes available; and
(4) making reasonable accommodations if a resident wishes to conduct electronic monitoring and another resident begins residing in the multi-resident room who does not consent to the monitoring before moving the resident wishing to conduct electronic monitoring.

(f) Any resident who has previously conducted authorized electronic monitoring must obtain consent from any new roommates before the resident may resume authorized electronic monitoring. If a new roommate does not consent to electronic monitoring and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the adult care home may turn off the device.

(g) Consent may be withdrawn by the resident, the resident’s guardian or legal representative, or any roommate at any time, and the withdrawal of consent shall be documented in the resident’s clinical record. If a roommate withdraws consent and the resident conducting the elec-
Electronic monitoring does not remove or disable the electronic monitoring device, the facility may turn off the electronic monitoring device.

(h) A resident, or such resident’s guardian or legal representative, shall pay all costs associated with installing and maintaining an electronic monitoring device requested under this section.

(i) Each adult care home shall post a conspicuous notice at the entrance to the adult care home and each resident’s room stating that the rooms of some residents may be monitored electronically by or on behalf of the room’s resident or residents.

(j) If electronic monitoring is conducted, the adult care home may require the resident, the resident’s guardian or legal representative, to conduct the electronic monitoring in plain view.

(k) On or before a person’s admission to an adult care home, such person shall complete and sign a form prescribed by the secretary for aging and disability services. Such form shall be maintained in such person’s resident file at the adult care home and shall state the following:

(1) That a person who places an electronic monitoring device in a resident’s room or discloses a recording made by such device may be civilly liable for any unlawful violation of the privacy rights of another person;

(2) that a resident, or such resident’s guardian or legal representative, is entitled to conduct authorized electronic monitoring under this section;

(3) the basic procedures required to request authorized electronic monitoring;

(4) who may request authorized electronic monitoring;

(5) who may consent to authorized electronic monitoring; and

(6) restrictions that a resident may elect to place on electronic monitoring conducted in the resident’s room, including, but not limited to:

(A) Prohibiting video recording;

(B) prohibiting audio recording;

(C) turning off the device or blocking the visual recording component of the device during an exam or procedure administered by a healthcare professional;

(D) turning off the device or blocking the visual recording component of the device while the resident is dressing or bathing; or

(E) turning off the device or blocking the visual recording component of the device during a resident’s visit with a spiritual adviser, ombudsman, attorney, financial planner, intimate partner or other visitor; and

(7) any other information related to authorized electronic monitoring that the secretary deems necessary or appropriate to include on such form.

(l) Any electronic monitoring device installed or operated pursuant to this section shall comply with the requirements of the national fire protection association 101 life safety code, or other standards determined
by the secretary for aging and disability as having substantially equivalent requirements.

(m) No court or state agency shall admit into evidence or consider during any proceeding any tape or recording created using an electronic monitoring device in a resident’s room in an adult care home, whether authorized under this section or not, or take or authorize any action based on such tape or recording, unless:

(1) The tape or recording shows the time and date when the events shown on the tape or recording occurred, if the tape or recording is a video tape or recording; and

(2) the contents of the tape or recording have not been edited or artificially enhanced.

(n) (1) A person is prohibited from knowingly hindering, obstructing, tampering with or destroying, without the consent of the resident or individual who authorized electronic monitoring, an electronic monitoring device installed in a resident’s room in accordance with this section.

(2) A person is prohibited from knowingly hindering, obstructing, tampering with or destroying, without the consent of the resident or individual who authorized electronic monitoring, a video or audio recording obtained in accordance with this section.

(3) (A) Any person who violates this subsection shall be guilty of a class B nonperson misdemeanor.

(B) Any person who violates this subsection with the intent to commit or conceal the commission of a misdemeanor offense shall be guilty of a class A nonperson misdemeanor.

(C) Any person who violates this subsection with the intent to commit or conceal the commission of a felony offense shall be guilty of a severity level 8, nonperson felony.

(o) The secretary for aging and disability services shall adopt rules and regulations prior to January 1, 2019, as may be necessary to administer the provisions of this section.

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

Approved April 16, 2018.
Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2017 Supp. 47-1701 is hereby amended to read as follows: 47-1701. As used in the Kansas pet animal act, unless the context otherwise requires:

(a) “Adequate feeding” means supplying at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the animal species and age, and sufficient to maintain a reasonable level of nutrition in each animal.

(b) “Adequate watering” means a supply of clean, fresh, potable water, supplied in a sanitary manner and either continuously accessible to each animal or supplied at intervals suitable for the animal species, not to exceed intervals of 12 hours.

(c) “Ambient temperature” means the temperature surrounding the animal.

(d) (1) “Animal” means any live dog, cat, rabbit, rodent, nonhuman primate, bird or other warm-blooded vertebrate or any fish, snake or other cold-blooded vertebrate.

(2) “Animal” does not include horses, cattle, sheep, goats, swine, rodents, domesticated deer or domestic fowl.

(e) “Animal breeder” means any person who operates an animal breeder premises.

(f) “Animal breeder premises” means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.

(g) “Animal shelter” or “pound” means a facility which that is used or designed for use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal or a person who acts as an animal rescuer, or who collects and cares for unwanted animals or offers them for adoption. Animal shelter or pound also includes a facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats, or both, for the purpose of collecting, accumulating, amassing or maintaining the animals or offering the animals for adoption.

(h) “Cat” means an animal which that is wholly or in part of the species Felis domesticus.

(i) “Commissioner” means the animal health commissioner of the Kansas department of agriculture.

(j) “Dog” means any animal which that is wholly or in part of the species Canis familiaris.
(k) “Animal control officer” means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the purpose of aiding in the enforcement of this law, or any other law or ordinance relating to the licensing or permitting of animals, control of animals or seizure and impoundment of animals, and includes any state, county or municipal law enforcement officer, dog warden, constable or other employee, whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.

(l) “Euthanasia” means the humane destruction of an animal, which may be accomplished by any of those methods provided for in K.S.A. 47-1718, and amendments thereto.

(m) “Hobby breeder premises” means any premises where all or part of three, four or five litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale per license year. This provision applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals.

(n) “Hobby breeder” means any person who operates a hobby breeder premises.

(o) “Housing facility” means any room, building or area used to contain a primary enclosure or enclosures.

(p) “Boarding or training kennel operator” means any person who operates an establishment where four or more dogs or cats, or both, are maintained in any one week during the license year for boarding, training or similar purposes for a fee or compensation.

(q) “Boarding or training kennel operator premises” means the facility of a boarding or training kennel operator.

(r) “License year” or “permit year” means the 12-month period ending on September 30.

(s) “Person” means any individual, association, partnership, corporation or other entity.

(t) (1) “Pet shop” means any premises where there are sold, or offered or maintained for sale, at retail and not for resale to another:
   (A) Any dogs or cats, or both; or (B) any other animals except those which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises.
   (2) “Pet shop” does not include: (A) Any pound or animal shelter; (B) any premises where only fish are sold, or offered or maintained for sale; or (C) any animal distributor premises, hobby breeder premises, retail breeder premises or animal breeder premises.
   (3) Nothing in this section prohibits inspection of those premises which sell only fish to verify that only fish are being sold.

(u) “Pet shop operator” means any person who operates a pet shop.

(v) “Primary enclosure” means any structure used or designed for use to restrict any animal to a limited amount of space, such as a room, pen, cage, compartment or hutch.
(w) “Research facility” means any place, laboratory or institution, except an elementary school, secondary school, college or university, at which any scientific test, experiment or investigation involving the use of any living animal is carried out, conducted or attempted.

(x) “Sale,” “sell” and “sold” include transfers by sale or exchange. Maintaining animals for sale is presumed whenever 20 or more dogs or cats, or both, are maintained by any person.

(y) “Sanitize” means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health, at such intervals as necessary.

(z) “Animal distributor” means any person who operates an animal distributor premises.

(aa) “Animal distributor premises” means the premises of any person engaged in the business of buying for resale dogs or cats, or both, as a principal or agent, or who holds such distributor’s self out to be so engaged.

(bb) “Out-of-state distributor” means any person residing in a state other than Kansas, who is engaged in the business of buying for resale dogs or cats, or both, within the state of Kansas, as a principal or agent.

(cc) “Food animals” means rodents, rabbits, reptiles, fish or amphibians that are sold or offered or maintained for sale for the sole purpose of being consumed as food by other animals.

(dd) (1) “Adequate veterinary medical care” means:

(A) A documented program of disease control and prevention, euthanasia and routine veterinary care shall be established and maintained under the supervision of a licensed veterinarian, on a form provided by the commissioner, and shall include a documented on-site visit to the premises by the veterinarian at least once a year;

(B) that diseased, ill, injured, lame or blind animals shall be provided with veterinary care as is needed for the health and well-being of the animal, and such veterinary care shall be documented and maintained on the premises; and

(C) all documentation required by subsections (dd)(1)(A) and (dd)(2)(1)(B) shall be made available to the commissioner or the commissioner’s authorized representative for inspection or copying upon request and shall be maintained for three years after the effective date of the program or the administration of such veterinary care.

(2) As used in the Kansas pet animal act, “Adequate veterinary medical care” shall not apply to United States department of agriculture licensed animal breeders or animal distributors.

(ee) “Ratites” means all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas.

(ff) “Retail breeder” means any person who operates a retail breeder premises.
(gg) “Retail breeder premises” means any premises where all or part of six or more litters or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at retail and not for resale to another.

(hh) “Retail” means any transaction where the animal is sold to the final consumer.

(ii) “Wholesale” means any transaction where the animal is sold for the purpose of resale to another.

Sec. 2. K.S.A. 47-1702 is hereby amended to read as follows: 47-1702. It shall be unlawful for any person to act as or be an animal distributor unless such person has obtained from the commissioner an animal distributor license for each animal distributor premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on \text{June} \text{September} 30 following the issuance date.

Sec. 3. K.S.A. 47-1703 is hereby amended to read as follows: 47-1703. It shall be unlawful for any person to act as or be a pet shop operator unless such person has obtained from the commissioner a pet shop operator license for each pet shop operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on \text{June} \text{September} 30 following the issuance date.

Sec. 4. K.S.A. 47-1704 is hereby amended to read as follows: 47-1704. (a) It shall be unlawful for any person to operate a pound or animal shelter, except a licensed veterinarian who operates such pound or animal shelter from such licensed veterinarian’s clinic, unless a license for such pound or shelter has been obtained from the commissioner. Application for such license shall be made on a form provided by the commissioner. The license period shall be for the license year ending on \text{June} \text{September} 30 following the issuance date.

(b) The Kansas department of agriculture shall not require any individual to be licensed who has written and signed an agreement to provide temporary care for one or more dogs or cats owned by an animal shelter. Any such animal shelter shall keep a current list of such individuals who have written and signed an agreement to provide such temporary care.

Sec. 5. K.S.A. 2017 Supp. 47-1709 is hereby amended to read as follows: 47-1709. (a) The commissioner or the commissioner’s authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of such license or permit. No license or permit shall be issued by the commissioner to an applicant described in this subsection until the premises for which application is made has passed a licensing or permitting inspection. The
application for a license shall conclusively be deemed to be the consent of the applicant to the right of entry and inspection of the premises sought to be licensed or permitted by the commissioner or the commissioner’s authorized, trained representatives at reasonable times with the owner or owner’s representative present. Refusal of such entry and inspection shall be grounds for denial of the license or permit. Notice need not be given to any person prior to inspection.

(b) The commissioner or the commissioner’s authorized, trained representatives may inspect each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto. The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner’s authorized, trained representatives at reasonable times with the owner or owner’s representative present. Refusal of such entry and inspection shall be grounds for suspension or revocation of the license or permit. Notice need shall not be given to any person prior to inspection.

(c) The commissioner or the commissioner’s authorized, trained representatives shall make inspections of the premises of a person required to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments thereto, upon a determination by the commissioner that there are reasonable grounds to believe that the person is violating the provisions of K.S.A. 47-1701 et seq., and amendments thereto, or rules and regulations adopted thereunder or that there are grounds for suspension or revocation of such person’s license or permit.

(d) Any complaint filed with the commissioner shall be confidential and shall not be released to any person other than employees of the commissioner as necessary to carry out the duties of their employment.

(e) Any person making inspections under this section shall be trained by the commissioner in reasonable standards of animal care.

(f) The commissioner may request a licensed veterinarian to assist in any inspection or investigation made by the commissioner or the commissioner’s authorized representative under this section.

(g) Any person acting as the commissioner’s authorized representative for purposes of making inspections and conducting investigations under this section who knowingly falsifies the results or findings of any inspection or investigation or intentionally fails or refuses to make an inspection or conduct an investigation pursuant to this section shall be guilty of a class A nonperson misdemeanor.

(h) No person shall act as the commissioner’s authorized representative for the purposes of making inspections and conducting investigations under this section if such person has a beneficial interest in a person required to be licensed or permitted pursuant to K.S.A. 47-1701 et seq., and amendments thereto.

(i) Records of inspections pursuant to this section shall be maintained
in the office of the Kansas department of agriculture division of animal health. Records of a deficiency or violation shall not be maintained for longer than three years after the deficiency or violation is remedied.

(j) The commissioner, in consultation with Kansas state university college of veterinary medicine, shall: (1) Continue procedures to provide for pet animal training or updated training for authorized trained representatives who inspect premises under the pet animal act and to allow the owners of such facilities licensed or permitted under the pet animal act to attend and participate at the training workshops for the authorized trained representatives; and (2) make available to such owners and other interested persons an inspection handbook describing the duties and responsibilities of such authorized trained representatives.

(k) If the commissioner or the commissioner’s authorized representative is denied access to any location where such access is sought for the purposes authorized under the Kansas pet animal act, the commissioner may apply to any court of competent jurisdiction for an administrative search warrant authorizing access to such location for such purposes. Upon such application and a showing of cause therefore, the court shall issue the search warrant for the purposes requested.

Sec. 6. K.S.A. 47-1719 is hereby amended to read as follows: 47-1719.
(a) It shall be unlawful for any person to act as or be a hobby breeder unless such person has obtained from the commissioner a hobby breeder license. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on September 30 following the issuance date.

(b) This section shall be part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 7. K.S.A. 47-1720 is hereby amended to read as follows: 47-1720.
(a) It shall be unlawful for any person to operate a research facility unless such person has obtained from the commissioner a research facility license. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on September 30 following the issuance date.

(b) This section shall be part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 8. K.S.A. 2017 Supp. 47-1721 is hereby amended to read as follows: 47-1721. (a) Each application for issuance or renewal of a license or permit required under K.S.A. 47-1701 et seq., and amendments thereto, shall be accompanied by the fee prescribed by the commissioner under this section. Such fees shall be as follows:

(1) Except as provided in paragraphs (5) or (6), through (8) and paragraph (10) for a license for premises of a person licensed under public law 91-579, 7 U.S.C. § 2131 et seq., an amount not to exceed $200;
(2) except as provided in paragraphs (5) or (6), through paragraphs (8) and paragraph (10) for a license for any other premises, an amount not to exceed $405; $600;

(3) for a temporary closing permit, an amount not to exceed $95;

(4) for an out-of-state distributor permit, an amount not to exceed $675;

(5) for a hobby breeder license or a kennel operator license an amount not to exceed $95; $250;

(6) for a license for an animal shelter or a pound, an amount not to exceed $300; and

(7) for an animal shelter in a first-class city, as defined in K.S.A. 13-101, and amendments thereto, not to exceed $400;

(7) for an animal shelter in a second-class city, as defined in K.S.A. 14-101, and amendments thereto, not to exceed $335;

(8) for an animal shelter in a third-class city, as defined in K.S.A. 15-101, and amendments thereto, not to exceed $285;

(9) a late fee of $70 shall be assessed to any person whose permit or license renewal is more than 45 days late, not renewed prior to October 1; and

(10) for any premises required to be licensed under the Kansas pet animal act under multiple license categories, payment for only the most expensive license and a $50 fee for each additional applicable license. Such premises shall comply with the applicable laws and rules and regulations pertaining to each license category.

(b) The commissioner shall determine annually the amount necessary to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto, for the next ensuing fiscal year and shall fix by rules and regulations the license and permit fees for such year at the amount necessary for that purpose, subject to the limitations of this section. In fixing such fees, the commissioner may establish categories of licenses and permits, based upon the type of license or permit, size of the licensed or permitted business or activity and the premises where such business or activity is conducted, and may establish different fees for each such category. The fees in effect immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the commissioner as provided by this subsection.

(c) If a licensee, permittee or applicant for a license or permit requests an inspection of the premises of such licensee, permittee or applicant, the commissioner shall assess the costs of such inspection, as established by rules and regulations of the commissioner, to such licensee, permittee or applicant charge a fee of $200 to cover the costs of such inspection.

(d) (1) Failure by the owner of a premises, a licensee or a permittee, or their designated representative, to make a premises available for inspection within 30 minutes of the arrival of the inspector or the inspector’s
authorized representative shall be considered a no-contact inspection. Each no-contact inspection shall result in a $200 no-contact fee against the owner of the premises, the licensee or the permittee. The commissioner or the commissioner’s authorized representative shall make a second or subsequent attempt to inspect the premises.

(2) If a premises fails an inspection, such owner, licensee or permittee shall be required to pay a $200 re-inspection fee for any subsequent inspection. Such payment must be made in advance of the re-inspection, and failure to do so shall result in the revocation of any such licensee’s or permittee’s license or permit. The owner of the premises shall be required to reapply for any licenses or permits that were revoked pursuant to this subsection and shall be required to:

(A) Pay the fee for the new permit or license application;
(B) pass an initial inspection; and
(C) pay any past due fees before the new license or permit can be issued.

(e) No fee or assessment required pursuant to this section shall be refundable.

(e)(f) 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. 75-43215, 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 dealers fee fund, which is hereby created in the state treasury. Moneys in the animal dealers fee fund may be expended only to administer and enforce K.S.A. 47-1701 et seq., and amendments thereto. All expenditures from the animal dealers 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 Kansas animal health commissioner or the commissioner’s designee.

(f) Premises required to be licensed under the Kansas pet animal act shall not be required to pay for more than one license. If more than one operation is ongoing at the premises, each operation shall comply with the applicable statutes and rules and regulations pertaining to such operation.

(g) Except as provided further, when a premises required to be licensed or permitted under the Kansas pet animal act applies for an initial license or permit, the commissioner shall prorate to the nearest whole month the license or permit fee established in subsection (a). The commissioner shall have discretion to determine whether the application is an initial application or an application for a premises which has been doing business but is not licensed or permitted. If the commissioner determines the premises has been doing business without a license or permit, the commissioner is not required to prorate the fee.
(h) This section shall be part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 9. K.S.A. 2017 Supp. 47-1723 is hereby amended to read as follows: 47-1723. (a) It shall be unlawful for any person, except a licensed veterinarian, to act as or be a boarding or training kennel operator unless such person has obtained from the commissioner a boarding or training kennel operator license for each premises operated by such person. Application for such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June September 30 following the issuance date.

(b) This section shall be part of and supplemental to K.S.A. 47-1701 et seq., and amendments thereto.

Sec. 10. K.S.A. 47-1733 is hereby amended to read as follows: 47-1733. (a) It shall be unlawful for any person to act as or be an animal breeder unless such person has obtained from the commissioner an animal breeder license for each animal breeder premises operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June September 30 following the issuance date.

(b) This section shall be part of and supplemental to the Kansas pet animal act.

Sec. 11. K.S.A. 47-1734 is hereby amended to read as follows: 47-1734. (a) It shall be unlawful for any person to act as or be an out-of-state distributor of dogs or cats, or both, within the state of Kansas unless such person has obtained from the commissioner an out-of-state distributor permit. Application for each 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) This section shall be part of and supplemental to the Kansas pet animal act.

Sec. 12. K.S.A. 47-1736 is hereby amended to read as follows: 47-1736. (a) It shall be unlawful for any person to act as or be a retail breeder unless such person has obtained from the commissioner a retail breeder license for each retail breeder premises operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June September 30 following the issuance date.

(b) This section shall be part of and supplemental to the Kansas pet animal act.

Sec. 13. K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, 47-1709, 47-1721 and 47-1723 are hereby repealed.
Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 16, 2018.
Published in the Kansas Register April 26, 2018.

CHAPTER 56
SENATE BILL No. 275

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS:

Section 1. K.S.A. 17-2219 is hereby amended to read as follows: 17-2219. (a) Any member may be expelled from the credit union:

(1) By a two-thirds vote of the members present at any regularly called meeting of the membership; or

(2) in accordance with the provisions of subsection (b), by the board of directors, president, general manager or any other credit union employee designated by the board of directors for a member’s abuse of member account privileges, a member’s act or failure to act which causes financial loss to the credit union, or a member’s failure to purchase shares and utilize loan or other services of the credit union, or a member’s failure to comply with the credit union’s adopted policy regarding expulsion. The board of directors, president or general manager shall report the expulsion of a member at the next regularly scheduled members’ board meeting.

(b) The board of directors of a credit union may adopt a policy with respect to expulsion from membership for any reason set forth in paragraph (2) of subsection (a). If such a policy is adopted, written notice of the policy as adopted and effective date of such policy shall be mailed to each member of the credit union at the member’s current address appearing on the records of the credit union not less than 30 days prior to the effective date of such policy. In addition, each new member shall be provided written notice of any such policy prior to or upon applying for membership. The board of directors of a credit union shall provide the member with a notice of expulsion from the membership not less than 30 days prior to the effective date of the expulsion. Within the thirty-day period, the member, by written request, may require the board of directors to bring the member’s expulsion before the credit union membership at the next regularly scheduled members’ meeting. If the member makes such written request, the board of directors’ expulsion of such member shall be delayed until the credit union membership votes on such member’s expulsion as provided under subsection (a). An expelled member...
member shall be informed of the reason for expulsion and may appeal the expulsion to the board of directors by making a written request to the board of directors within 30 days of the expulsion.

(c) A member may withdraw from a credit union, as hereinafter provided, by filing a written notice of such intention. All amounts paid on shares of an expelled or withdrawing member, with any dividends credited to the member’s shares to the date of expulsion, or withdrawal, shall be paid to the member, but only as funds become available and after deducting any amounts due to the credit union by the member. All shares of an expelled or withdrawing member, with any interest accrued, shall be paid to the member, subject to 60 days’ notice, and after deducting any amounts due to the credit union by the member. The member, when withdrawing shares, shall have no further right in the credit union or to any of its benefits, but such expulsion or withdrawal shall not operate to relieve such member from any remaining liability to the credit union.

Sec. 2. K.S.A. 17-2232 is hereby amended to read as follows: 17-2232.

(a) The governor shall appoint a seven-member credit union council. Each member shall be a resident of Kansas. Except as provided by subsection (b), appointments to the council shall be for terms of three years. Five of the persons appointed shall be members in good standing and officers of Kansas state chartered credit unions. Subject to the provisions of K.S.A. 1995 Supp. 75-4315e, and amendments thereto, of those five members, the governor shall appoint one from each congressional district and the remainder from the state at large. The council shall elect annually a chairperson, a vice-chairperson and a secretary for a term of one year or until their successors have been appointed and qualified. All members of the council shall serve until their successors have been appointed and qualified. Kansas state chartered credit unions regulated under the provisions of this act may submit annually to the governor, for consideration in making appointments to the credit union council, a list of persons having the prescribed qualifications for membership on the council. The council may adopt such rules and regulations governing the compilation of such list as may be necessary. Vacancies on the council shall be filled for the unexpired term by appointment by the governor. In the event of a vacancy on the council, the governor shall appoint a new member to fill the unexpired term. The mid-term appointment of a new council member to serve an unexpired term created by such a vacancy shall not be considered a full term for purposes of the two-term limit. Except as otherwise provided, no person shall serve more than two consecutive full three-year terms as a member of the council. No more than four members of the council shall be from the same political party.

(b) The terms of members who are serving on the council on the effective date of this act shall expire on March 15, of the year in which such member’s term would have expired under the provisions of this
Members shall be appointed for terms of three years and serve until their successors are appointed and qualified.

(c) Council meetings shall be on call of a majority of the council or the chairperson. The council shall hold one regular meeting during each quarter of the year, upon such dates and at such places as designated by the council, and may hold such other meetings as the council considers necessary. The majority of the council shall constitute a quorum for doing business. The council may adopt such rules as advisable for conducting business and, until otherwise changed or modified, the council shall abide by Robert’s rules of order in conducting business.

(d) The council shall serve as an advisor to the administrator on issues and needs of credit unions.

Sec. 3. K.S.A. 17-2219 and 17-2232 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 16, 2018.
Published in the Kansas Register April 26, 2018.

CHAPTER 57
Substitute for SENATE BILL No. 423
(Amended by Chapter 70)

TO SEC.
Education, department of ....................... 1

AN ACT concerning education; relating to the instruction and financing thereof; Kansas school equity and enhancement act; making and concerning appropriations for the fiscal year ending June 30, 2019, for the department of education; amending K.S.A. 2017 Supp. 72-5132, 72-5133, 72-5143, 72-5145, 72-5148, 72-5149, 72-5150, 72-5151, 72-5155, 72-5170, 72-5171, 72-5173, 72-53,113, 72-53,116 and 72-5461 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 72-1171, 72-5144, 72-6463, 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469, 72-6470, 72-6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-6478, 72-6479, 72-6480 and 72-6481.

WHEREAS, The educational interests of this state concern the areas of social emotional learning, kindergarten readiness, individual plans of study, graduation and postsecondary success; and

WHEREAS, In order to address such varied interests, the public education system in this state must provide support and services for students and their families, both in the classroom and in the community; and

WHEREAS, For school year 2018-2019, the legislature has made provision for instruction and support services for public school students in the classroom in excess of $4.89 billion in an effort to update the school
finance funding level and formula to account for student population and inflation, since the last time the Kansas supreme court found the provision of school finance to be acceptable; and

WHEREAS, The legislature acknowledges that support services in the community are also vital to student achievement; and

WHEREAS, For school year 2018-2019, the legislature has made provision for support services outside of the classroom in excess of $188.6 million; and

WHEREAS, The support services for students outside of the classroom are provided through a myriad of state agencies and institutions, such as the state department of education, the department for children and families, the department of health and environment, the department of transportation, the office of the attorney general, the state board of regents, the six regents’ universities, the state historical society and the state library; and

WHEREAS, The community support services that are provided address the needs of all students from birth to high school graduate through programs such as newborn screenings, infant and toddler services, pre-k programs, Kansas early head start, Kansas reading success, children’s cabinet programs, parent education programs, communities in schools, vocational rehabilitation case services, independent living and life skills services, jobs for America’s graduates and excel in career technical education.

Now, therefore:

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

Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality)

(652-00-1000-0053) ................................................ $15,000

Provided, That during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated for the operating expenditures (including official hospitality) account for fiscal year 2019 by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency to implement the jobs for America’s graduates - Kansas pilot program: Provided further, That such program shall select a total of 75 students for participation in the program with 25 students selected from the Wichita school district (U.S.D. no. 259), 25 students selected from the Topeka school district (U.S.D. no. 501) and 25 students selected from the Kansas City school district (U.S.D. no. 500): And provided further, That students shall be selected for participation in the
program on or before September 20, 2018: And provided further. That the selected students shall enroll in and attend classes at schools operated by such student’s resident school district for \( \frac{1}{2} \) of such student’s total school attendance, and shall enroll in classes provided by a virtual school operated by the southeast Kansas education service center - Greenbush for the remaining \( \frac{1}{2} \) of such student’s total school attendance: And provided further. That expenditures shall be made in an amount not to exceed $15,000 to acquire laptop computer devices for use by students participating in such pilot program.

State foundation aid (652-00-1000-0820) $26,024,200
Special education services aid (652-00-1000-0700) $32,400,363
Supplemental state aid (652-00-1000-0840) $5,994,000
ACT and workkeys assessments program $2,800,000

Provided, That expenditures shall be made by the above agency from the ACT and workkeys assessments program account to provide the ACT college entrance exam and the three ACT workkeys assessments that are required to earn a national career readiness certificate to each student enrolled in grades nine through 12: Provided further. That no student enrolled in grades nine through 12 of any school district shall be required to pay any fees or costs to take such exam and assessments: And provided further. That in no event shall any school district be required to provide for more than one exam and three assessments per student: And provided further. That the state board of education may enter into any contracts that are necessary to promote statewide cost savings to administer such exams and assessments.

Mentor teacher (652-00-1000-0440) $500,000
Mental health intervention team pilot program $4,190,776

Provided, That expenditures shall be made by the above agency to implement the mental health intervention team pilot program so as to improve social-emotional wellness and outcomes for students by increasing schools’ access to counselors, social workers and psychologists statewide: Provided, That school districts participating in such program shall enter into the necessary memorandums of understanding and other necessary agreements with participating community mental health centers and the appropriate state agencies to implement the pilot program: Provided further, That mental health intervention teams shall consist of school liaisons employed by the participating school district, and clinical therapists and case managers employed by the participating community mental health center: And provided further. That the following shall participate in the pilot program for fiscal year 2019: (1) 23 schools in the Wichita school district (U.S.D. no. 259); (2) 28 schools in the Topeka school district (U.S.D. no. 501); (3) 10 schools in the Kansas City school district (U.S.D. no. 500); (4) 5 schools in the Parsons school district (U.S.D. no. 503); (5) 4 schools in the Garden City school district (U.S.D. no. 457); and (6) 9
schools served by the central Kansas cooperative in education: And provided further, That on or before June 30, 2019, the director of the division of health care finance of the department of health and environment shall certify to the director of the budget and the director of the legislative research department the aggregate amount of expenditures for fiscal year 2019 for treatment and services for students provided under the mental health intervention team pilot program, or provided based on a referral from such program.

**MHIT pilot program – online database**.......................... $2,500,000
**MHIT school liaisons**........................................... $3,263,110

Provided, That expenditures shall be made by the above agency for mental health intervention team school liaisons employed by those school districts and education cooperatives participating in the mental health intervention team pilot program.

(b) During fiscal year 2019, upon certification by the commissioner of education that the necessary memorandums of understanding have been executed between the participating school districts and community mental health centers to implement the mental health intervention team pilot program, the director of accounts and reports shall transfer $1,541,050 from the mental health intervention pilot program account in the state general fund of the department of education to the community mental health center improvement fund of the department for aging and disability services: Provided, That moneys transferred pursuant to this subsection shall be expended to provide treatment and services for students under the mental health intervention team pilot program who are uninsured or underinsured.

Sec. 2. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5132 is hereby amended to read as follows: 72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 2017 Supp. 72-5131 et seq., and amendments thereto:

(a) “Adjusted enrollment” means the enrollment of a school district adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; declining enrollment weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) “Ancillary school facilities weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) “At-risk student” means a student who is eligible for free meals
under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term “at-risk student” shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) “At-risk student weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) “Base aid for student excellence” or “BASE aid” means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

(1) For school year 2017-2018, $4,006; 2018-2019, $4,900;
(2) for school year 2018-2019, $4,128; 2019-2020, $5,061;
(3) for school year 2020-2021, $5,222;
(4) for school year 2021-2022, $5,384;
(5) for school year 2022-2023, $5,545; and
(6) for school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.

(f) “Bilingual weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) “Board” means the board of education of a school district.

(h) “Budget per student” means the general fund budget of a school district divided by the enrollment of the school district.

(i) “Categorical fund” means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and postsecondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) “Cost-of-living weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-
5159, and amendments thereto, on the basis of costs attributable to the
cost of living in such school districts.

(k) “Current school year” means the school year during which state
foundation aid is determined by the state board under K.S.A. 2017 Supp.
72-5134, and amendments thereto.

(l) “Declining enrollment weighting” means an addend component
assigned to the enrollment of school districts pursuant to K.S.A. 2017
Supp. 72-5160, and amendments thereto, on the basis of costs attributable
to the declining enrollment of such school districts.

(m) “Enrollment” means:

(1) The number of students regularly enrolled in kindergarten and
grades one through 12 in the school district on September 20 of the
preceding school year plus the number of preschool-aged at-risk students
regularly enrolled in the school district on September 20 of the current
school year, except a student who is a foreign exchange student shall not
be counted unless such student is regularly enrolled in the school district
on September 20 and attending kindergarten or any of the grades one
through 12 maintained by the school district for at least one semester or
two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year
has decreased from enrollment in the second preceding school year, the
enrollment of the school district in the current school year means the
sum of:

(A) The enrollment in the second preceding school year, excluding
students under paragraph (2)(B), minus enrollment in the preceding
school year of preschool-aged at-risk students, if any, plus enrollment in
the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of
any students participating in the tax credit for low income students schol-
arship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and
amendments thereto, in the preceding school year, if any, plus the ad-
justed enrollment in the preceding school year of preschool-aged at-risk
students who are participating in the tax credit for low income students
scholarship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and
amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is
defined in K.S.A. 2017 Supp. 72-5139, and amendments thereto, enrolled
in such district, and that received federal impact aid for the preceding
school year, if the enrollment in such school district in the preceding
school year has decreased from enrollment in the second preceding
school year, the enrollment of the school district in the current school
year means whichever is the greater of:

(A) The enrollment determined under subsection (m) paragraph (2); or

(B) the sum of the enrollment in the preceding school year of pre-
school-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4) (A) For school year 2017-2018, the enrollment determined under paragraph (1), (2) or (3), except if the school district offers kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(B) For school year 2018-2019 and each school year thereafter, the enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(m) “February 20” has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(n) “Federal impact aid” means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(o) “General fund” means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 2017 Supp. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(p) “General fund budget” means the amount budgeted for operating expenses in the general fund of a school district.

(q) “High-density at-risk student weighting” means an addend
component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(\(a\))(r) “High enrollment weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(\(a\))(t) “Juvenile detention facility” means the same as such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.

(\(a\))(t) “Local foundation aid” means the sum of the following amounts:

(1) The amount of the proceeds from the tax levied under the authority of K.S.A. 2017 Supp. 72-5147, and amendments thereto, that is levied to finance that portion of the school district’s local option budget that is required pursuant to K.S.A. 2017 Supp. 72-5143(a), and amendments thereto, and not financed from any other source provided by law;

(2) an amount equal to that portion of the school district’s supplemental state aid determined pursuant to K.S.A. 2017 Supp. 72-5145, and amendments thereto, to equalize that portion of the school district’s local option budget that is required pursuant to K.S.A. 2017 Supp. 72-5143(a), and amendments thereto, and not financed from any other source provided by law;

(3) an amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments thereto;

(4) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to their repeal;

(5) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 2017 Supp. 72-3123(a), and amendments thereto;

(6) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 2017 Supp. 72-3125, and amendments thereto;

(7) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(8) an amount equal to the amount of payments received by the
school district under the provisions of K.S.A. 2017 Supp. 72-3423, and amendments thereto;

(9) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 2017 Supp. 72-3425, and amendments thereto; and

(10) an amount equal to 70% of the federal impact aid of the school district.

(u) “Low enrollment weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(v) “Operating expenses” means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments thereto.

(w) “Preceding school year” means the school year immediately before the current school year.

(x) “Preschool-aged at-risk student” means an at-risk student who has attained the age of four three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(y) “Preschool-aged exceptional children” means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms “exceptional children” and “gifted children” have the same meaning as those terms are defined in K.S.A. 2017 Supp. 72-3404, and amendments thereto.

(z) “Psychiatric residential treatment facility” means the same as such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.

(aa) “School district” means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 2017 Supp. 72-3115, and amendments thereto.

(bb) “School facilities weighting” means an added component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(cc) “School year” means the 12-month period ending June 30.

(dd) “September 20” has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

(ee) “Special education and related services weighting” means an
addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5157, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

(ff) “State board” means the state board of education.

(hh) “State foundation aid” means the amount of aid distributed to a school district as determined by the state board pursuant to K.S.A. 2017 Supp. 72-5134, and amendments thereto.

(ii) (1) “Student” means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 2017 Supp. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

(i) A student in attendance full-time; and

(ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as ½ student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and

(ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student (to the nearest 1/10) that the student’s attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student’s postsecondary education enrollment and attendance together with the student’s attendance in either of the grades 11 or 12 is at least 5/6 time, otherwise the student shall be counted as that proportion of one student (to the nearest 1/10) that the total time of the student’s postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student’s career technical education attendance together with the
student’s attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the student shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the total time of the student’s career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student’s attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student (to the nearest $\frac{1}{10}$) that the student’s attendance at the non-virtual school bears to full-time attendance.

(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:
   (a) For school years 2017-2018 and 2018-2019, one student;
   (b) for school years 2019-2020 and 2020-2021, $\frac{3}{4}$ of a student; and
   (c) for school year 2021-2022 and each school year thereafter, $\frac{1}{2}$ of a student.

(ii) This subparagraph (H) shall not apply to:
   (a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or
   (b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.

(3) The following shall not be counted as a student:
   (A) An individual residing at the Flint Hills job corps center;
   (B) except as provided in subsection (ii) paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and
   (C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 2017 Supp. 72-3715, and amendments thereto.

(jj) “Total foundation aid” means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

(kk) “Transportation weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.
(kk)

"Virtual school" means the same as such term is defined in K.S.A. 2017 Supp. 72-3712, and amendments thereto.

Sec. 3. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5133 is hereby amended to read as follows: 72-5133. (a) The state school district finance fund, established by K.S.A. 1991 Supp. 72-7081, prior to its repeal, is hereby continued in existence and shall consist of: (1) All moneys credited to such fund under K.S.A. 2017 Supp. 72-6463 through 72-6481, prior to their expiration July 1, 2017; and (2) all amounts transferred to such fund under K.S.A. 2017 Supp. 72-5136, 72-5142, 72-5143, 72-5158, 72-5159 and 72-5160, and amendments thereto.

(b) The state school district finance fund shall be used for the purpose of school district finance and for no other governmental purpose. It is the intent of the legislature that the fund shall remain intact and inviolate for such purpose, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(c) Amounts in the state school district finance fund shall be allocated and distributed to school districts as a portion of state foundation aid provided for under this act.

Sec. 4. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5143 is hereby amended to read as follows: 72-5143. (a) In each school year, the board of education of a school district may adopt, by resolution, a local option budget that does not exceed the state prescribed percentage equal to 15% of the school district’s total foundation aid.

(b) Subject to the limitations of subsection (a), in each school year, if the board of education of a school district desires local option budget authority above the amount required under subsection (a), the board may adopt, by resolution, a local option budget in an amount that does not exceed:

(1) The amount that the board was authorized to adopt under any resolution adopted pursuant to K.S.A. 2017 Supp. 72-6471, prior to its expiration, or

(2) The state-wide average for the preceding school year as determined by the state board pursuant to subsection (i) of the school district’s total foundation aid. The adoption of a resolution pursuant to this section shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(c) If the board of a school district desires to increase its local option budget authority above the amount authorized under subsection (b), the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper
having general circulation in the school district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. ________,
__________ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed _____% of the amount of total foundation aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 40 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified school district No. ________, ________ County, Kansas, on the ________ day of ________, ________.

______________________
Clerk of the board of education.

All of the blanks in the resolution shall be filled appropriately. If a sufficient petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(d) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any school district that is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any school district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such school district to adopt a local option budget shall not be extended.
by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(e) The board of any school district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 2017 Supp. 72-5147, and amendments thereto, is certified to the county clerk under any existing authorization.

(f) (1) Except as provided in paragraph (2), the board of any school district authorized to adopt a local option budget prior to July 1, 2017, under a resolution that authorized the adoption of such budget in accordance with the provisions of K.S.A. 2017 Supp. 72-6471, prior to its expiration July 1, 2017, may continue to operate under such resolution for the period of time specified in the resolution if such resolution adopted a local option budget equal to or greater than the amount required in subsection (a), or may abandon the resolution and operate under the provisions of this section. Any such school district shall operate under the provisions of this section after the period of time specified in any previously adopted resolution has expired.

(2) Any resolution adopted prior to July 1, 2017, pursuant to K.S.A. 72-6433(e)(2), prior to its repeal, that authorized the adoption of a local option budget and that was not subsequently submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon shall expire on June 30, 2018, and shall have no force and effect during school year 2018-2019 or any subsequent school year.

(g) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions that are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(h) For school year 2019-2020 and each school year thereafter, the board of any school district that desires to increase its local option budget authority for the immediately succeeding school year shall submit written notice of such intent to the state board by April 1 of the current school year. Such notice shall include the local option budget authority, expressed as a percentage of the school district’s total foundation aid, to be adopted for the immediately succeeding school year. The board of a school district shall not adopt a local option budget in excess of the authority stated in a notice submitted pursuant to this subsection.

(i) (1) There is hereby established in each school district that adopts a local option budget a supplemental general fund, which shall consist of all amounts deposited therein or credited thereto according to law.

(2) (A) Of the moneys deposited in or otherwise credited to the sup-
plemental general fund of a school district pursuant to K.S.A. 2017 Supp. 72-5147, and amendments thereto, an amount that is proportional to that amount of such school district’s total foundation aid attributable to the at-risk student weighting as compared to such district’s total foundation aid shall be transferred to the at-risk education fund of such school district and shall be expended in accordance with K.S.A. 2017 Supp. 72-5153, and amendments thereto.

(B) Of the moneys deposited in or otherwise credited to the supplemental general fund of a school district pursuant to K.S.A. 2017 Supp. 72-5147, and amendments thereto, an amount that is proportional to that amount of such school district’s total foundation aid attributable to the bilingual weighting as compared to such district’s total foundation aid shall be transferred to the bilingual education fund of such school district and shall be expended in accordance with K.S.A. 2017 Supp. 72-3613, and amendments thereto.

(3) Subject to the limitations imposed under subsection (h)(3) paragraph (4), amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any categorical fund of the school district. Amounts in the supplemental general fund attributable to any percentage over 25% of total foundation aid determined for the current school year may be transferred to the capital improvements fund of the school district and the capital outlay fund of the school district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(3)(4) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings that is entered into pursuant to the provisions of K.S.A. 2017 Supp. 72-1149, and amendments thereto.

(4)(5) (A) Except as provided in subsection (h)(4)(B) subparagraph (B), any unexpended moneys remaining in the supplemental general fund of a school district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the school district received supplemental state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the school district for the school year and multiply the total amount of the unexpended moneys remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the school district or remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(i) Each year, the state board shall determine the statewide average
percentage of local option budgets legally adopted by school districts for
the preceding school year.

(j) The provisions of this section shall be subject to the provisions of

(k) As used in this section:

(1) “Authorized to adopt a local option budget” means that a school
district has adopted a resolution pursuant to subsection (c).

(2) “State prescribed percentage” means 30.5% of the total
foundation aid of the school district in the current school year.

(3) For purposes of determining the school district’s local option
budget under subsections (a), (b) and (c), “total foundation aid” means
the same as such term is defined in K.S.A. 2017 Supp. 72-5132, and
amendments thereto, except the state aid for special education and related
services shall be divided by an amount equal to 85% of the BASE aid
amount, and the resulting quotient shall be used in determining the school
district’s total foundation aid.

Sec. 5. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5145 is hereby
amended to read as follows: 72-5145. (a) In each school year, each school
district that has adopted a local option budget is eligible to receive sup-
plemental state aid. Except as provided by K.S.A. 2017 Supp. 72-5146,
and amendments thereto, supplemental state aid shall be determined by
the state board as provided in subsection (b).

(b) The state board shall:

(1) (A) For school year 2017-2018, determine the amount of the as-
sumed valuation per student in the preceding school year of each school
district, and

(B) for school year 2018-2019 and each school year thereafter, De-
termine the average assessed valuation per student of each school district
by adding the assessed valuation per student for each of the three im-
mediately preceding school years and dividing the resulting sum by three;

(2) rank the school districts from low to high on the basis of the
amounts of assessed valuation per student determined under subsection
(b)(1);

(3) identify the amount of the assessed valuation per student located
at the 81.2 percentile of the amounts ranked under subsection (b)(2);

(4) divide the assessed valuation per student of the school district as
determined under subsection (b)(1) by the amount identified under sub-
section (b)(3); and

(5) (A) if the quotient obtained under subsection (b)(4) equals or
exceeds one, the school district shall not receive supplemental state aid;
or

(B) if the quotient obtained under subsection (b)(4) is less than one,
subtract the quotient obtained under subsection (b)(4) from one, and
multiply the difference by the amount of the local option budget of the
school district for the immediately preceding school year. The resulting product is the amount of supplemental state aid the school district is to receive for the school year.

(c) Payments of supplemental state aid shall be distributed to school districts on the dates prescribed by the state board. The state board shall certify to the director of accounts and reports the amount due each school district, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the supplemental general fund of the school district to be used for the purposes of such fund.

(d) For the purposes of determining the total amount of state moneys paid to school districts, all moneys appropriated as supplemental state aid shall be deemed to be state moneys for educational and support services for school districts.

Sec. 6. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5148 is hereby amended to read as follows: 72-5148. (a) (1) The transportation weighting of each school district shall be determined by the state board as follows:

(1) Determine the total expenditures of the school district during the preceding school year from all funds for transporting students of public and nonpublic schools on regular school routes;

(2) determine the sum of: (A) The number of students who were included in the enrollment of the school district in the preceding school year who resided less than 2½ miles by the usually traveled road from the school building such students attended and for whom transportation was made available by the school district, and (B) the number of nonresident students who were included in the enrollment of the school district for the preceding school year and for whom transportation was made available by the school district;

(3) determine the number of students who were included in the enrollment of the district in the preceding school year who resided 2½ miles or more by the usually traveled road from the school building such students attended and for whom transportation was made available by the school district;

(4) multiply the number of students determined under subsection (a)(3) by 2.8;

(5) divide the amount determined under subsection (a)(2) by the product obtained under subsection (a)(4);

(6) add one to the quotient obtained under subsection (a)(5);

(7) multiply the sum obtained under subsection (a)(6) by the amount determined under subsection (a)(3);

(8) divide the amount determined under subsection (a)(1) by the product obtained under subsection (a)(7). The resulting quotient is the per student cost of transportation;
(9) on a density-cost graph, plot the per-student cost of transportation for each school district;

(10) construct a curve of best fit for the points so plotted;

(11) locate the index of density for the school district on the base line of the density-cost graph and from the point on the curve of best fit directly above this point of index of density follow a line parallel to the base line to the point of intersection with the vertical line, which point is the formula per-student cost of transportation of the school district;

(12) divide the formula per-student cost of transportation of the school district by the BASE aid; and

(13) multiply the quotient obtained under subsection (a)(12) by the number of students who are included in the enrollment of the school district, are residing 2½ miles or more by the usually traveled road to the school building they attend, and for whom transportation is being made available by, and at the expense of, the district.

(A) Divide the BASE aid amount for the current school year by the BASE aid amount for school year 2018-2019;

(B) multiply the number of transported students by the per capita allowance that corresponds to the density figure for the school district as determined in subsection (a)(2);

(C) multiply the product obtained under subsection (a)(1)(B) by 1.00;

(D) multiply the product obtained under subsection (a)(1)(C) by the quotient obtained under subsection (a)(1)(A);

(E) divide the product obtained under subsection (a)(1)(D) by the current year BASE amount. The result is the transportation weighting of the school district.

(2) The per capita allowance shall be determined using the following chart:

<table>
<thead>
<tr>
<th>Density Figure Range</th>
<th>Per Capita Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.000 - 0.059</td>
<td>$1,620</td>
</tr>
<tr>
<td>0.060 - 0.069</td>
<td>$1,580</td>
</tr>
<tr>
<td>0.070 - 0.079</td>
<td>$1,540</td>
</tr>
<tr>
<td>0.080 - 0.089</td>
<td>$1,500</td>
</tr>
<tr>
<td>0.090 - 0.099</td>
<td>$1,480</td>
</tr>
<tr>
<td>0.100 - 0.109</td>
<td>$1,450</td>
</tr>
<tr>
<td>0.110 - 0.119</td>
<td>$1,430</td>
</tr>
<tr>
<td>0.120 - 0.129</td>
<td>$1,410</td>
</tr>
<tr>
<td>0.130 - 0.139</td>
<td>$1,390</td>
</tr>
<tr>
<td>0.140 - 0.149</td>
<td>$1,370</td>
</tr>
<tr>
<td>0.150 - 0.159</td>
<td>$1,350</td>
</tr>
<tr>
<td>0.160 - 0.169</td>
<td>$1,340</td>
</tr>
<tr>
<td>0.170 - 0.179</td>
<td>$1,320</td>
</tr>
<tr>
<td>0.180 - 0.199</td>
<td>$1,300</td>
</tr>
<tr>
<td>0.200 - 0.209</td>
<td>$1,290</td>
</tr>
</tbody>
</table>
0.210 - 0.219................................................ $1,270
0.220 - 0.239................................................ $1,250
0.240 - 0.269................................................ $1,230
0.270 - 0.289................................................ $1,210
0.290 - 0.319................................................ $1,190
0.320 - 0.349................................................ $1,170
0.350 - 0.389................................................ $1,150
0.390 - 0.429................................................ $1,130
0.430 - 0.469................................................ $1,110
0.470 - 0.519................................................ $1,090
0.520 - 0.579................................................ $1,070
0.580 - 0.639................................................ $1,050
0.640 - 0.709................................................ $1,030
0.710 - 0.789................................................ $1,010
0.790 - 0.879................................................ $990
0.880 - 0.989................................................ $970
0.990 - 1.109................................................ $950
1.110 - 1.249................................................ $930
1.250 - 1.399................................................ $910
1.400 - 1.589................................................ $890
1.590 - 1.799................................................ $870
1.800 - 2.039................................................ $850
2.040 - 2.319................................................ $830
2.320 - 2.659................................................ $810
2.660 - 3.049................................................ $790
3.050 - 3.509................................................ $770
3.510 - 4.049................................................ $750
4.050 - 4.699................................................ $730
4.700 - 5.469................................................ $710
5.470 - 6.399................................................ $690
6.400 - 7.519................................................ $670
7.520 - 8.879................................................ $650
8.880 - 10.549............................................... $630
10.550 - 12.589.............................................. $610
12.590 - 15.129.............................................. $590
15.130 - 18.289.............................................. $570
18.290 + ..................................................... $550

(b) (1) For school years 2017-2018 through 2020-2021, the transportation weighting of the school district shall be either the product determined under subsection (a)(13), or that portion of such school district’s general state aid for school year 2016-2017 that was attributable to the school district’s transportation weighting, whichever is greater.

(2) For school year 2021-2022, and each school year thereafter, the
transportation weighting of the school district shall be the product determined under subsection (a)(13) (a)(1)(E).

(3) In no event shall the transportation weighting of the school district result in the portion of such school district’s state foundation aid attributable to the transportation weighting being in excess of 110% of such school district’s total expenditures from all funds for transporting students for the immediately preceding school year.

(c) For the purpose of providing accurate and reliable data on student transportation, the state board is authorized to adopt rules and regulations prescribing procedures that school districts shall follow in reporting pertinent information, including uniform reporting of expenditures for transportation.

(d) As used in this section:

(1) “Curve of best fit” means the curve on a density-cost graph drawn so the sum of the distances squared from such line to each of the points plotted on the graph is the least possible.

(2) “Density-cost graph” means a drawing having: (A) A horizontal or base line divided into equal intervals of density, beginning with zero on the left, and (B) a scale for per-student cost of transportation to be shown on a line perpendicular to the base line at the left end thereof, such scale to begin with zero dollars at the base line ascending by equal per-student cost intervals.

(3) “Index of density” means the number of students who are included in the enrollment of a school district in the current school year, are residing the designated distance or more by the usually traveled road from the school building they attend, and for whom transportation is being made available on regular school routes by the school district, divided by the number of square miles of territory in the school district. “Density figure” means the area of the school district in square miles divided by the number of transported students.

(2) “Transported students” means the number of students who were included in the enrollment of the school district in the preceding year who resided 2½ miles or more by the usually traveled road from the school building such students attended and for whom transportation was made available.

Sec. 7. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5149 is hereby amended to read as follows: 72-5149. (a) The low enrollment weighting of each school district shall be determined by the state board as follows:

(1) For school districts with an enrollment of fewer than 100 students, multiply the enrollment of the school district by 1.014331. The resulting product is the low enrollment weighting of the school district;

(2) for school districts with an enrollment of at least 100 students, but fewer than 300 students:

(A) Subtract 100 from the enrollment of the school district;
(B) multiply the difference obtained under subsection (a)(2)(A) by 9.655;
(C) subtract the product obtained under subsection (a)(2)(B) from 7,337;
(D) divide the difference obtained under subsection (a)(2)(C) by 3,642.4;
(E) subtract one from the quotient obtained under subsection (a)(2)(D); and
(F) multiply the difference obtained under subsection (a)(2)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district;
(3) for school districts with an enrollment of at least 300 students, but fewer than 1,622 students:
(A) Subtract 300 from the enrollment of the school district;
(B) multiply the difference obtained under subsection (a)(3)(A) by 1.2375;
(C) subtract the product obtained under subsection (a)(3)(B) from 5,406;
(D) divide the difference obtained under subsection (a)(3)(C) by 3,642.4;
(E) subtract one from the quotient obtained under subsection (a)(3)(D);
(F) multiply the difference obtained under subsection (a)(3)(E) by the enrollment of the school district. The resulting product is the low enrollment weighting of the school district.
(b) For school districts with an enrollment of at least 1,622 students, multiply the enrollment of the school district by 0.03504. The resulting product is the high enrollment weighting of the school district.

Sec. 8. K.S.A. 2017 Supp. 72-5150 is hereby amended to read as follows: 72-5150. The bilingual weighting of each school district shall be determined by the state board as follows:
(a) Determine the full-time equivalent enrollment in approved programs of bilingual education during the preceding school year and multiply such enrollment by 0.395;
(b) determine the number of students enrolled in approved programs of bilingual education during the preceding school year and multiply such enrollment by 0.185; and
(c) the bilingual weighting shall be either the amount determined under subsection (a) or (b), whichever is greater.

Sec. 9. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:
(1) Determine the number of at-risk students included in the enrollment of the school district; and
(2) for a school district with an enrollment that consists of 10% or more at-risk students, multiply the number determined under subsection (a)(1) by 0.484. The resulting sum is the at-risk student weighting of the school district; or

(3) for a school district with an enrollment that consists of less than 10% at-risk students, multiply the number of students equal to 10% of such school district’s enrollment by 0.484. The resulting sum is the at-risk student weighting of the school district. A school district whose at-risk student weighting is determined pursuant to this paragraph shall submit a report to the state board in such form and manner as required by the state board that identifies those students enrolled in such school district who are receiving at-risk program services and the criteria each such student satisfies in order to receive at-risk program services. The state board shall adopt rules and regulations that establish the criteria for eligibility for at-risk program services. The provisions of this paragraph shall only apply to those school districts that offer instruction in kindergarten and grades one through 12.

(b) Except as provided in subsection (b)(4), the high-density at-risk student weighting of each school district shall be determined by the state board as follows:

(1) (A) If the enrollment of the school district is at least 35% at-risk students, but less than 50% at-risk students:
   (i) Subtract 35% from the percentage of at-risk students included in the enrollment of the school district;
   (ii) multiply the difference determined under subsection (b)(1)(A)(i) by 0.7; and
   (iii) multiply the product determined under subsection (b)(1)(A)(ii) by the number of at-risk students included in the enrollment of the school district; or
   (B) if the enrollment of the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of the school district by 0.105; or

(2) (A) if the enrollment of a school in the school district is at least 35% at-risk students, but less than 50% at-risk students:
   (i) Subtract 35% from the percentage of at-risk students included in the enrollment of such school;
   (ii) multiply the difference determined under subsection (b)(2)(A)(i) by 0.7; and
   (iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such school; or
   (B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and
(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.

(3) The high-density at-risk weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).

(4) Commencing in school year 2018-2019, school districts that qualify to receive the high-density at-risk weighting pursuant to this section shall spend any money attributable to the school district’s high-density at-risk weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 2017 Supp. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2020.

Sec. 10. K.S.A. 2017 Supp. 72-5155 is hereby amended to read as follows:

72-5155. (a) The career technical education weighting of each school district shall be determined by the state board by multiplying the full-time equivalent enrollment in approved career technical education programs during the preceding school year by 0.5. The resulting product is the career technical education weighting of the school district.

(b) The provisions of this section shall expire on July 1, 2020.

Sec. 11. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5170 is hereby amended to read as follows:

72-5170. (a) (1) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 2017 Supp. 72-3218(c), and amendments thereto, and is measurable. The state board shall hold all school districts accountable to the Kansans can outcomes, or any successor outcomes established by the state board, through the Kansas education systems accreditation rules and regulations, or any successor accreditation system adopted by the state board. The state board shall establish rigorous accountability measures in the areas of social emotional learning, kindergarten readiness, individual plans of study, graduation and postsecondary success. The state board
also shall ensure that all school districts and the public schools operated by such districts have programs and initiatives in place for providing those educational capacities set forth in K.S.A. 2017 Supp. 72-3218(c), and amendments thereto. On or before January 15, 2018, and each January 15 thereafter, the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature.

(2) The accountability measures established pursuant to paragraph (1) shall be applied both at the district level and at the school level. Such accountability measures shall be reported by the state board for each school district and each school by publication on the internet website of the state department of education. Each school district also shall report such accountability measures for such school district and each school operated by such district by publication on such school district’s internet website.

(3) If a school district is not fully accredited and a corrective action plan is required by the state board, such corrective action plan, and any subsequent reports prepared by the state board regarding the progress of such school district in implementing and executing such corrective action plan, shall be published on the state department of education’s internet website and such school district’s internet website.

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

(b) The state board shall establish curriculum standards that reflect high academic standards for the core academic areas of mathematics, science, reading, writing and social studies. The curriculum standards shall be reviewed at least every seven years. Nothing in this subsection shall be construed in any manner so as to impinge upon any school district’s authority to determine its own curriculum.

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

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

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

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

Sec. 12. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5171 is hereby amended to read as follows: 72-5171. (a) On or before January 15 of each year, the state department of education shall prepare and submit reports on school district funding for each school district to the governor and the legislature.

(b) Each report shall contain the information described in subsection (c) for the school district in terms of actual dollar amounts for the second and immediately preceding school years and budgeted dollar amounts for the current school year.

(c) Each report shall contain the following information for the school district:

(1) Full-time equivalent enrollment;

(2) demographic information, including, but not limited to, gender,
race, ethnicity, students who are economically disadvantaged, migrants, English language learners and students with disabilities;

(3) total general and supplemental general funds, including a showing of funding provided by federal sources, state sources and local sources, and total funds per student;

(4) total capital outlay funds, including a showing of such funding provided by federal sources, state sources and local sources, and capital outlay funds per student;

(5) total bond and interest funds, including a showing of such funding provided by federal sources, state sources and local sources, and bond and interest funds per student;

(6) total of all other funds not described in paragraphs (3), (4) and (5), excluding fund transfers, including a showing of such funding provided by federal sources, state sources and local sources, and total funds per student;

(7) total funds per student of all funds described in paragraphs (3) through (6);

(8) general fund moneys attributable to the following:
   (A) BASE aid;
   (B) high enrollment weighting;
   (C) low enrollment weighting;
   (D) school facilities weighting;
   (E) transportation weighting;
   (F) at-risk student weighting;
   (G) preschool-aged at-risk student weighting;
   (H) high-density at-risk student weighting;
   (I) career technical education weighting;
   (J) special education and related services weighting;
   (K) bilingual weighting;
   (L) ancillary school facilities weighting;
   (M) cost-of-living weighting;
   (N) declining enrollment weighting; and
   (O) virtual school state aid;

(9) total expenditures on the following:
   (A) At-risk education programs and services;
   (B) preschool-aged at-risk education programs and services;
   (C) bilingual education programs and services;
   (D) career and technical education programs and services;
   (E) special education and related services; and
   (F) virtual school programs and services; and

(10) total expenditures from the special retirement contributions fund;

(11) expenditures and fund transfers from the supplemental general fund for those programs and services set forth in paragraph (9) and any
other accounting category for which there is an expenditure or transfer from such fund; and

(12) general obligation bond indebtedness.

d) The state board shall provide uniform guidelines for what constitutes total expenditures for the programs and services listed under subsection (c)(9).

Sec. 13. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5173 is hereby amended to read as follows: 72-5173. The legislative post audit committee shall direct the legislative division of post audit to conduct the following performance audits in the fiscal year specified:

a) A performance audit of transportation services funding. The audit should include a comparison of the amount of transportation services funding school districts receive to the cost of providing transportation services. This performance audit shall be conducted during fiscal year 2018, and the final audit report shall be submitted to the legislature on or before January 15, 2018.

b) A performance audit of at-risk education funding. The audit should evaluate the method of counting students for at-risk education funding, the level of the at-risk student weighting and high-density at-risk student weighting under the act and how school districts are expending moneys provided for at-risk education. This performance audit shall be conducted during fiscal year 2020, and the final audit report shall be submitted to the legislature on or before January 15, 2020.

c) A performance audit of bilingual education funding. The audit should evaluate the method of counting students for bilingual education funding, the level of the bilingual weighting under the act and how school districts are expending moneys provided for bilingual education. This performance audit shall be conducted during fiscal year 2023, and the final audit report shall be submitted to the legislature on or before January 15, 2023.

d) A study of statewide virtual school programs administered in other states. The study shall include, but not be limited to, the following:

1) The aggregate cost incurred by each state administering a virtual school program, and the cost incurred by individual school districts or schools within each state;

2) the resources necessary for the implementation of each virtual school program, including, but not limited to, personnel, equipment, software and facility usage;

3) the scope of each virtual school program; and

4) the effectiveness of each virtual school program with respect to student performance and outcomes.

The audit shall be conducted during fiscal year 2023, and the final audit report shall be submitted to the legislature on or before January 15, 2023.
(e) (1) A performance audit to provide a reasonable estimate of the cost of providing educational opportunities for every public school student in Kansas to achieve the performance outcome standards adopted by the state board of education. This performance audit shall be conducted three times as follows:

(A) During fiscal year 2019, and the final report submitted to the legislature on or before January 15, 2019;

(B) During fiscal year 2021, and the final report submitted to the legislature on or before January 15, 2021; and

(C) During fiscal year 2024, and the final report submitted to the legislature on or before January 15, 2024.

(2) Each performance audit required under this subsection shall:

(A) Include reasonable estimates of the costs of providing specialized education services as required by law, including, but not limited to, special education and related services, bilingual education and at-risk programs; and

(B) account for other factors which may contribute to variations in costs incurred by school districts, including, but not limited to, total district enrollment and geographic location within the state.

(3) In conducting each performance audit required under this subsection:

(A) Any examination of historical data and expenditures shall correct any recognized inadequacy of such data or expenditure through a statistically valid method of extrapolation; and

(B) subject to the limitations of the division of legislative post audit budget and appropriations therefor, the legislative post auditor may enter into contracts with consultants as the post auditor deems necessary.

(f) A performance audit to identify best practices in successful schools. The audit should include a comparison of the educational methods and other practices of demographically similar school districts that achieve significantly different student outcomes based on performance outcome standards adopted by the state board of education. This performance audit shall be conducted during fiscal year 2021, and the final audit report shall be submitted to the legislature on or before January 15, 2021. The audit shall be conducted a second time during fiscal year 2026, and the final audit report shall be submitted to the legislature on or before January 15, 2026 provide a reasonable estimate of the costs of providing special education and related services, including, but not limited to, other factors which may contribute to variations in costs incurred by school districts. This performance audit shall be conducted during fiscal year 2019, and the final audit report shall be submitted to the legislature on or before January 15, 2019.

Sec. 14. On and after July 1, 2018, K.S.A. 2017 Supp. 72-53,113 is hereby amended to read as follows: 72-53,113. (a) The board of education
of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate upon the taxable tangible property in the school district for the purposes specified in this act and, with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto, for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in the following form:

Unified School District No. ________,  County, Kansas.

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy in an amount not to exceed ______ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Computer software; (2) performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses; (5) building sites; (6) undertaking and maintenance of asbestos control projects; (7) school buses; and (8) utility expenses; (9) property and casualty insurance; and (10) other fixed assets, and with respect to any redevelopment district established prior to July 1, 2017, pursuant to K.S.A. 12-1771, and amendments thereto, for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for that purpose or at the next general election, as is specified by the board of education of the above school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. ________,  County, Kansas, on the ____ day of __________, ________.
All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word “mills” shall be filled with a specific number. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) “Unconditionally authorized to make a capital outlay tax levy” means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) “Statutorily prescribed mill rate” means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) “Asbestos control project” means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) “Asbestos” means the asbestiform varieties of chrysotile (serpentine), crocidolite (ribeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite, and actinolite; and

(5) “Asbestos-containing material” means any material or product which contains more than 1% asbestos.

Sec. 15. On and after July 1, 2018, K.S.A. 2017 Supp. 72-53,116 is hereby amended to read as follows: 72-53,116. (a) Any moneys in the
capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 2017 Supp. 72-53,117 or 72-53,122, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of school district property and equipment necessary for school district purposes, including: (1) Computer software; (2) performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses; (5) building sites; (6) undertaking and maintenance of asbestos control projects; (7) school buses; and (8) utility expenses; (9) property and casualty insurance; and (10) other fixed assets.

(b) The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.

Sec. 16. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5461 is hereby amended to read as follows: 72-5461. (a) Upon receiving an application under K.S.A. 2017 Supp. 72-5460, and amendments thereto, the state board of education shall review the application and examine the evidence furnished in support of the application.

(b) (1) Commencing in school year 2017-2018, the state board of education shall not approve any application submitted during the current school year if such approval would result in the aggregate amount of all general obligation bonds approved by the state board for such school year exceeding the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year adjusted for inflation pursuant to paragraph (4). For any application submitted during the current school year in excess of $175,000,000, the state board shall apply only an amount of $175,000,000 of such application when determining whether the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year has been exceeded. In determining whether to approve an application, the state board shall prioritize applications in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

(A) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;

(B) enrollment growth and imminent overcrowding as demonstrated
by successive increases in enrollment of the school district in the immediately preceding three school years;

(C) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and

(D) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.

(2) The state board shall not consider a school district’s eligibility for capital improvement state aid, or the amount of capital improvement state aid a school district would be eligible to receive, in determining whether to approve such district’s application.

(3) The provisions of subsection (b)(1) shall not apply to school districts that have not issued any general obligation bonds in the 25 years prior to the current school year.

(4) The state board shall adjust the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year by adding an amount equal to the five-year compounded percentage increase in the producer price index industry data for new school building construction as published by the bureau of labor statistics of the United States department of labor for the five immediately preceding school years.

(c) After reviewing the application and examining the supportive evidence, the state board of education shall issue an order either granting or denying the application. If the application is approved, the applicant board of education shall request the county election officer to hold an election to vote upon the question of issuing the increased amount of bonds in the manner provided by law.

(d) Any application that is denied pursuant to subsection (b) may be tentatively approved by the state board of education for the immediately succeeding school year. The amount of general obligation bonds approved in any such application shall be counted first towards the aggregate amount of all general obligation bonds approved by the state board for such school year.

(e) Commencing in school year 2017-2018, the state board of education shall determine the aggregate principal amount of general obligation bonds retired in the immediately preceding school year.

(f) The provisions of subsections (b), (d) and (e) shall expire on June 30, 2022.

Sec. 17. K.S.A. 2017 Supp. 72-5150 and 72-5155 are hereby repealed.

72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-6478, 72-6479, 72-6480 and 72-6481 are hereby repealed.

Sec. 19. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 17, 2018.
Published in the Kansas Register April 26, 2018.

CHAPTER 58

HOUSE BILL No. 2444

AN ACT repealing K.S.A. 2017 Supp. 74-4921c and 74-4921d; concerning retirement and pensions; relating to the Kansas public employees retirement system; investments by the KPERS board; new investments and divestment of current investment in companies with operations in Sudan.

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

Section 1. K.S.A. 2017 Supp. 74-4921c and 74-4921d are hereby repealed.

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

Approved April 18, 2018.
Published in the Kansas Register April 26, 2018.

CHAPTER 59

HOUSE BILL No. 2597

AN ACT concerning local government; relating to urban areas; city governing bodies; county commission authority concerning election commissioners; amending K.S.A. 12-104, 17-1312f, 19-2654, 19-3419a, 19-3420 and 19-3424 and repealing the existing sections.

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

Section 1. K.S.A. 19-2654 is hereby amended to read as follows: 19-2654. (a) The area comprising the county of Johnson county is hereby designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas.

(b) The area comprising Sedgwick county is hereby designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas.

Sec. 2. K.S.A. 17-1312f is hereby amended to read as follows: 17-1312f. The provisions of K.S.A. 17-1308, 17-1311, 17-1312, and 17-1312a
to through 17-1312e, inclusive, and amendments thereto, shall apply to
and be controlling upon every individual, firm, partnership or other or-
ganization hereafter selling or conveying land for cemetery purposes, and
for this purpose the term “corporation,” except where the context clearly
indicates a different meaning, shall mean and include such individuals,
firms, partnerships or organizations. The provisions of this act shall not
apply to: (a) Any municipality, corporation or quasi-corporation within
the state of Kansas which that is empowered to issue bonds in payment
of which taxes may be levied; or
(b) any nonprofit organization formed primarily for religious pur-
poses and constituting an established church and which that sells or con-
veys cemetery lots solely to the members of its own church or to persons
related by consanguinity, either lineal or collateral, by adoption, or by
marriage to any such member; or
(c) any cemetery existing on March 1, 1968, located in a county des-
ignated as urban, and owned and operated on said date by a nonprofit
organization owned and operated by a nonprofit corporation located in a
county designated as an urban area on or before March 1, 1968; or
(d) any cemetery having a permanent maintenance fund of less than
ten thousand dollars ($10,000) which $10,000 that was organized prior to
January 1, 1900, and which that has been maintained and operated con-
tinuously since such date.

Sec. 3. K.S.A. 12-104 is hereby amended to read as follows: 12-104.
In acts granting or limiting executive or administrative powers to city
governments, or prescribing procedure, the designation of “the governing
body” shall be held to include mayor and council, mayor and commis-
sioners and board of commissioners, as the status of cities affected may
require, and the commission to revise the statutes is authorized to sub-
stitute the words, “the governing body” for the terms mayor and council,
mayor and commissioners or board of commissioners in all acts. In com-
misson and commission-manager cities, the mayor shall be considered
part of the city governing body in all matters. In mayor-council, modified
mayor-council and mayor-council-manager cities, the mayor shall be con-
sidered part of the city governing body for the purpose of voting on the
passage of a charter ordinance. Whether the mayor is considered part of
the governing body for purposes of voting on any other matter shall oth-
nerwise be established by ordinance of the city passed by a 2/3 majority of
the council. All existing ordinances and charter ordinances relating to the
mayor being considered part of the city governing body shall remain in
effect until amended or repealed by such city.

Sec. 4. K.S.A. 19-3419a is hereby amended to read as follows: 19-
3419a. The election commissioners in any county shall receive a salary in
an amount to be fixed by resolution of the board of county commissioners
of the county. On and after January 1, 1977, the compensation so fixed
shall be in an amount not less than ten thousand dollars ($10,000) per annum. Such salary shall be an annual salary payable in equal monthly installments or in the manner as other county officers and employees.

The election commissioner shall receive a car allowance in an amount to be fixed by resolution of the board of county commissioners.

Sec. 5. K.S.A. 19-3420 is hereby amended to read as follows: 19-3420. The election commissioner shall appoint one assistant, known as assistant election commissioner, who shall receive an annual salary to be fixed by the election commissioner and shall be paid in the same manner as other county officers and employees, and in addition the election commissioner shall certify to the board of county commissioners the amount necessary for clerk hire and expense, which amount shall be allowed by the board of county commissioners of said county. The board of county commissioners shall also authorize the statutory mileage allowance provided for in K.S.A. 75-3203 for the assistants of the election commissioner, to provide and maintain means of travel within their county. In counties having a population of more than two hundred thousand (200,000) the election commissioner shall appoint two (2) assistants, known as assistant election commissioners who shall be paid as provided for in this act. The election commissioner may appoint one or more assistants, known as assistant election commissioners, who shall receive an annual salary to be fixed by the election commissioner, consistent with the compensation policies and pay plan adopted by the board of county commissioners, and shall be paid in the same manner as other county officers and employees. In addition, the election commissioner may hire additional staff as may be needed to effectively operate the office of election commissioner and to conduct the elections required by law, subject to the adopted policies and procedures of the board of county commissioners. Such staff shall be paid and provided employment benefits in the same manner as other county employees.

Sec. 6. K.S.A. 19-3424 is hereby amended to read as follows: 19-3424. (a) The election commissioner, in the conduct of elections, shall operate under the general supervision of the secretary of state and shall comply with the statutes, rules and regulations and standards and directives that relate to the registration of voters and the conduct of elections. The election commissioner, as a part of his or her official duties shall have and exercise the following powers and authority:

(a)(1) Such commissioner shall establish and fix the boundaries of wards and precincts within the county and in all cities the greater part of the population of which is located in said county. Such the commissioner shall accept and file nomination and declaration papers of candidates and declarations of party affiliation;

(b)(2) Such commissioner shall give notice by publication in the official county paper, at least fifteen (15) days before the holding of any election, except as otherwise provided by law, of the time of holding such
the election, and the officers at that time to be chosen, and any other matters to be voted upon;

(c)(3) Such commissioner shall publish notice giving the proper party designation if required by law, the title of each office, the names and addresses of all persons seeking national and state offices and as certified to the county election officer by the secretary of state, as provided by law, and of all persons from whom nomination papers or declarations have been filed with the election officer as provided by law, giving the name and address of each, the title to each office, the day of the election, the hours during which the polls will be open and the location of the voting place in each precinct or area, and mail to all persons whose nomination or declaration papers are on file with the election officer, a copy of the first issue containing the publication notice;

(d)(4) Such commissioner shall have charge of the printing of the ballots for all elections to which this act applies held within the county, or held within any city, school district, township or drainage district located in said county. Such The commissioner shall conduct negotiations for the letting of the contract to print such ballots and shall let the contract, with the approval of the board of county commissioners; and

(e)(5) Such commissioner shall be the clerk of the court for the trial of contested elections except national and state elections, and all intentions to contest any election shall be filed with said election commissioner, and shall proceed in accordance with any laws of the state dealing with the subject.

On or before July 15 of each year, the election commissioner shall certify to the board of county commissioners an itemized statement showing the amount necessary to pay the salary of the election commissioner, the deputy election commissioner and other employees in the office of the election commissioner and other expenses of said office during the next ensuing budget year and the county commissioners shall cause the same to be included in the county budget for such ensuing budget year.

(b) In the administration of the office of the election commissioner, any action taken by the election commissioner shall be subject to the following provisions established by the board of county commissioners applicable to all county departments, agencies and officials:

1. Personnel policies and procedures;
2. Any pay plan, compensation plan and benefits for county employees;
3. Purchasing policies and procedures;
4. Budgeting policies and procedures;
5. Financial policies and procedures; and
6. Auditing policies and procedures.

(c) Each year, consistent with the county’s budgeting procedures, the election commissioner shall submit to the board of county commissioners a requested budget for the office of the election commissioner showing the
amount of funding deemed necessary to pay the costs for salaries of the
election commissioner, any deputy or assistant election commissioners,
and other employees of the office, together with the projected costs and
expenses of the office for the next ensuing budget year. The board of
county commissioners shall consider the request in the same manner as
other departments and agencies of the county and shall approve and adopt
a budget for the office of election commissioner within the county budget
in an amount determined by the board of county commissioners to be
sufficient and adequate for the performance of the duties of the office and
the conduct of elections as required by law.

Sec. 7. K.S.A. 12-104, 17-1312f, 19-2654, 19-3419a, 19-3420 and 19-
3424 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its
publication in the statute book.

Approved April 18, 2018.

CHAPTER 60

HOUSE BILL No. 2482

AN ACT concerning state contracts; relating to application of contract requirements regard-
ing anti-Israel boycotts; amending K.S.A. 2017 Supp. 75-3740e and 75-3740f and re-
pealing the existing sections.

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

New Section 1. The purpose of K.S.A. 2017 Supp. 75-3740e and 75-
3740f, and amendments thereto, is to declare that Israel is a prominent
trading partner of the state of Kansas and that the state, and those com-
panies that do business by and through the state, in the interest of the
state’s economic policy, should not boycott trade with Israel. Companies
that refuse to deal with United States trade partners such as Israel make
discriminatory decisions on the basis of national origin that impair those
companies’ commercial soundness. Israel is known for its dynamic and
innovative approach in many business sectors, and a company’s decision
to discriminate against persons or entities doing business in Israel or in
territories controlled by Israel is an unsound business practice making
the company an unduly risky contracting partner. It is also the public
policy of the United States, as enshrined in several federal acts, including
50 U.S.C. § 4607, to oppose such boycotts, and congress has concluded
as a matter of national trade policy that cooperation with Israel materially
benefits United States companies and improves American competitive-
ness.

Sec. 2. K.S.A. 2017 Supp. 75-3740e is hereby amended to read as
follows: 75-3740e. As used in K.S.A. 2017 Supp. 75-3740e and 75-3740f, and amendments thereto:

(a) "Boycott" means engaging in a refusal to deal, terminating business activities or performing other actions that are intended to limit commercial relations with persons or entities doing business in Israel or in territories controlled by Israel, if those actions are taken either:

(1) In compliance with or adherence to calls for a boycott of Israel other than those boycotts to which 50 U.S.C. § 4607(c) applies; or
(2) in a manner that discriminates on the basis of nationality, national origin or religion, and that is not based on a valid business reason;

(b) "company" means a sole proprietorship, an organization, association, corporation, partnership, venture or other entity, its subsidiary or affiliate, that exists for profitmaking purposes or to otherwise secure economic advantage; and

(c) "contract" means a written agreement between the state and a company to acquire or dispose of goods or services with an aggregate price of more than $100,000. "Contract" does not mean a written agreement between the state and an individual to acquire or dispose of goods or services, including employment or consultant services; and

(d) "state" means this state or an agency, board, commission or department of this state.

Sec. 3. K.S.A. 2017 Supp. 75-3740f is hereby amended to read as follows: 75-3740f. (a) Except as provided in subsection (c), the state shall not enter into a contract with an individual or a company to acquire or dispose of services, supplies, information technology or construction, unless such individual or company submits a written certification that such individual or company is not currently engaged in a boycott of goods or services from Israel that constitutes an integral part of business conducted or sought to be conducted with the state.

(b) The state may not adopt a procurement, investment or other policy that has the effect of inducing or requiring a person to boycott the government of Israel or its instrumentalities, or to boycott a person doing business in Israel or territories under its jurisdiction, when such boycott is on the basis of such person’s location in such places.

(c) The secretary of administration will approve contracts, or may waive application of this section on any contract with any state agency if the secretary determines that compliance is not practicable.

Sec. 4. K.S.A. 2017 Supp. 75-3740e and 75-3740f are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2018.
CHAPTER 61

HOUSE BILL No. 2145

AN ACT concerning crimes, punishment and criminal procedure; relating to firearms, unlawful possession thereof; exempting certain suppressors; amending K.S.A. 2017 Supp. 21-6301 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 21-6301 is hereby amended to read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, or metal knuckles or throwing star;

(2) possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, throwing star, stiletto or any other dangerous or deadly weapon or instrument of like character;

(3) setting a spring gun;

(4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;

(5) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;

(6) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight;

(7) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;

(8) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

(9) selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;

(10) possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

(11) possessing any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is
located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;

(12) refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;

(13) possessing any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;

(14) possessing a firearm with a barrel less than 12 inches long by any person less than 18 years of age;

(15) possessing any firearm while a fugitive from justice;

(16) possessing any firearm by a person who is an alien illegally or unlawfully in the United States;

(17) possessing any firearm by a person while such person is subject to a court order that:

(A) Was issued after a hearing, of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking or threatening an intimate partner of such person or a child of such person or such intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or the child; and

(C) (i) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(18) possessing any firearm by a person who, within the preceding five years, has been convicted of a misdemeanor for a domestic violence offense, or a misdemeanor under a law of another jurisdiction which is substantially the same as such misdemeanor offense.

(b) Criminal use of weapons as defined in:

(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a class A nonperson misdemeanor;

(2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;
subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;
subsection (a)(13), (a)(15), (a)(16), (a)(17) or (a)(18) is a severity level 8, nonperson felony; and
subsection (a)(14) is a:
(A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);
(B) severity level 8, nonperson felony upon a second or subsequent conviction.
Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:
Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;
members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or
the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.
Subsections (a)(4) and (a)(5) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee’s name by the transferor.
Subsection (a)(6) shall not apply to a governmental laboratory or solid plastic bullets.
Subsection (a)(4) shall not apply to a law enforcement officer who is:
Assigned by the head of such officer’s law enforcement agency to a tactical unit which receives specialized, regular training;
designated by the head of such officer’s law enforcement agency to possess devices described in subsection (a)(4); and
in possession of commercially manufactured devices which are:
Owned by the law enforcement agency;
in such officer’s possession only during specific operations; and
approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.
Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person

employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) Subsections (a)(4) and (a)(5) shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(i) (1) Subsection (a)(4) shall not apply to or affect any person in possession of a device or attachment designed, used or intended for use in suppressing the report of any firearm, if such device or attachment satisfies the description of a Kansas-made firearm accessory as set forth in K.S.A. 2017 Supp. 50-1204, and amendments thereto.

(2) The provisions of this subsection shall apply to any violation of subsection (a)(4) that occurred on or after April 25, 2013.

(j) Subsection (a)(11) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person’s behalf who is delivering or collecting a student; or

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

(5) possession of a concealed handgun by an individual who is not prohibited from possessing a firearm under either federal or state law.

(k) Subsections (a)(9) and (a)(13) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 2017 Supp. 75-7c26, and amendments thereto.

(l) Subsection (a)(14) shall not apply if such person, less than 18 years of age, was:

(1) In attendance at a hunter’s safety course or a firearms safety course;

(2) engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, or at another private range with permission of such person’s parent or legal guardian;

(3) engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of
the internal revenue code of 1986 which uses firearms as a part of such performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(5) traveling with any such firearm in such person’s possession being unloaded to or from any activity described in subsections (l)(1) through (l)(4), only if such firearm is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person’s parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or

(7) at such person’s residence and who, with the permission of such person’s parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 2017 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto.

(m) As used in this section—:

(1) “Domestic violence” means the use or attempted use of physical force, or the threatened use of a deadly weapon, committed against a person with whom the offender is involved or has been involved in a dating relationship or is a family or household member.

(2) “Fugitive from justice” means any person having knowledge that a warrant for the commission of a felony has been issued for the apprehension of such person under K.S.A. 22-2713, and amendments thereto.

(3) “Intimate partner” means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person or an individual who cohabitates or has cohabited with the person.

(4) “Throwing star” means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 2. K.S.A. 2017 Supp. 21-6301 is hereby repealed.

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

Approved April 20, 2018.
Published in the Kansas Register May 3, 2018.
CHAPTER 62
SENATE BILL No. 263

AN ACT concerning industrial hemp; enacting the alternative crop research act; excluding industrial hemp from definition of marijuana and cannabinoids; amending K.S.A. 2017 Supp. 21-5701, 21-5702, 65-4101 and 65-4105 and repealing the existing sections.

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

New Section 1. (a) Sections 1 and 2, and amendments thereto, shall be known and may be cited as the alternative crop research act.

(b) As used in the alternative crop research act:

(1) “Certified seed” means industrial hemp seed that has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto, as having a delta-9 tetrahydrocannabinol concentration of no more than 0.3% on a dry weight basis.

(2) “Delta-9 tetrahydrocannabinol concentration” means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC on a dry weight basis, of any part of the plant cannabis sativa L.

(3) “Department” means the Kansas department of agriculture.

(4) “Hemp products” means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption and certified seed for cultivation, if the seeds originate from industrial hemp varieties.

(5) “Industrial hemp” means all parts and varieties of the plant cannabis sativa L., cultivated or possessed by a state educational institution or the department, whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of no more than 0.3% on a dry weight basis.

(6) “Seed research” means research conducted to develop or recreate better strains of industrial hemp, particularly for the purpose of seed production.

(7) “State educational institution” means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

New Sec. 2. (a) The department, alone or in coordination with a state educational institution, may cultivate industrial hemp grown from certified seed and promote the research and development of industrial hemp, in accordance with 7 U.S.C. § 5940. This research may include:

(1) Oversight and analysis of growth of industrial hemp to conduct agronomy research and analysis of required soils, growing conditions and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products;

(2) seed research on various types of industrial hemp that are best
suited to be grown in Kansas, including seed availability, creation of hybrid types, in-the-ground variety trials and seed production;

3) analysis on the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in Kansas;

4) analysis on the estimated value-added benefits, including environmental benefits, that Kansas businesses would reap by having an industrial hemp market of Kansas-grown industrial hemp varieties;

5) a study on the agronomy research conducted worldwide relating to industrial hemp varieties, production and utilization;

6) a study on the feasibility of attracting federal and private funding for industrial hemp research; and

7) a pilot program in Russell county, and other counties as determined by the department, for the purpose of economic development, research, cultivation, market analysis, manufacturing and transportation of industrial hemp and industrial hemp products.

b) In the event that the department acts alone to cultivate industrial hemp grown from certified seed and to promote the research and development of industrial hemp, the secretary shall establish an advisory board within the department to review and recommend applications for pilot projects and research proposals to the secretary. The secretary shall not approve any such project or proposal without the recommendation of the advisory board.

c) The department shall oversee and annually license all individuals participating in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of certified seed or industrial hemp pursuant to this act. The department shall establish fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the alternative crop research act in this state on an ongoing basis.

d) 1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal under this act to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure pursuant to this act and rules and regulations promulgated pursuant to this act. Disclosure or use of any information received by the department for any purpose other than the purpose provided for in this
section shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(2) An individual who has been convicted of any of the following shall be disqualified from initial or continuing licensure under this act: A felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act, prior to July 1, 2009.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(4) The applicant shall pay the costs of fingerprinting and the state and national criminal history record check.

(e) The secretary of agriculture shall promulgate rules and regulations to carry out the provisions of the alternative crop research act on or before December 31, 2018. Such rules and regulations shall include, but not be limited to, a requirement that license holders shall have a current license in their possession at all times that they are engaged in cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of certified seed or industrial hemp pursuant to this act.

(f) The department shall submit a report to the legislature outlining the steps and timeline to implement a process that would allow individuals and business entities to grow and process industrial hemp in Kansas and to sell industrial hemp in other states. Such report shall be submitted to the senate standing committee on agriculture and natural resources and the house standing committee on agriculture on or before January 14, 2019. The department shall send such committees an annual supplemental report on the continued progress of such process at the beginning of each regular legislative session for the following three years.

(g) Nothing in the alternative crop research act shall be construed to authorize any individual to violate any state or federal law.

(h) The legislature shall review the provisions of this act prior to July 1, 2022.

New Sec. 3. (a) There is hereby created in the state treasury the alternative crop research act licensing fee fund to be administered by the secretary of agriculture. All expenditures from the alternative crop research act licensing fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers signed by the secretary of agriculture or the secretary’s designee.

(b) Licensing and renewal fees shall be established pursuant to rules and regulations adopted by the secretary under the alternative crop research act. The amounts received for such fees shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments
thereto, and shall be credited to the alternative crop research act licensing fee fund.

Sec. 4. K.S.A. 2017 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2017 Supp. 21-5701 through 21-5717, and amendments thereto: (a) “Controlled substance” means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

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

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

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

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

(2) “Controlled substance analog” does not include:

(A) A controlled substance;

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

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

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

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

(e) “Drug” means:
(1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

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

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

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

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

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

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

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

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

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

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

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

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

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

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

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

(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish,
hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:
   (A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
   (B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;
   (C) carburetion pipes, glass or other heat resistant tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;
   (D) smoking and carburetion masks;
   (E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
   (F) miniature cocaine spoons and cocaine vials;
   (G) chamber smoking pipes;
   (H) carburetor smoking pipes;
   (I) electric smoking pipes;
   (J) air-driven smoking pipes;
   (K) chillums;
   (L) bongs;
   (M) ice pipes or chillers;
   (N) any smoking pipe manufactured to disguise its intended purpose;
   (O) wired cigarette papers; or
   (P) cocaine freebase kits.
"Drug paraphernalia" shall not include any products, chemicals or materials described in K.S.A. 2017 Supp. 21-5709(a), and amendments thereto.

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

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

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

1. The preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:
   (A) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering
or dispensing of a controlled substance in the course of the practitioner’s professional practice; or

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

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

(j) “Marijuana” means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. “Marijuana” does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; or (2) any substance listed in schedules II through V of the uniform controlled substances act; or (3) industrial hemp as defined in section 1, and amendments thereto, when cultivated, possessed or used for activities authorized by the alternative crop research act.

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

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

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

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

(3) opium poppy and poppy straw;

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

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

(n) “Opium poppy” means the plant of the species Papaver somniferum l. except its seeds.

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

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

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

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

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

Sec. 5. K.S.A. 2017 Supp. 21-5702 is hereby amended to read as follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1, 2009, shall be governed by the law in effect at the time the crime was committed. For purposes of this section, a crime was committed prior to July 1, 2009, if any element of the crime occurred prior thereto.

(b) The prohibitions of this act shall apply unless the conduct prohibited is authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, the alternative crop research act or otherwise authorized by law.

Sec. 6. K.S.A. 2017 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner;
(2) the patient or research subject at the direction and in the presence of the practitioner.

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

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

(d) “Board” means the state board of pharmacy.

(e) “Bureau” means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

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

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

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

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

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

(2) “Controlled substance analog” does not include:

(A) A controlled substance;

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

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

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

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

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

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

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

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

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

(o) “Distributor” means a person who distributes.

(p) “Drug” means: (1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

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

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

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

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

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

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

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

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

(y) “Isomer” means all enantiomers and diastereomers.

(z) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual’s own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

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

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

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

1. The mature stalks of the plant, fiber produced from the stalks, oil or
cake made from the seeds of the plant, any other compound, manufac-
ture, salt, derivative, mixture or preparation of the mature stalks, except
the resin extracted therefrom, fiber, oil or cake or the sterilized seed of
the plant which is incapable of germination; or (2) any substance listed
in schedules II through V of the uniform controlled substances act; or (3)
industrial hemp as defined in section 1, and amendments thereto, when
cultivated, possessed or used for activities authorized by the alternative
crop research act.

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

(cc) “Mid-level practitioner” means a certified nurse-midwife engag-
ing in the independent practice of midwifery under the independent prac-
tice of midwifery act, an advanced practice registered nurse issued a li-
cense pursuant to K.S.A. 65-1131, and amendments thereto, who has
authority to prescribe drugs pursuant to a written protocol with a re-
sponsible physician under K.S.A. 65-1130, and amendments thereto, or
a physician assistant licensed under the physician assistant licensure act
who has authority to prescribe drugs pursuant to a written agreement
with a supervising physician under K.S.A. 65-28a08, and amendments
thereto.

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

(1) Opium and opiate and any salt, compound, derivative or prepa-
ration of opium or opiate;

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

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of
coca leaves, and any salt, compound, isomer, derivative or preparation
thereof which is chemically equivalent or identical with any of these sub-
stances, but not including decocainized coca leaves or extractions of coca
leaves which do not contain cocaine or eegonine.

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

(ff) “Opium poppy” means the plant of the species Papaver somni-
ferum l. except its seeds.
(gg) “Person” means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

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

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

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

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

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

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

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

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

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

Sec. 7. K.S.A. 2017 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:
(1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) ........................................ 9821
(2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide) ........ 9815
(3) Acetymethadol .................................................. 9601
(4) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide) ...................... 9551
(5) Allylprodine .................................................................. 9602
(6) Alphacetylmethadol .................................................... 9603
(except levo-alpha-acetylmethadol also known as levo-alpha-acetylmethadolin, levomethadyl acetate or LAAM)
(7) Alphameprodine ................................................................ 9604
(8) Alphamethadol ................................................................ 9605
(9) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]
propianilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine) .................. 9814
(10) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-
phenylpropanamide) ................................................................................. 9832
(11) Benzethidine ................................................................... 9606
(12) Betacetylmethadol ............................................................. 9607
(13) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-
phenylpropanamide) ................................................................................. 9830
(14) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-
methyl-4-piperidinyl]-N-phenylpropanamide) ........................................... 9831
(15) Beta-hydroxythiofentanyl (N-[1-(2-hydroxy-2-thiophen-2-yl)ethyl]piperidin-4-
yl)-N-phenylpropanamide) ........................................................................ 9836
(16) Betameprodine ................................................................... 9608
(17) Betamethadol .................................................................. 9609
(18) Betaproidine ..................................................................... 9611
(19) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide) .......................... 9822
(20) Clonitazene .................................................................... 9612
(21) Dextromoramide ................................................................. 9613
(22) Diampromide ..................................................................... 9615
(23) Diethylthiambutene ............................................................... 9616
(24) Difenoxin ........................................................................ 9168
(25) Dimenoxadol ..................................................................... 9617
(26) Dimetephtanol .................................................................. 9618
(27) Dimethylthiambutene ............................................................... 9619
(28) Dioxaphetyl butyrate ............................................................... 9621
(29) Dipipanone ........................................................................ 9622
(30) Ethylmethylthiambutene ............................................................. 9623
(31) Etonitazene ....................................................................... 9624
(32) Etoxeridine ....................................................................... 9625
(33) Furanl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-
carboxamide) ...................................................................................... 9834
(34) Furethidine ......................................................................... 9626
(35) Hydroxypethidine ................................................................. 9627
(36) Ketobemidone .................................................................... 9628
(37) Levomoramide ................................................................. 9629
(38) Levophencynamorphinan .......................................................... 9631
(39) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-
phenylpropanamide) .............................................................................. 9813
(40) 3-Methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-
phenylpropanamide) ............................................................................... 9833
(41) Morpheridine ..................................................................... 9632
(42) O-desmethyltramadol
Some trade or other names: 2-((dimethylamino)methyl-1-(3-
hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-
hydroxycyclohexyl)phenol
(43) MPPP (1-methyl-4-phenyl-4-propionoxygenpiperidine) .......................... 9661
(44) Noracymethadol ................................................................. 9633
(45) Norlevorphanol ................................................................. 9634
(46) Normethadone ................................................................. 9635
(47) Norpipanone ................................................................. 9636
(48) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
piperidinyl]propanamide) ....................................................... 9812
(49) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine) ...................... 9663
(50) Phenadoxone ................................................................. 9637
(51) Phenampronide ............................................................... 9638
(52) Phenomorphan ............................................................... 9647
(53) Phenoperidine ............................................................... 9641
(54) Piritramide ........................................................................ 9642
(55) Propheptazine ................................................................. 9643
(56) Properidine ................................................................. 9644
(57) Propiram ................................................................. 9649
(58) Racemoramide ............................................................... 9645
(59) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide) ... 9835
(60) Tildine ........................................................................... 9750
(61) Trimeperidine ............................................................... 9646
(62) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)

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

(1) Acetorphine .................................................................. 9319
(2) Acetyldihydrocodeine ...................................................... 9051
(3) Benzylmorphine ............................................................ 9052
(4) Codeine methylbromide .................................................. 9070
(5) Codeine-N-Oxide .......................................................... 9053
(6) Cyprenorphine .............................................................. 9054
(7) Desomorphine .............................................................. 9055
(8) Dihydromorphine .......................................................... 9145
(9) Drotebanol .................................................................... 9335
(10) Etorphine (except hydrochloride salt) .............................. 9056
(11) Heroin .......................................................................... 9200
(12) Hydromorphanol .......................................................... 9301
(13) Methyldesorphine .......................................................... 9302
(14) Methylidihydromorphine .............................................. 9304
(15) Morphine methylbromide .............................................. 9305
(16) Morphine methylsulfonate ............................................ 9306
(17) Morphine-N-Oxide ........................................................ 9307
(18) Myrophine .................................................................... 9308
(19) Nicocodeine ................................................................. 9309
(20) Nicomorphine ............................................................... 9312
(21) Normorphine ............................................................... 9313
(22) Pholcodine ................................................................. 9314
(23) Thebacon ..................................................................... 9315

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

(1) Alpha-ethyltryptamine ................................................................. 7249
   Some trade or other names: etryptamine; Monoase; α-ethyl-1H-indole-3-
   ethanamine; 3-(2-aminobutyl) indole; α-ET; and AET.

(2) 4-bromo-2,5-dimethoxy-amphetamine ........................................ 7391
   Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-
   methylphenethylamine; 4-bromo-2,5-DMA.

(3) 2,5-dimethoxyamphetamine ...................................................... 7396
   Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine;
   2,5-DMA.

(4) 4-methoxyamphetamine ........................................................... 7411
   Some trade or other names: 4-methoxy-alpha-methylphenethylamine;
   paramethoxyamphetamine; PMA.

(5) 5-methoxy-3,4-methylenedioxy-amphetamine ................................... 7401

(6) 4-methyl-2,5-dimethoxy-amphetamine .......................................... 7395
   Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-
   methylphenethylamine; “DOM”; and “STP”.

(7) 3,4-methylenedioxo amphetamine ............................................... 7400

(8) 3,4-methylenedioxoamphetamine (MDMA) ...................................... 7405

(9) 3,4-methylenedioxo-N-ethylamphetamine (also known as N-ethyl-alpha-
    methyl-3,4-(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA) 7404

(10) N-hydroxy-3,4-methylenedioxoamphetamine (also known as N-hydroxy-alpha-
      methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA) ....... 7402

(11) 3,4,5-trimethoxyamphetamine ................................................. 7390

(12) Bufotenine ................................................................. 7433
   Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-
   (2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-
   dimethyltryptamine; mappine.

(13) Diethyltryptamine ............................................................ 7434
   Some trade or other names: N,N-Diethyltryptamine; DET.

(14) Dimethyltryptamine ............................................................ 7435
   Some trade or other names: DMT.

(15) Ibogaine ..................................................................... 7260
   Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-
   methoxy-6,9-methano -5H-pyrido[1',2';1,2] azepino [5,4-b]indole; Tabernanthe
   iboga

(16) Lysergic acid diethylamide .................................................... 7315

(17) Marijuana ............................................................................ 7360

(18) Mescaline ............................................................................. 7381

(19) Parahexyl ............................................................................. 7374
   Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-
   trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.

(20) Peyote ................................................................................. 7415
   Meaning all parts of the plant presently classified botanically as Lophophora
   williamsii Lemaire, whether growing or not, the seeds thereof, any extract from
   any part of such plant, and every compound, manufacture, salts, derivative,
   mixture or preparation of such plant, its seeds or extracts.

(21) N-ethyl-3-piperidyl benzilate .................................................. 7482

(22) N-methyl-3-piperidyl benzilate ................................................. 7484

(23) Psilocybin ................................................................. 7437
(24) Psilocyn
Some trade or other names: Psilocin.

(25) Ethylamine analog of phencyclidine
Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.

(26) Pyrrolidine analog of phencyclidine
Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.

(27) Thiophene analog of phencyclidine
Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.

(28) 2,5-dimethoxy-4-ethylamphetamine
Some trade or other names: DOET.

(29) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

(30) Datura stramonium, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as datura stramonium, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

(31) N-benzylpiperazine
Some trade or other names: BZP.

(33) 1-(3-[trifluoromethylphenyl])piperazine
Some trade or other names: TFMPP.

(34) 4-Bromo-2,5-dimethoxyphenethylamine
Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5.

(35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers.

(36) Alpha-methyltryptamine (other name: AMT)

(37) 5-methoxy-N,N-disopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers.

(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)

(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)

(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)

(41) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)

(42) 2-(4-[Ethylthio]-2,5-dimethoxyphenyl)ethanamine (2C-T-2)

(43) 2-(4-[Isopropylthio]-2,5-dimethoxyphenyl)ethanamine (2C-T-4)

(44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)

(45) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N)

(46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)

(47) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT), some trade or other names: 5-methoxy-3-[2-(dimethylaminio) ethyl]indole.

(48) 2-(2,5-Dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5.

(49) 2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82.

(50) 2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36.

(51) 2-(2,5-Dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25H-NBOMe.

(52) 2-(2,5-Dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.
(53) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl) ethanamine
   Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.

(e) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
   (1) Etizolam
      Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)
   (2) Mecloqualone .......................................................... 2572
   (3) Methaqualone .......................................................... 2565
   (4) Gamma hydroxybutyric acid

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:
   (1) Aminorex .............................................................. 1585
      Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine
   (2) Fenethylline .......................................................... 1503
   (3) N-ethylamphetamine ............................................... 1475
   (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) .............................................. 1590
   (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine) .......................................................... 1480
   (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amo-propiophenone, 2-amino propiophenone and norphedrone) ............................................... 1235
   (7) Substituted cathinones Any compound, except bupropin or compounds listed under a different schedule, structurally derived from 2-amino propan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
      (A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
      (B) by substitution at the 3-position with an acyclic alkyl substituent;
      (C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
      (D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(g) Any material, compound, mixture or preparation which contains any quantity of the following substances:
   (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers .......................................................... 9818
   (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts and salts of isomers .......................................................... 9834

(h) Any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
(1) Tetrahydrocannabinols. Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3.4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered), except tetrahydrocannabinols obtained from industrial hemp as defined in section 1, and amendments thereto, when cultivated, possessed or used for activities authorized by the alternative crop research act.

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

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

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

(5) Naphthylmethylpyrroles
Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.

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

(7) Cyclohexylphenols
Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.
(8) Benzoylindoles
Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or phenyl ring to any extent.

(9) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone.
Some trade or other names: WIN 55,212-2.

(10) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
Some trade or other names: HU-210, HU-211.

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

(12) Indole-3-carboxylate esters
Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.

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

(14) (1H-indazol-3-yl)methanones
Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

Sec. 8. K.S.A. 2017 Supp. 21-5701, 21-5702, 65-4101 and 65-4105 are hereby repealed.
 Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 20, 2018.
Published in the Kansas Register May 3, 2018.

CHAPTER 63

HOUSE BILL No. 2599

AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the special olympics Kansas, the choose life, the city of Wichita, Korean war, operation desert storm, operation Iraqi freedom and operation enduring freedom license plates; amending K.S.A. 2017 Supp. 8-1,141 and 8-1,147 and repealing the existing sections.

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

New Section 1. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one special olympics Kansas license plate for each such passenger vehicle or truck. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and either the payment to the county treasurer of the logo use royalty payment established by special olympics Kansas or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) Special olympics Kansas may authorize the use of their logo to be affixed on license plates as provided by this section. Any royalty payment received pursuant to this section shall be used to support special olympics Kansas. Any motor vehicle owner or lessee annually may apply to special olympics Kansas for the use of such logo. Upon annual application and payment to either: (1) Special olympics Kansas in an amount of not less than $25 nor more than $100 as a logo use royalty payment for each license plate to be issued, special olympics Kansas shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration; or (2) the county treasurer of the logo use royalty payment for each license plate to be issued.

(c) Any applicant for a license plate authorized by this section may make application for such plates not less than 60 days prior to such person’s renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plate shall either provide the annual logo use authorization statement provided for in subsection (b) or pay to the county treasurer the logo use royalty pay-
ment established by special olympics Kansas. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) The director of vehicles may transfer special olympics Kansas license plates from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant either provides to the county treasurer the annual logo use authorization statement provided for in subsection (b) or the payment of the logo use royalty payment as established by special olympics Kansas. If such logo use authorization statement is not presented at the time of registration or faxed by special olympics Kansas, or the annual logo use royalty payment is not made to the county treasurer at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person’s residence.

(g) Special olympics Kansas shall:

(1) Pay the initial cost of silk-screening for license plates authorized by this section; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call special olympics Kansas for information concerning the application process or the status of their license plate application.

(h) Special olympics Kansas, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate to be issued under the provisions of this section.

(i) As a condition of receiving the special olympics Kansas license plate and any subsequent registration renewal of such plate, the applicant must provide consent to the division authorizing the division’s release of motor vehicle record information, including the applicant’s name, address, logo use royalty payment amount, plate number and vehicle type to special olympics Kansas and the state treasurer.

(j) Annual logo use royalty payments collected by county treasurers 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 special olympics Kansas royalty fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the special olympics Kansas royalty fund shall be made in accordance with appro-
priation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the special olympics Kansas royalty fund to the appropriate designee of special olympics Kansas shall be made on a monthly basis.

New Sec. 2. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less, motorcycles or travel trailers, who is a resident of the state of Kansas, may apply for and be issued one distinctive license plate for each such passenger vehicle, truck, motorcycle or travel trailer, a choose life license plate. Such license plates shall be issued for the same period of time as other plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles. Application for the registration of a passenger vehicle, truck, motorcycle or travel trailer and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

(e) The choose life license plate shall have a background design, an emblem or colors that designate the license plate as a choose life license plate.

Sec. 3. K.S.A. 2017 Supp. 8-1,141 is hereby amended to read as follows: 8-1,141. (a) Any new distinctive license plate authorized for issuance on and after July 1, 1994, shall be subject to the personalized license plate fee prescribed by subsection (c) of K.S.A. 8-132(c), and amendments thereto. This section shall not apply to any distinctive license plate authorized prior to July 1, 1994.

(b) The director of vehicles shall not issue any new distinctive license plate authorized for issuance on and after July 1, 1995, unless there is a guarantee of an initial issuance of at least 500 license plates.

(c) The provisions of this section shall not apply to distinctive license
plates issued under the provisions of K.S.A. 8-1,145, or K.S.A. 2017 Supp. 8-1-146 or 8-1,148, and amendments thereto.  

(d) The provisions of subsection (a), shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,146 or 8-1,148, and amendments thereto, or K.S.A. 2017 Supp. 8-1,153, 8-1,158 or 8-1,161, and amendments thereto.

(e) The provisions of subsection (f) shall not apply to distinctive license plates issued under the provisions of K.S.A. 2017 Supp. 8-1,160 and section 2, and amendments thereto, except that the division shall delay the manufacturing and issuance of such distinctive license plate until the division has received not less than 1,000 orders for such plate, including payment of the personalized license plate fee required under subsection (a). Upon certification by the director of vehicles to the director of accounts and reports that not less than 1,000 paid orders for such plate have been received, the director of accounts and reports shall transfer $40,000 from the state highway fund to the distinctive license plate fund.

(f) (1) Any person or organization sponsoring any distinctive license plate authorized by the legislature on and after July 1, 2004, shall submit to the division of vehicles a nonrefundable amount not to exceed $20,000, to defray the division’s cost for developing such distinctive license plate.

(2) All moneys received under this subsection shall be remitted by the secretary of revenue 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 distinctive license plate fund which is hereby created in the state treasury. All moneys credited to the distinctive license plate fund shall be used by the department of revenue only for the purpose associated with the development of distinctive license plates. All expenditures from the distinctive license plate application 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 secretary of the department of revenue.

(g) (1) Except for educational institution license plates issued under K.S.A. 8-1,142, and amendments thereto, the director of vehicles shall discontinue the issuance of any distinctive license plate authorized prior to July 1, 2004, and which is subject to the provisions of subsection (b) if:

(A) Less than 500 license plates, including annual renewals, are issued for that distinctive license plate by July 1, 2006; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period after July 1, 2006.

(2) The director of vehicles shall discontinue the issuance of any distinctive license plate authorized on and after July 1, 2004, if:
(A) Less than 500 plates, including annual renewals, are issued for that distinctive license plate by the end of the second year of sales; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period.

(h) An application for any distinctive license plate issued after December 31, 2012, and the corresponding royalty fee may be collected either by the county treasurer or the entity benefiting from the issuance of the distinctive license plate. Annual royalty payments collected by the county treasurers 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 a segregated royalty fund which shall be administered by the state treasurer. All expenditures from the royalty 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 state treasurer or the state treasurer’s designee. Payments from the royalty fund shall be made to the entity benefiting from the issuance of the distinctive license plate on a monthly basis.

(i) Notwithstanding any other provision of law, for any distinctive license plate, the division shall produce such distinctive license plate for a motorcycle upon request to the division by the organization sponsoring the distinctive license plate.

(j) In addition to any residency requirements for all distinctive license plates, any person not a resident of Kansas, serving as a member of the armed forces stationed in this state shall be eligible to apply for any distinctive license plate as if the individual was a resident of this state. Such person shall be eligible to renew the distinctive license plate registration as long as the person is still stationed in this state at the time the registration is renewed.

New Sec. 4. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one city of Wichita license plate for each such passenger vehicle or truck. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and either the payment to the county treasurer of the logo use royalty payment established by the city of Wichita or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The city of Wichita may authorize the use of its flag image as its logo to be affixed on license plates as provided by this section. Any royalty payment received pursuant to this section shall be used to support physical assets identified by the Wichita parks foundation and license plate
administrative costs incurred by the Wichita parks foundation. Any motor vehicle owner or lessee annually may apply to the city of Wichita for the use of such logo. Upon annual application and payment to either: (1) The city of Wichita in an amount of not less than $25 nor more than $100 as a logo use royalty payment for each license plate to be issued, the city of Wichita shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration; or (2) the county treasurer of the logo use royalty payment for each license plate to be issued.

(c) Any applicant for a license plate authorized by this section may make application for such plates not less than 60 days prior to such person’s renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plate shall either provide the annual logo use authorization statement provided for in subsection (b) or pay to the county treasurer the logo use royalty payment established by the city of Wichita. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) The director of vehicles may transfer city of Wichita license plates from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant either provides to the county treasurer the annual logo use authorization statement provided for in subsection (b) or the payment of the logo use royalty payment as established by the city of Wichita. If such logo use authorization statement is not presented at the time of registration or faxed by the city of Wichita, or the annual logo use royalty payment is not made to the county treasurer at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person’s residence.

(g) The city of Wichita shall:

(1) Pay the initial cost of silk-screening for license plates authorized by this section; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call the city of Wichita for information concerning the application process or the status of their license plate application.

(h) The city of Wichita, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate to be issued under the provisions of this section.
(i) As a condition of receiving the city of Wichita license plate and any subsequent registration renewal of such plate, the applicant must provide consent to the division authorizing the division’s release of motor vehicle record information, including the applicant’s name, address, logo use royalty payment amount, plate number and vehicle type to the city of Wichita and the state treasurer.

(j) Annual logo use royalty payments collected by county treasurers 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 city of Wichita royalty fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the city of Wichita royalty 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 state treasurer or the state treasurer’s designee. Payments from the city of Wichita royalty fund to the appropriate designee of the city of Wichita shall be made on a monthly basis. A change of the city’s designee shall occur only by mutual agreement of the city of Wichita and the Wichita parks foundation.

New Sec. 5. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a veteran of the Korean war, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a veteran of the Korean war. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a veteran of the Korean war may make application for such distinctive license plates, not less than 60 days prior to such person’s renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of the Korean war. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.
(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person’s residence.

New Sec. 6. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a veteran of operation desert storm, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a veteran of operation desert storm. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a veteran of operation desert storm may make application for such distinctive license plates, not less than 60 days prior to such person’s renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of operation desert storm. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person’s residence.

New Sec. 7. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with
rules and regulations adopted by the secretary of revenue, that such person is a veteran of operation Iraqi freedom, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a veteran of operation Iraqi freedom. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a veteran of operation Iraqi freedom may make application for such distinctive license plates, not less than 60 days prior to such person’s renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of operation Iraqi freedom. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person’s residence.

New Sec. 8. (a) On and after January 1, 2019, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a veteran of operation enduring freedom, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a veteran of operation enduring freedom. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a veteran of operation enduring freedom may make application for such distinctive license plates, not less than 60 days prior to such person’s renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the dis-
tinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of operation enduring freedom. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person’s residence.

Sec. 9. K.S.A. 2017 Supp. 8-1,147 is hereby amended to read as follows: 8-1,147. In the event of the death of any person issued distinctive license plates under the provisions of K.S.A. 8-161, 8-177a, 8-177c, 8-1,139, 8-1,140, 8-1,145 or 8-1,146 or K.S.A. 2017 Supp. 8-177d, 8-1,163 of, 8-1,166, section 5, 6, 7, or 8, and amendments thereto, the surviving spouse or other family member, if there is no surviving spouse, shall be entitled to possession of any such distinctive license plates. Such license plates shall not be displayed on any vehicle unless otherwise authorized by statute.

Sec. 10. K.S.A. 2017 Supp. 8-1,141 and 8-1,147 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 21, 2018.

CHAPTER 64

Substitute for HOUSE BILL No. 2602

AN ACT concerning school districts; creating the legislative task force on dyslexia.

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

Section 1. (a) There is hereby established the legislative task force on dyslexia. The task force shall advise and make recommendations to the governor, the legislature and the state board of education regarding matters concerning the use of evidence-based practices for students with dyslexia. The work of the task force should be completed by January 2,
2019, and a report prepared and submitted to the governor, the legislature and the state board of education by January 30, 2019.

(b) The recommendations and resource materials shall:

1. Research and recommend evidence-based reading practices to address dyslexia or characteristics of dyslexia for use by schools;

2. research and recommend high quality pre-service and in-service professional development activities to address reading difficulties like dyslexia, including identification of dyslexia and effective reading interventions to be used in schools and within degree programs, such as education, reading, special education, speech-language pathology and psychology;

3. study and examine current state and federal laws and rules and regulations, and the implementation of such laws and rules and regulations that affect students with dyslexia; and

4. identify valid and reliable screening and evaluation assessments and protocols that can be used and the appropriate personnel to administer such assessments in order to identify children with reading difficulties, such as dyslexia or the characteristics of dyslexia as part of an ongoing reading progress monitoring system, multi-tiered system of supports and child find special education eligibility for students.

(c) The task force shall consist of 16 voting members as follows:

1. One member of the senate and one elementary school classroom teacher shall be appointed jointly by the chairperson and the ranking minority member of the senate committee on education;

2. one member of the house of representatives and one elementary school classroom teacher shall be appointed jointly by the chairperson and the ranking minority member of the house committee on education;

3. one member appointed by and from the state board of education, to serve as the chairperson of the task force;

4. one member shall be a professor employed by a state educational institution with specialized expertise in effective evidence-based reading practices for dyslexia appointed by the president of the state board of regents;

5. one member shall be a principal of a public school appointed by the united school administrators of Kansas;

6. four members shall be the parents of children with a diagnosis of dyslexia with one appointed by keys for networking, inc., one appointed by families together, inc., one appointed by decoding dyslexia Johnson county and one appointed by the international dyslexia association Kansas Missouri branch, and such appointments shall be made with an effort to provide statewide representation, if possible;

7. one member shall be appointed by the Kansas association of special education administrators;

8. one member shall be an elementary school building-level reading specialist appointed by the state board of education;
(9) one member shall be an elementary school special education teacher appointed by the state board of education;

(10) one member shall be a licensed psychologist or speech-language pathologist who diagnoses dyslexia as a part of such person’s practice appointed by the chairperson of the task force;

(11) one member, identified as a nonprofit service provider for children diagnosed with dyslexia, shall be appointed by the chairperson of the task force; and

(12) the following ex-officio members, who shall be non-voting members of the task force:

   (A) One member shall be a licensed attorney from the Kansas state department of education appointed by the Kansas state department of education;

   (B) one member shall be a licensed attorney who is familiar with dyslexia issues appointed jointly by the chairperson of the senate committee on education and the chairperson of the house committee on education; and

   (C) one member shall be appointed by the disability rights center of Kansas.

(d) The chairperson shall call an organizational meeting of the task force on or before July 15, 2018. At such organizational meeting, the members shall elect a vice-chairperson from the membership of the task force. The task force also shall consider dates for future meetings, the agenda for such meetings and the need for electing a facilitator to assist in discussions among the members of the task force. The task force shall meet no more than six times in 2018 and may hold meetings by telephone or video conference, if necessary.

(e) The task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be nine members. All actions of the task force shall be by motion adopted by a majority of those members present when there is a quorum.

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

(g) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the legislative task force on dyslexia.

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

Approved April 24, 2018.
AN ACT concerning broadband; creating the statewide broadband expansion planning task force; relating to the expansion of broadband services.

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

Section 1. (a) There is hereby established the statewide broadband expansion planning task force. The task force shall be composed of 17 voting members, as follows:

(1) The chairperson, vice-chairperson and ranking minority member of the house standing committee on energy, utilities and telecommunications;

(2) the chairperson, vice-chairperson and ranking minority member of the senate standing committee on utilities;

(3) one member appointed by the Kansas association of counties;

(4) one member appointed by the Kansas league of municipalities;

(5) one member appointed by the Kansas rural independent telephone coalition;

(6) one member from the Kansas cable telecommunications association;

(7) one member appointed by the cellular telecommunications industry association representing a wireless carrier;

(8) one member representing an electing carrier;

(9) one member representing an incumbent local exchange carrier that is price-cap regulated and a recipient of KUSF funds and serves a rural service area;

(10) one member appointed by the Kansas electric cooperatives;

(11) one member appointed by the state independent telephone association;

(12) one member appointed by the Kansas municipal utilities;

(13) one member appointed by the Kansas independent fiber association; and

(14) the following ex-officio members, who all shall be non-voting members:

(A) The secretary of transportation or the secretary’s designee;

(B) the commissioner of education or the commissioner’s designee;

(C) the chairperson of the state corporation commission, or the chairperson’s designee;

(D) one member appointed by the Kansas hospital association; and

(E) one member at-large appointed by the governor.

(b) Of the legislative members appointed by the speaker of the house of representatives and the president of the senate, the speaker of the house of representatives shall appoint one such member from the house of representatives to serve as co-chairperson of the task force and the
president shall appoint one such member from the senate to serve as co-
chairperson of the task force.

c) Members shall be appointed to the task force not later than 45
days from the effective date of this section. Members of the task force
must reside or work in Kansas and shall consist of members from all four
congressional districts in Kansas.

d) The statewide broadband expansion planning task force may meet
in an open meeting at any time upon the call of either co-chairperson of
the task force. A majority of the voting members of the statewide broad-
band expansion planning task force constitute 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. Any vacancy on the statewide
broadband expansion planning task force shall be filled by appointment
in the manner prescribed in this section for the original appointment.

e) The mission of the statewide broadband expansion planning task
force shall be as follows:

1. Work collaboratively to develop an approach that includes, but is
not limited to, the development of criteria for the creation of a statewide
map for defining and evaluating the broadband needs of Kansas citizens,
businesses, industries, institutions and organizations;

2. Identify and document risks, issues and constraints associated with
a state-wide broadband expansion project. Develop corresponding risk
mitigation and resolution strategies where appropriate;

3. Consider any recent actions by the federal communications com-
mission relating to broadband services including, but not limited to, the
2018 broadband deployment report, recommendations of the broadband
deployment advisory committee and any actions to implement broadband
initiatives using the connect America fund phase II, the mobility fund II
or the remote areas fund;

4. Identify opportunities and potential funding sources to:

   A. Expand broadband infrastructure and increase statewide access
to broadband services;

   B. Remove barriers that may hinder deployment of broadband infra-
structure or access to broadband services; and

   C. Consider options for the deployment of new advanced commu-
nication technologies;

5. Develop criteria for prioritizing the expansion of broadband serv-
ices across Kansas;

6. Review existing law and rules and regulations concerning access
to the public right-of-way for public utilities and make corresponding
recommendations for any changes necessary to encourage broadband de-
ployment;

7. Propose future activities and documentation required to complete
a statewide broadband expansion plan, including an upgradeable, func-
tional map of the state of available broadband service, what technologies
should be deployed and the methods to finance broadband expansion; and

(8) make and submit an initial report to the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities prior to January 15, 2019, concerning all such initial work and progress of the task force. Unless all work is completed and reported in the initial report, the final planning task force report shall be submitted to the legislature prior to January 15, 2020.

(f) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the statewide broadband expansion planning task force.

(g) Legislative members of the statewide broadband expansion planning 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 statewide broadband expansion planning task force may be reimbursed by their appointing authority.

(h) The provisions of this section shall expire on June 30, 2020.

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

Approved April 24, 2018.

Published in the Kansas Register May 3, 2018.

CHAPTER 66

Senate Substitute for HOUSE BILL No. 2600

AN ACT concerning the department of health and environment; relating to powers, duties and functions thereof; providing for the assessment of fees for noncontiguous sites under the nuclear energy development and radiation control act; directing the secretary of health and environment to study and investigate maternal deaths in the state of Kansas; access to records; confidentiality; establishing the palliative care and quality of life interdisciplinary advisory council and the palliative care consumer and professional information and education program; amending K.S.A. 48-1606 and K.S.A. 2017 Supp. 65-177 and repealing the existing sections.

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

Section 1. K.S.A. 48-1606 is hereby amended to read as follows: 48-1606. (a) The secretary of health and environment shall be responsible for state radiation control.

(b) The secretary, for the protection of the public health and safety, shall develop programs for evaluation of hazards associated with use of sources of radiation.

(c) The secretary may:
Advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions and with groups concerned with control of sources of radiation;

(2) accept and administer grants or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(3) collect and disseminate information relating to control of sources of radiation;

(4) encourage, participate in, or conduct studies, investigations, training, research and demonstrations relating to control of sources of radiation;

(5) in accordance with the laws of the state, employ, compensate and prescribe the powers and duties of such individuals as may be necessary to carry out the responsibilities set forth herein;

(6) institute training programs for the purpose of qualifying personnel to carry out the provisions of this act, and make personnel available for participation in any program or programs of the federal government, other states or interstate agencies in furtherance of the purposes of this act;

(7) fix, charge and collect fees for licenses and registrations, and renewals thereof, issued under the nuclear energy development and radiation control act to cover all or any part of the cost of administering such act; and

(8) receive any moneys in the form of grants, gifts, licensing or registration fees, or as paid under an agreement with the secretary or as reimbursement for remedial action costs.

(d) Subject to the following limitations, the secretary may assess a fee for the following categories of radiation protection services:

Fee Category:

1. Special nuclear material
   A. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems
      Maximum annual fee ............................................. $950
   B. Any licenses not otherwise specified in this table for possession and use of special nuclear material, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical mass
      Maximum annual fee ............................................. $2,250

2. Source material
   A. Licenses that authorize only the possession, use and/or installation of source material for shielding
      Maximum annual fee ............................................. $365
B. All other source material licenses not otherwise specified in this table
   Maximum annual fee ........................................... $5,700

3. Radioactive or byproduct material
   A. Licenses of broad scope for possession and use of radioactive or byproduct material issued for processing or manufacturing of items containing radioactive or byproduct material for commercial distribution
   Maximum annual fee ........................................... $10,900

B. Other licenses for possession and use of radioactive or byproduct material issued for processing or manufacturing of items containing radioactive or byproduct material for commercial distribution
   Maximum annual fee ........................................... $3,300

C. Licenses authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing radioactive or byproduct material. This category also includes the possession and use of source material for shielding when included on the same license
   Maximum annual fee ........................................... $5,450

D. Licenses and approvals authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of radioactive or byproduct material. This category also includes the possession and use of source material for shielding when included on the same license
   Maximum annual fee ........................................... $2,350

E. Licenses for possession and use of radioactive or byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units)
   Maximum annual fee ........................................... $1,800

F. Licenses for possession and use of less than 10,000 curies of radioactive or byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes
   Maximum annual fee ........................................... $3,300

G. Licenses for possession and use of 10,000 curies or more of radioactive or byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes un-
derwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes

Maximum annual fee ............................................ $12,050

H. Licenses issued to distribute items containing radioactive or byproduct material that require device review to persons exempt from licensing, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from licensing

Maximum annual fee ............................................ $3,000

I. Licenses issued to distribute items containing radioactive or byproduct material or quantities of radioactive or byproduct material that do not require device review to persons exempt from licensing, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from licensing

Maximum annual fee ............................................ $3,050

J. Licenses issued to distribute items containing radioactive or byproduct material that require sealed source and/or device review to persons generally licensed, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed

Maximum annual fee ............................................ $1,100

K. Licenses issued to distribute items containing radioactive or byproduct material or quantities of radioactive or byproduct material that do not require sealed source and/or device review to persons generally licensed, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed

Maximum annual fee ............................................ $700

L. Licenses of broad scope for possession and use of radioactive or byproduct material issued for research and development that do not authorize commercial distribution

Maximum annual fee ............................................ $5,900

M. Other licenses for possession and use of radioactive or byproduct material issued for research and development that do not authorize commercial distribution

Maximum annual fee ............................................ $2,800

N. Licenses that authorize services for other licensees, except (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in
fee category 3P; and (2) licenses that authorize waste disposal services are subject to the fees specified in fee categories 4A, 4B and 4C.

Maximum annual fee ............................................ $3,050

O. Licenses for possession and use of radioactive or by-product material for industrial radiography operations. This category also includes the possession and use of source material for shielding when authorized on the same license.

Maximum annual fee ............................................ $6,100

P. All other specific radioactive or byproduct material licenses not otherwise specified in this table.

Maximum annual fee ............................................ $1,250

Q. Registration of generally licensed devices or sources.

Maximum annual fee ............................................ $225

4. Waste disposal and processing

A. Licenses authorizing the possession and use of waste radioactive, by-product, source or special nuclear material for a commercial low-level radioactive waste disposal facility.

Maximum annual fee ............................................ Full cost

i. Amendment to license concerning safety and environmental questions.

Maximum amendment fee .................................... Full cost

ii. Amendment to license concerning administration questions (no safety or environment questions).

Maximum amendment fee .................................... Full cost

B. Licenses specifically authorizing the receipt of waste radioactive or byproduct material, source material or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.

Maximum annual fee ............................................ $5,150

C. Licenses specifically authorizing the receipt of prepackaged waste radioactive or byproduct material, source material or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.

Maximum annual fee ............................................ $3,700

5. Well logging

A. Licenses for possession and use of radioactive or by-product material, source material and/or special nuclear
material for well logging, well surveys and tracer studies other than field flooding tracer studies
Maximum annual fee ............................................ $2,350

B. Licenses for possession and use of radioactive or byproduct material for field flooding tracer studies
Maximum annual fee ............................................ $2,350

6. Nuclear laundries
A. Licenses for commercial collection and laundry of items contaminated with radioactive or byproduct material, source material or special nuclear material
Maximum annual fee ............................................ $11,550

7. Medical licenses
A. Licenses issued for human use of radioactive or byproduct material, source material or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license
Maximum annual fee ............................................ $5,500

B. Licenses of broad scope issued to medical institutions or two or more physicians authorizing research and development, including human use of radioactive or byproduct material except licenses for radioactive or byproduct material, source material or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under categories 7B or 7C
Maximum annual fee ............................................ $12,350

C. Other license issued for human use of radioactive or byproduct material, source material and/or special nuclear material except licenses for radioactive or byproduct material, source material or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under categories 7B or 7C
Maximum annual fee ............................................ $2,300
8. Civil defense
   A. Licenses for possession and use of radioactive or byproduct material, source material or special nuclear material for civil defense activities
      Maximum annual fee ................................................ $650

9. Device, product or sealed source safety evaluation
   A. Safety evaluation review of devices or products containing radioactive or byproduct material, source material or special nuclear material, except reactor fuel devices, for commercial distribution. This fee shall apply to each device or product
      Maximum annual fee ................................................ $3,500
   B. Safety evaluation review of devices or products containing radioactive or byproduct material, source material or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices. This fee shall apply to each device or product
      Maximum annual fee ................................................ $3,500
   C. Safety evaluation of sealed sources containing radioactive or byproduct material, source material or special nuclear material, except reactor fuel, for commercial distribution. This fee shall apply to each device or product
      Maximum annual fee ................................................ $1,100
   D. Registrations issued for the safety evaluation of sealed sources containing radioactive or byproduct material, source material or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant. This fee shall apply to each device or product
      Maximum annual fee ................................................ $365

10. Special projects
    A. Hourly rate for radiation control program activities for which there is not an established fee category or for radiation protection services provided to nonlicensees and nonregistrants
       Maximum hourly rate............................................... $79

11. Reciprocity
    A. Licensees who conduct activities under a reciprocal agreement
       Maximum annual fee ............................................... $750
    B. Registrants who conduct activities under a reciprocal agreement
       Maximum annual fee ............................................... $200
12. X-ray machines
   A. Base registration fee per facility
      Maximum annual fee ............................................ $200
   B. Registration fee for each x-ray tube at a facility. This fee is in addition to the base registration fee
      Maximum annual fee per x-ray tube ......................... $50

13. Accelerators
   A. Particle accelerators
      Maximum annual fee ............................................ $300

14. New license and registration applications
   A. New license and registration applications. Equal to annual fee of applicable category

   For licenses or registrations that authorize more than one activity, an annual fee shall be assessed for each of the applicable categories.
   (e) (1) An additional fee up to 50% of the maximum annual fee shall be assessed for each noncontiguous site where radioactive material is stored or used under the same license, per category.
   (2) As used in this subsection, “noncontiguous site” means a location more than one mile away from the main safety office where licensure records are maintained.
   (f) The secretary shall adopt rules and regulations fixing the fees for the radiation protection services provided under this act and shall periodically increase or decrease such fees consistent with the need to cover all or any part of the cost of administering such act.

Sec. 2. K.S.A. 2017 Supp. 65-177 is hereby amended to read as follows: 65-177. (a) The term “Data,” as used in K.S.A. 65-177 through 65-179, and amendments thereto, shall be construed to include all facts, information, records of interviews, written reports, statements, notes, or memoranda secured in connection with an authorized medical research study.
   (2) “Maternal death” means the death of any woman from any cause while pregnant or within one calendar year of the end of any pregnancy, regardless of the duration of the pregnancy or the site of the end of the pregnancy.
   (b) (1) The secretary of health and environment shall have access to all law enforcement investigative information regarding a maternal death in Kansas, any autopsy records and coroner’s investigative records relating to the death, any medical records of the mother and any records of the Kansas department for children and families or any other state social service agency that has provided services to the mother.
   (2) (A) The secretary may apply to the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any maternal death being investigated by the secretary. Any books, records or papers
received by the secretary pursuant to the subpoena shall be confidential and privileged information and not subject to disclosure.

(B) The provisions of this paragraph providing for confidentiality of records shall expire on July 1, 2023, unless the legislature acts to reenact such provisions. The legislature shall review the provisions of this paragraph pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.

(c) The secretary of health and environment shall:

(1) Identify maternal death cases;
(2) review medical records and other relevant data;
(3) contact family members and other affected or involved persons to collect additional relevant data;
(4) consult with relevant experts to evaluate the records and data collected;
(5) make determinations regarding the preventability of maternal deaths;
(6) develop recommendations and actionable strategies to prevent maternal deaths; and
(7) disseminate findings and recommendations to the legislature, healthcare providers, healthcare facilities and the general public.

(d) (1) Healthcare providers licensed pursuant to chapters 65 and 74 of the Kansas Statutes Annotated, and amendments thereto, medical care facilities licensed pursuant to article 4 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, maternity centers licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and pharmacies licensed pursuant to article 16 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall provide reasonable access to all relevant medical records associated with a maternal death case under review by the secretary.

(2) A healthcare provider, medical care facility, maternity center or pharmacy providing access to medical records pursuant to this section shall not be held liable for civil damages or be subject to criminal or disciplinary administrative action for good faith efforts to provide such records.

(e) (1) Information, records, reports, statements, notes, memoranda or other data collected pursuant to this section shall be privileged and confidential and shall not be admissible as evidence in any action of any kind in any court or before another tribunal, board, agency or person. Such information, records, reports, statements, notes, memoranda or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the department of health and environment or any other person, except as may be necessary for the purpose of furthering the investigation of the case to which they relate. No person participating in such investigation shall disclose, in any manner, the information so obtained.
(2) The provisions of this subsection providing for confidentiality of records shall expire on July 1, 2023, unless the legislature acts to reenact such provisions. The legislature shall review the provisions of this subsection pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.

(f) (1) All proceedings and activities of the secretary or representatives of the secretary under this section, opinions of the secretary or representatives of the secretary formed as a result of such proceedings and activities and records obtained, created or maintained pursuant to this section, including records of interviews, written reports and statements procured by the secretary or any other person, agency or organization acting jointly or under contract with the department of health and environment in connection with the requirements of this section, shall be confidential and not subject to the provisions of the open records act or the open meetings act or subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. Nothing in this section shall be construed to limit or otherwise restrict the right to discover or use in any civil or criminal proceeding any document or record that is available and entirely independent of proceedings and activities of the secretary or representatives of the secretary under this section.

(2) The secretary or representatives of the secretary shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of an investigation. Nothing in this section shall be construed to prevent the secretary or representatives of the secretary from testifying to information obtained independently of this section or that is public information.

(3) The provisions of this subsection providing for confidentiality of records shall expire on July 1, 2023, unless the legislature acts to reenact such provisions. The legislature shall review the provisions of this subsection pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.

(g) Reports of aggregate non-individually identifiable data shall be compiled on a routine basis for distribution in an effort to further study the causes and problems associated with maternal deaths. Reports shall be distributed to healthcare providers and medical care facilities and other persons necessary to reduce the maternal death rate.

(h) The secretary of health and environment shall receive data secured in connection with medical research studies conducted for the purpose of reducing morbidity or mortality from maternal, perinatal and anesthetic causes. Such studies may be conducted by the secretary of health and environment and staff or with other qualified persons, agencies or organizations. If such studies are conducted with any funding not provided by the state of Kansas, then the source of such funding shall be clearly identified in such study. Where authorization to conduct such a study is granted by the secretary of health and environment, all data
voluntarily made available to the secretary of health and environment in connection with such study shall be treated as confidential and shall be used solely for purposes of medical research. Research files and opinions expressed upon the evidence found in such research shall not be admissible as evidence in any action in any court or before any other tribunal, except that statistics or tables resulting from such data shall be admissible and may be received as evidence. This section shall not affect the right of any patient or such patient’s guardians, representatives or heirs to require hospitals, physicians, sanatoriums, rest homes, nursing homes or other persons or agencies to furnish such patient’s hospital record to such patient’s representatives upon written authorization, or the admissibility in evidence thereof.

(c)(i) No employee of the secretary of health and environment shall interview any patient named in any such report, nor any relative of any such patient, unless otherwise provided in K.S.A. 65-2422d, and amendments thereto. Nothing in this section shall prohibit the publication by the secretary of health and environment or a duly authorized cooperating person, agency or organization, of final reports or statistical compilations derived from morbidity or mortality studies, which reports or compilations do not identify individuals, associations, corporations or institutions which were the subjects of such studies, or reveal sources of information.

New Sec. 3. (a) There is hereby created the palliative care and quality of life interdisciplinary advisory council within the department of health and environment. The purpose of this council is to develop recommendations and advise the department of health and environment on matters related to the establishment, maintenance, operation, outcomes evaluation of palliative care initiatives in the state, and effectiveness of the palliative care consumer and professional information and education program.

(b) (1) The palliative care and quality of life interdisciplinary advisory council shall consist of 13 members appointed on or before October 1, 2018. The members shall be appointed as follows: (A) Two members appointed by the governor; (B) two members appointed by the speaker of the house of representatives; (C) one member appointed by the minority leader of the house of representatives; (D) two members appointed by the president of the senate; (E) one member appointed by the minority leader of the senate; (F) one member appointed by the secretary of health and environment who shall represent the department of health and environment; (G) one member appointed by the secretary for aging and disability services who shall represent the department for aging and disability services; (H) one member of the house committee on health and human services appointed by the chair of the house committee on health and human services; (I) one member appointed by the majority leader of the house of representatives; and (J) one member of the senate committee
on public health and welfare appointed by the chair of the senate committee on public health and welfare.

(2) Members of the palliative care and quality of life interdisciplinary advisory council shall be individuals with experience and expertise in interdisciplinary palliative care medical, nursing, social work, pharmacy and spiritual guidance. Membership shall specifically include health care professionals having palliative care work experience or expertise in palliative care delivery models in a variety of inpatient, outpatient and community settings and with a variety of populations including pediatric, youth and adults. At least two members of the palliative care and quality of life interdisciplinary advisory council shall be board-certified hospice and palliative medicine physicians or nurses, and at least one member shall be a patient or a caregiver.

(3) Members of the palliative care and quality of life interdisciplinary advisory council shall serve for a period of three years and shall serve at the pleasure of their respective appointing authorities. The members shall elect a chair and vice chair whose duties shall be established by the council. The department of health and environment shall fix a time and place for regular meetings of the council, which shall meet at least twice annually.

(4) Members of the palliative care and quality of life interdisciplinary advisory council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(c) "Palliative care" means an approach that improves the quality of life of patients and their families facing the problem associated with life-threatening illness, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial and spiritual. Palliative care:

(1) Provides relief from pain and other distressing symptoms;
(2) affirms life and regards dying as a normal process;
(3) intends neither to hasten or postpone death;
(4) integrates the psychological and spiritual aspects of patient care;
(5) offers a support system to help patients live as actively as possible until death;
(6) offers a support system to help the family cope during the patient’s illness and in their own bereavement;
(7) uses a team approach to address the needs of patients and their families, including bereavement counseling, if indicated;
(8) will enhance quality of life, and may also positively influence the course of illness; and
(9) is applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy
New Sec. 4. (a) There is hereby created the state palliative care consumer and professional information and education program in the department of health and environment. The purpose of the state palliative care consumer and professional information and education program is to maximize the effectiveness of palliative care initiatives in the state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers and health care facilities.

(b) The department of health and environment:

(1) Shall publish information and resources on its website, including links to external resources, about palliative care for the public, health care providers and health care facilities. The information shall include, but not be limited to, the following:

(A) Continuing education opportunities for health care providers;

(B) information about palliative care delivery in home, primary, secondary and tertiary environments; and

(C) consumer educational materials and referral information for palliative care, including hospice;

(2) may develop and implement any other initiatives regarding palliative care services and education that it determines would further the purposes of this section; and

(3) shall consult with the palliative care and quality of life interdisciplinary advisory council.

(c) “Palliative care” shall have the meaning ascribed to it in section 3, and amendments thereto.

Sec. 5. K.S.A. 48-1606 and K.S.A. 2017 Supp. 65-177 are hereby repealed.

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

Approved April 26, 2018.
CHAPTER 67

HOUSE BILL No. 2542

AN ACT concerning postsecondary educational institutions; relating to the Kansas private and out-of-state postsecondary educational institution act; fee schedule; exempting certain postsecondary educational institutions from performance-based budgeting; amending K.S.A. 2017 Supp. 74-32,181 and 75-3718b and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 74-32,181 is hereby amended to read as follows: 74-32,181. (a) The state board shall fix, charge and collect fees not to exceed the following amounts by adopting rules and regulations for such purposes:

(1) For institutions chartered, incorporated or otherwise organized under the laws of Kansas and having their principal place of business within the state of Kansas:

Initial application fees:
- Non-degree granting institution ....................................... $2,000
- Degree granting institution ........................................... $3,000

Initial evaluation fee (in addition to initial application fees):
- Non-degree level ............................................. $750
- Associate degree level ........................................... $1,000
- Baccalaureate degree level ........................................ $2,000
- Master’s degree level ............................................ $3,000
- Professional or doctoral degree level ............................... $4,000

Renewal application fees:
- Non-degree granting institution .............................. Up to 2% of gross tuition, but not less than $500, nor more than $25,000
- Degree granting institution ............................... Up to 2% of gross tuition, but not less than $1,000, nor more than $25,000

New program submission fees, for each new program:
- Non-degree program ............................................. $250
- Associate degree program ................................... $500
- Baccalaureate degree program .............................. $750
- Master’s degree program ..................................... $1,000
- Professional or doctoral degree program ................. $2,000

Program modification fee, for each program ................ $100

Branch campus site fees, for each branch campus site:
- Initial non-degree granting institution ........................ $1,500
- Initial degree granting institution .............................. $2,500

Renewal branch campus site fees, for each branch campus site:
- Non-degree granting institution .............................. Up to 2% of gross tuition, but not less than $500, nor more than $25,000
- Degree granting institution ............................... Up to 2% of gross tuition, but not less than $1,000, nor more than $25,000

On-site branch campus review fee, for each site ............ $250
Representative fees:
- Initial registration ............................................ $200
- Renewal of registration ........................................ $150
- Late submission of renewal of application fee ............ $500
- Student transcript copy fee ................................... $10
- Returned check fee ........................................... $50

Changes in institution profile fees:
- Change of institution name ...................................... $100
- Change of institution location ................................... $100
- Change of ownership only ....................................... $100

(2) For institutions domiciled or having their principal place of business outside the state of Kansas:

Initial application fees:
- Non-degree granting institution ................................ $4,000
- Degree granting institution ...................................... $5,500

Initial evaluation fee (in addition to initial application fees):
- Non-degree level ............................................... $1,500
- Associate degree level ......................................... $2,000
- Baccalaureate degree level .................................... $3,000
- Master’s degree level .......................................... $4,000
- Professional or doctoral degree level ......................... $5,000

Renewal application fees:
- Non-degree granting institution ................................. Up to 3% of gross tuition, but not less than $1,000, nor more than $25,000
- Degree granting institution .................................. Up to 3% of gross tuition, but not less than $2,000, nor more than $25,000

New program submission fees, for each new program:
- Non-degree program ........................................... $500
- Associate degree program .................................... $750
- Baccalaureate degree program ................................. $1,000
- Master’s degree program ...................................... $1,500
- Professional or doctoral degree program .................... $2,500
- Program modification fee, for each program ............... $100

Branch campus site fees, for each branch campus site:
- Initial non-degree granting institution ....................... $4,000
- Initial degree granting institution ............................ $5,500

Renewal branch campus site fees, for each branch campus site:
- Non-degree granting institution .............................. Up to 3% of gross tuition, but not less than $1,000, nor more than $25,000
- Degree granting institution ................................ Up to 3% of gross tuition, but not less than $2,000, nor more than $25,000

On site branch campus review fee, for each site .............. $500

Representative fees:
- Initial registration ............................................. $350
Renewal of registration ............................................ $250
Late submission of renewal of application fee ............... $500
Student transcript copy fee ....................................... $10
Returned check fee ............................................... $50

Changes in institution profile fees:
Change of institution name ....................................... $100
Change of institution location ................................... $100
Change of ownership only ........................................ $100

(b) Fees shall not be refundable.
(c) If there is a change in the ownership of an institution and, if at the same time, there also are changes in the institution’s programs of instruction, location, entrance requirements or other changes, the institution shall be required to submit an application for an initial certificate of approval and shall pay all applicable fees associated with an initial application.
(d) An application for renewal shall be deemed late if the applicant fails to submit a completed application for renewal, including all required documentation, information and fees requested by the state board to complete the renewal process, at least 60 days prior to the expiration of the institution’s certificate of approval.
(e) The state board shall determine on or before June 1 of each year the amount of revenue which will be required to properly carry out and enforce the provisions of the Kansas private and out-of-state postsecondary educational institution act for the next ensuing fiscal year and shall fix the fees authorized for such year at the sum deemed necessary for such purposes within the limits of this section.
(f) Fees may be charged to conduct on-site reviews for degree granting and non-degree granting institutions or to review curriculum in content areas where the state board does not have expertise.

(g) The provisions of this section shall expire on June 30, 2018.

Sec. 2. K.S.A. 2017 Supp. 75-3718b is hereby amended to read as follows: 75-3718b. (a) On or before January 14, 2019, the secretary of administration, in consultation with the division of the budget, the office of revisor of statutes and the Kansas legislative research department, shall implement a budget process that accomplishes the following objectives:
(1) A program service inventory, to be complete on or before January 9, 2017. Such inventory shall include, but not be limited to, the following:
(A) Identification of agency programs and subprograms by objective, function and purpose;
(B) the state or federal statutory citation authorizing those programs, if any;
(C) identification of programs that are mandatory versus discretionary;
(D) a history of the programs, including interaction with other agency programs and objectives;
(E) state matching or other federal financial requirements;
(F) prioritization of the level of all programs and subprograms; and
(G) the consequence of not funding the program or subprogram.

(2) An integrated budget fiscal process, to be complete on or before January 6, 2018. Such process shall institute common accounting procedures consistent with budget development, budget approval, budget submission, through actual expenditures by fund.

(3) A performance based budgeting system, to be completed on or before January 14, 2019. Such budgeting system shall include, but not be limited to, the following:
   (A) Incorporation of various outcome based performance measures, for state programs; and
   (B) enhancement of the capability to compare program effectiveness across multiple state and political boundaries.

(b) The provisions of this section shall not apply to postsecondary educational institutions that have implemented the performance agreement pursuant to K.S.A. 74-3202d, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 74-32,181 and 75-3718b are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after June 29, 2018, and its publication in the Kansas register.

Approved May 4, 2018.
Published in the Kansas Register May 17, 2018.

CHAPTER 68

HOUSE BILL No. 2476

AN ACT concerning public records; relating to the unlawful use of names derived from public records, exceptions; amending K.S.A. 2017 Supp. 45-230 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 45-230 is hereby amended to read as follows: 45-230. (a) No person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records except:
   (1) Lists of names and addresses from public records of the division of vehicles obtained under K.S.A. 74-2012, and amendments thereto;
   (2) lists of names and addresses of persons licensed, registered or
issued certificates or permits to practice a profession or vocation may be sold or given to, and received by, an organization of persons who practice that profession or vocation for membership, informational or other purposes related to the practice of the profession or vocation;

(3) lists of names and addresses of persons applying for examination for licenses, registrations, certificates or permits to practice a profession or vocation shall be sold or given to, and received by, organizations providing professional or vocational educational materials or courses to such persons for the sole purpose of providing such persons with information relating to the availability of such materials or courses;

(4) lists of names, addresses and other information from voter registration lists may be compiled, used, given, received, sold or purchased by any person, as defined in K.S.A. 2017 Supp. 21-5111, and amendments thereto, solely for political campaign or election purposes;

(5) lists of names and addresses from the public records of postsecondary institutions as defined in K.S.A. 74-3201b, and amendments thereto, may be given to, and received and disseminated by such institution’s separately incorporated affiliates and supporting organizations, which qualify under section 501(c)(3) of the federal internal revenue code of 1986, for use in the furtherance of the purposes and programs of such institutions and such affiliates and supporting organizations; and

(6) lists of names and addresses from public records of the secretary of state obtained under K.S.A. 2017 Supp. 84-9-523, and amendments thereto; and

(7) to the extent otherwise authorized by law.

(b) Any person subject to this section who knowingly violates the provisions of this section shall be liable for the payment of a civil penalty in an action brought by the attorney general or county or district attorney in a sum set by the court not to exceed $500 for each violation.

(c) The provisions of this section shall not apply to nor impose any civil liability or penalty upon any public official, public agency or records custodian for granting access to or providing copies of public records or information containing names and addresses, in good faith compliance with the Kansas open records act, to a person who has made a written request for access to such information and has executed a written certification pursuant to subsection (c)(2) of K.S.A. 45-220(c)(2), and amendments thereto.

(d) This section shall be a part of and supplemental to the Kansas open records act.

Sec. 2. K.S.A. 2017 Supp. 45-230 is hereby repealed.

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

Approved May 4, 2018.
AN ACT concerning the Kansas appraisal management company registration act; AMC ownership limitations and removal of appraisers; amending K.S.A. 2017 Supp. 58-4704, 58-4708, 58-4709 and 58-4721 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 58-4704 is hereby amended to read as follows: 58-4704. (a) The application for the registration shall be on a form approved by the board and shall, at a minimum, include the following information:

1. The legal name and any other trade or business name of the entity seeking registration;
2. The mailing and physical addresses of the entity seeking registration;
3. The telephone, email, website, and facsimile contact information of the entity seeking registration;
4. If the entity is a corporation, limited liability company, partnership, association, sole proprietorship or any other business entity that is not domiciled in this state:
   A. The name and contact information for the entity’s agent for service of process in this state pursuant to K.S.A. 2017 Supp. 58-4707, and amendments thereto; and
   B. Proof that the entity is properly and currently registered with the Kansas office of the secretary of state;
5. The name, mailing and physical addresses, telephone, email and facsimile contact for any person that owns 10% or more of the AMC;
6. The name, mailing and physical addresses, telephone, email and facsimile contact for the named controlling person;
7. A certification that the entity has a system and process in place to verify that a person being added to the appraiser panel of the AMC for appraisal services being performed in Kansas:
   A. Holds a credential in good standing in this state pursuant to the state certified and licensed real estate appraisers act and the regulations adopted thereunder if a license or certification is required to perform appraisals, pursuant to K.S.A. 2017 Supp. 58-4711, and amendments thereto; and
   B. Is geographically competent and performs appraisal assignments within the appraiser’s scope of practice;
8. A certification that the entity has a system in place to review an amount or percentage of the appraisal reports submitted by each appraiser who is performing real estate appraisal services for the AMC within Kansas as specified in rules and regulations of the board on an annual basis to validate that the real estate appraisal services are being conducted in accordance with USPAP and the state certified and licensed
real estate appraisers act and the regulations adopted thereunder, pursuant to K.S.A. 2017 Supp. 58-4712, and amendments thereto;

(9) a certification that the entity maintains a detailed record of each service request that it receives and the appraiser that performs real estate appraisal services for the AMC, pursuant to K.S.A. 2017 Supp. 58-4713, and amendments thereto;

(10) an irrevocable consent to service of process pursuant to K.S.A. 2017 Supp. 58-4707, and amendments thereto;

(11) any other information reasonably required by the board to evaluate compliance with the application requirements in this act; and

(12) a certification that the entity requires that appraisals are conducted independently and free from inappropriate influence and coercion pursuant to the appraisal independence standards established under section 129E of the truth in lending act, as specified in subsection (a) of K.S.A. 2017 Supp. 58-4716(a), and amendments thereto.

(b) The board shall review each application that is properly submitted and either issue the registration to the applicant or deny such application in accordance with the provisions of this act.

(c) The board may transmit information and any disciplinary action taken on any appraisal management company to the national registry of the appraisal subcommittee.

Sec. 2. K.S.A. 2017 Supp. 58-4708 is hereby amended to read as follows: 58-4708. (a) The board shall establish by rules and regulations the fee to be paid by each AMC seeking registration or renewal of a registration under this act. The amount of the registration and renewal fees shall be sufficient for the administration of this act, but in no case shall the fees be more than $3,500. The initial registration fee shall be prorated for an applicant that initially applies for registration 11 or fewer months prior to September 30. The board shall have the authority to collect and remit the national registry fee for any AMC operating in this state that is exempt from registration pursuant to K.S.A. 2017 Supp. 58-4705, and amendments thereto.

(b) The board shall establish by rules and regulations a late renewal fee not to exceed $500.

(c) The executive director of the board shall remit all moneys, received pursuant to this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Other than amounts collected for the AMC federal registry fees, or for civil fines imposed pursuant to K.S.A. 2017 Supp. 58-4723, and amendments thereto, such deposit shall be credited to the appraiser fee fund. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chair-
person of the board or by a person or persons designated by the chair-
person. Civil fines shall be credited to the state general fund.

(d) All amounts required to be collected and actually collected for
the AMC federal registry fees shall be credited totally to the AMC federal
registry clearing fund which is hereby created in the state treasury. All
disbursements from the AMC federal registry clearing fund shall be made
upon warrants of the director of accounts and reports issued pursuant to
vouchers approved by the chairperson of the board or by a person or
persons designated by the chairperson. Amounts credited to the AMC
federal registry clearing fund under this section shall not be subject to
any limitations imposed by the appropriations act of the legislature.

Sec. 3. K.S.A. 2017 Supp. 58-4709 is hereby amended to read as
follows: 58-4709. (a) No single interest in an AMC applying for, holding,
or renewing a registration under this act shall exceed 10% when be owned
by:

(1) An individual who has held a credential issued by any appraiser-
credentialing jurisdiction to act as an appraiser and such credential:
(A) Was refused, denied, suspended, revoked, or surrendered or non-
renewed in lieu of a pending disciplinary proceeding in any jurisdiction
against such individual; and
(B) not subsequently granted or reinstated; or
(C) is otherwise not in good standing; or

(2) any person who owns more than a 10% interest in an entity
and such person has held a credential issued by any appraiser-credenti-
tialing jurisdiction to act as an appraiser that:
(A) Was refused, denied, revoked, suspended, or surrendered or non-
renewed in lieu of a pending disciplinary proceeding in any jurisdiction
against such person; and
(B) (i) not subsequently granted or reinstated; or
(ii) is otherwise not in good standing.

(b) (1) Each individual that owns more than a 10% interest in an
AMC who applies for, holds, or renews a registration under this act shall
be of good moral character as determined by the board by rules and
regulations.

(2) As a part of an application for an original registration, and for a
renewal registration if required by the board, the board shall require the
individual to be fingerprinted and submit to a state and national criminal
history record check. The individual’s fingerprints shall be used to identify
the individual and to determine whether the individual has a record of
criminal history in this state or other jurisdiction. The board shall require
the individual to submit the fingerprints to the Kansas bureau of inves-
tigation and the federal bureau of investigation for a state and national
criminal history record check. The board shall use the information ob-
tained from the fingerprinting and the criminal history for purposes of
verifying the identification of the individual and in the official determination of the qualifications and fitness of the applicant to be issued, maintain, or renew a registration.

(3) Local and state law enforcement officers and agencies shall assist the board in taking and processing fingerprints of individuals for any registration and shall release all records of adult convictions to the board.

(4) The board may fix and collect a fee in an amount necessary to reimburse the board for the cost of fingerprinting and the criminal history record check. Such fee shall be established by rules and regulations.

(c) Each AMC applying for registration or for renewal of a registration under this act shall certify to the board on a form prescribed by the board that:

(1) Such AMC has reviewed each person or entity that owns more than a 10% interest in the AMC; and

(2) no person or entity that owns more than a 10% interest in the AMC has held a credential issued by any appraiser-credentialing jurisdiction to act as an appraiser and such credential:

(A) Was refused, denied, suspended, revoked, or surrendered or non-renewed in lieu of a pending disciplinary proceeding in any jurisdiction against such individual; and

(B) (i) was not subsequently granted or reinstated; or

(ii) is otherwise not in good standing.

Sec. 4. K.S.A. 2017 Supp. 58-4721 is hereby amended to read as follows: 58-4721. (a) Except within the first 30 days after an appraiser is first added to the appraiser panel of an AMC, No AMC shall remove an appraiser from its appraiser panel, or otherwise refuse to assign requests for real estate appraisal services to an appraiser without:

(1)(a) Notifying the appraiser in writing of the reasons why such appraiser is being removed from the appraiser panel of the AMC;

(2)(b) providing an opportunity for the appraiser to respond to the written notification of the AMC either personally or through legal counsel; and

(3)(c) if the appraiser is being removed from the panel for illegal conduct, violation of the USPAP, or a violation of this act or the regulations adopted thereunder, providing notice to the appraiser and to the board detailing allegations of fact and alleged violations of USPAP, regulations or laws.


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

Approved May 4, 2018.
AN ACT concerning education; relating to the Kansas school equity and enhancement act; BASE aid amounts; school district local option budgets; amending K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018 Substitute for Senate Bill No. 423, and 72-5143, as amended by section 4 of 2018 Substitute for Senate Bill No. 423, and repealing the existing sections.

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

New Section 1. (a) It is the public policy of the state of Kansas to require school districts to adopt a local option budget pursuant to K.S.A. 2017 Supp. 72-5143, and amendments thereto, as part of the system for finance of the educational interests of the state. Commencing in school year 2018-2019, all school districts shall have a local option budget that is at least 15% of such school district’s total foundation aid.

(b) In any action challenging the adequacy of the state’s provision for finance of the educational interests of the state, the aggregate amount of moneys provided for school districts from the adoption of a local option budget required under K.S.A. 2017 Supp. 72-5143(a), and amendments thereto, shall be included in determining the adequacy of the amount of total funding provided by the legislature in making suitable provision for finance of the educational interests of the state. The aggregate amount of moneys provided for school districts from the adoption of a local option budget in excess of the amount required under K.S.A. 2017 Supp. 72-5143(a), and amendments thereto, also may be included in determining the adequacy of the amount of total funding provided by the legislature in making suitable provision for finance of the educational interests of the state.

New Sec. 2. (a) (1) Subject to the provisions of subsection (e), the provisions of this subsection shall apply in any school year in which the amount of BASE aid is $4,490 or less.

(2) The board of education of a school district may adopt a local option budget that does not exceed the local option budget calculated as if the BASE aid was $4,490, or that does not exceed the local option budget as calculated pursuant to K.S.A. 2017 Supp. 72-5143, and amendments thereto, whichever is greater.

(b) The board of education of a school district may adopt a local option budget that does not exceed the local option budget calculated as if the school district received state aid for special education and related services equal to the amount of state aid for special education and related services received in school year 2008-2009, or that does not exceed the local option budget as calculated pursuant to K.S.A. 2017 Supp. 72-5143, and amendments thereto, whichever is greater.
The board of any school district may exercise the authority granted under subsection (a) or (b) or both subsections (a) and (b).

To the extent that the provisions of K.S.A. 2017 Supp. 72-5143, and amendments thereto, conflict with this section, this section shall control.

For school year 2019-2020, and each school year thereafter, the specified dollar amount used in subsection (a) for purposes of determining the local option budget of a school district shall be the specified dollar amount used for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years.

New Sec. 3. The commissioner of education, when implementing the mental health intervention team pilot program pursuant to section 1(a) of 2018 Substitute for Senate Bill No. 423, shall allow nine schools served by the fiscal agent, Abilene school district (U.S.D. no. 435), to participate in the pilot program. The provisions of section 1(a) of 2018 Substitute for Senate Bill No. 423, which allow nine schools served by the central Kansas cooperative in education to participate in the mental health intervention team pilot program, are hereby declared to be null and void and shall have no force and effect.

Sec. 4. K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018 Substitute for Senate Bill No. 423, is hereby amended to read as follows:

72-5132. As used in the Kansas school equity and enhancement act, K.S.A. 2017 Supp. 72-5131 et seq., and amendments thereto:

(a) “Adjusted enrollment” means the enrollment of a school district adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) “Ancillary school facilities weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) “At-risk student” means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term “at-risk student” shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full
time, or any student who is over 19 years of age. The provisions of this paragraph shall not apply to any student who has an individualized education program.

(d) "At-risk student weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) "Base aid for student excellence" or "BASE aid" means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

1. For school year 2018-2019, $4,900
2. For school year 2019-2020, $5,061
3. For school year 2020-2021, $5,222
4. For school year 2021-2022, $5,384
5. For school year 2022-2023, $5,545
6. For school year 2023-2024, and each school year thereafter, the BASE aid shall be the BASE aid amount for the immediately preceding school year plus an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor during the three immediately preceding school years rounded to the nearest whole dollar amount.

(f) "Bilingual weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5150, and amendments thereto, on the basis of costs attributable to the maintenance of bilingual educational programs by such school districts.

(g) "Board" means the board of education of a school district.

(h) "Budget per student" means the general fund budget of a school district divided by the enrollment of the school district.

(i) "Categorical fund" means and includes the following funds of a school district: Adult education fund; adult supplementary education fund; at-risk education fund; bilingual education fund; career and post-secondary education fund; driver training fund; educational excellence grant program fund; extraordinary school program fund; food service fund; parent education program fund; preschool-aged at-risk education fund; professional development fund; special education fund; and summer program fund.

(j) "Cost-of-living weighting" means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5159, and amendments thereto, on the basis of costs attributable to the cost of living in such school districts.

(k) "Current school year" means the school year during which state foundation aid is determined by the state board under K.S.A. 2017 Supp. 72-5134, and amendments thereto.
(l) “Enrollment” means:

(1) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 2017 Supp. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 2017 Supp. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under paragraph (2); or

(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.
(4) The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(m) “February 20” has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(n) “Federal impact aid” means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(o) “General fund” means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 2017 Supp. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(p) “General fund budget” means the amount budgeted for operating expenses in the general fund of a school district.

(q) “High-density at-risk student weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(r) “High enrollment weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(s) “Juvenile detention facility” means the same as such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.

(t) “Local foundation aid” means the sum of the following amounts:

(1) The amount of the proceeds from the tax levied under the authority of K.S.A. 2017 Supp. 72-5147, and amendments thereto, that is levied to finance that portion of the school district’s local option budget that is required pursuant to K.S.A. 2017 Supp. 72-5143(a), and amendments thereto, and not financed from any other source provided by law.

(2) an amount equal to that portion of the school district’s supple-
mental state aid determined pursuant to K.S.A. 2017 Supp. 72-5145, and amendments thereto, to equalize that portion of the school district's local option budget that is required pursuant to K.S.A. 2017 Supp. 72-5143(a), and amendments thereto, and not financed from any other source provided by law.

(3) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments thereto;

(4)(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to their repeal;

(5)(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 2017 Supp. 72-3123(a), and amendments thereto;

(6)(4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 2017 Supp. 72-3125, and amendments thereto;

(7)(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(8)(6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 2017 Supp. 72-3423, and amendments thereto;

(9)(7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 2017 Supp. 72-3425, and amendments thereto; and

(10)(8) an amount equal to 70% of the federal impact aid of the school district.

(u) “Low enrollment weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(v) “Operating expenses” means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 2017 Supp. 72-5168, and amendments thereto.

(w) “Preceding school year” means the school year immediately before the current school year.

(x) “Preschool-aged at-risk student” means an at-risk student who has
attained the age of three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(y) “Preschool-aged exceptional children” means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms “exceptional children” and “gifted children” have the same meaning as those terms are defined in K.S.A. 2017 Supp. 72-3404, and amendments thereto.

(z) “Psychiatric residential treatment facility” means the same as such term is defined in K.S.A. 2017 Supp. 72-1173, and amendments thereto.

(aa) “School district” means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 2017 Supp. 72-3115, and amendments thereto.

(bb) “School facilities weighting” means an added addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5156, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(cc) “School year” means the 12-month period ending June 30.

(dd) “September 20” has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

(ee) “Special education and related services weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5157, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

(ff) “State board” means the state board of education.

(gg) “State foundation aid” means the amount of aid distributed to a school district as determined by the state board pursuant to K.S.A. 2017 Supp. 72-5134, and amendments thereto.

(hh) (1) “Student” means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 2017 Supp. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:
(i) A student in attendance full-time; and
(ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as \( \frac{1}{2} \) student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and
(ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student (to the nearest \( \frac{1}{10} \)) that the student’s attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student’s postsecondary education enrollment and attendance together with the student’s attendance in either of the grades 11 or 12 is at least \( \frac{5}{6} \) time, otherwise the student shall be counted as that proportion of one student (to the nearest \( \frac{1}{10} \)) that the total time of the student’s postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student’s career technical education attendance together with the student’s attendance in any of grades nine through 12 is at least \( \frac{5}{6} \) time, otherwise the student shall be counted as that proportion of one student (to the nearest \( \frac{1}{10} \)) that the total time of the student’s career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student (to the nearest \( \frac{1}{10} \)) that the student’s attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student (to the nearest \( \frac{1}{10} \)) that the student’s attendance at the non-virtual school bears to full-time attendance.

(H) (i) Except as provided in clause (ii), a student enrolled in a school district who is not a resident of Kansas shall be counted as follows:

(a) For school year 2018-2019, one student;
(b) for school years 2019-2020 and 2020-2021, \( \frac{3}{4} \) of a student; and
(c) for school year 2021-2022 and each school year thereafter, \( \frac{1}{2} \) of a student.

(ii) This subparagraph (H) shall not apply to:

(a) A student whose parent or legal guardian is an employee of the school district where such student is enrolled; or

(b) a student who attended public school in Kansas during school year 2016-2017 and who attended public school in Kansas during the immediately preceding school year.

(3) The following shall not be counted as a student:

(A) An individual residing at the Flint Hills job corps center;

(B) except as provided in paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and

(C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 2017 Supp. 72-3715, and amendments thereto.

(ii) “Total foundation aid” means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

(jj) “Transportation weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 2017 Supp. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

(kk) “Virtual school” means the same as such term is defined in K.S.A. 2017 Supp. 72-3712, and amendments thereto.

Sec. 5. K.S.A. 2017 Supp. 72-5143, as amended by section 4 of 2018 Substitute for Senate Bill No. 423, is hereby amended to read as follows:

72-5143. (a) In each school year, the board of education of a school district shall adopt, by resolution, a local option budget equal to 15% of the school district’s total foundation aid.

(b) If the board of education of a school district desires local option budget authority above the amount required under subsection (a), the board may adopt, by resolution, a local option budget in an amount that does not exceed \( \frac{27.5}{100} \) of the school district’s total foundation aid the statewide average for the preceding school year as determined by the state board pursuant to subsection (j). The adoption of a resolution pursuant to this section shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(c) If the board of a school district desires local option budget authority above the amount authorized under subsection (b), the board may
adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the school district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. ________, __________ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed _____% of the amount of total foundation aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of unified school district No. ________, __________ County, Kansas, on the _____ day of ________, __________.

Clerk of the board of education.

All of the blanks in the resolution shall be filled appropriately. If a sufficient petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(d) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any school district that is authorized to adopt a local option budget may adopt a budget in an amount less than the amount authorized,
provided the board adopts a local option budget in an amount equal to or greater than the amount required under subsection (a).

(e) The board of any school district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 2017 Supp. 72-5147, and amendments thereto, is certified to the county clerk under any existing authorization.

(f) (1) Except as provided in paragraph (2), the board of any school district authorized to adopt a local option budget prior to July 1, 2017, under a resolution that authorized the adoption of such budget in accordance with the provisions of K.S.A. 2017 Supp. 72-6471, prior to July 1, 2017, may continue to operate under such resolution for the period of time specified in the resolution if such resolution adopted a local option budget equal to or greater than the amount required in subsection (a), or may abandon the resolution and operate under the provisions of this section. Any such school district shall operate under the provisions of this section after the period of time specified in any previously adopted resolution has expired.

(2) Any resolution adopted prior to July 1, 2017, pursuant to K.S.A. 72-6433(e)(2), prior to its repeal, that authorized the adoption of a local option budget and that was not subsequently submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon shall expire on June 30, 2018, and shall have no force and effect during school year 2018-2019 or any subsequent school year.

(g) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions that are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(h) For school year 2019-2020 and each school year thereafter, the board of any school district that desires to increase its local option budget authority for the immediately succeeding school year shall submit written notice of such intent to the state board by April 1 of the current school year. Such notice shall include the local option budget authority, expressed as a percentage of the school district’s total foundation aid, to be adopted for the immediately succeeding school year. The board of a school district shall not adopt a local option budget in excess of the authority stated in a notice submitted pursuant to this subsection.

(i) (1) There is hereby established in each school district that adopts a local option budget a supplemental general fund, which shall consist of all amounts deposited therein or credited thereto according to law.

(2) (A) Of the moneys deposited in or otherwise credited to the supplemental general fund of a school district pursuant to K.S.A. 2017 Supp.
72-5147, and amendments thereto, an amount that is proportional to that amount of such school district’s total foundation aid attributable to the at-risk student weighting as compared to such district’s total foundation aid shall be transferred to the at-risk education fund of such school district and shall be expended in accordance with K.S.A. 2017 Supp. 72-5153, and amendments thereto.

(B) Of the moneys deposited in or otherwise credited to the supplemental general fund of a school district pursuant to K.S.A. 2017 Supp. 72-5147, and amendments thereto, an amount that is proportional to that amount of such school district’s total foundation aid attributable to the bilingual weighting as compared to such district’s total foundation aid shall be transferred to the bilingual education fund of such school district and shall be expended in accordance with K.S.A. 2017 Supp. 72-3613, and amendments thereto.

(3) Subject to the limitations imposed under paragraph (4), amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any categorical fund of the school district. Amounts in the supplemental general fund attributable to any percentage over 25% of total foundation aid determined for the current school year may be transferred to the capital improvements fund of the school district and the capital outlay fund of the school district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(4) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings that is entered into pursuant to the provisions of K.S.A. 2017 Supp. 72-1149, and amendments thereto.

(5) (A) Except as provided in subparagraph (B), any unexpended moneys remaining in the supplemental general fund of a school district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the school district received supplemental state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the school district for the school year and multiply the total amount of the unexpended moneys remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the school district or remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(j) Each year, the state board shall determine the statewide average percentage of local option budgets legally adopted by school districts for the preceding school year.
(k) The provisions of this section shall be subject to the provisions of K.S.A. 2017 Supp. 72-5144 section 2, and amendments thereto.

(k)(l) As used in this section:

(1) “Authorized to adopt a local option budget” means that a school district has adopted a resolution pursuant to subsection (c).

(2) “State prescribed percentage” means 30.5% of the total foundation aid of the school district in the current school year.

(3) For purposes of determining the school district’s local option budget under subsections (a), (b) and (c), “Total foundation aid” means the same as such term is defined in K.S.A. 2017 Supp. 72-5132, and amendments thereto, except the state aid for special education and related services shall be divided by an amount equal to 85% of the BASE aid amount, and the resulting quotient shall be used in determining the school district’s local option budget.

Sec. 6. K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018 Substitute for Senate Bill No. 423, and 72-5143, as amended by section 4 of 2018 Substitute for Senate Bill No. 423, are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 7, 2018.

CHAPTER 71

SENATE BILL No. 217
(Amended by Chapter 112)


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

Section 1. K.S.A. 2017 Supp. 12-736 is hereby amended to read as follows: 12-736. (a) It is hereby declared to be the policy of the state of Kansas that persons with a disability shall not be excluded from the benefits of single family residential surroundings by any municipal zoning ordinance, resolution or regulation.

(b) For the purpose of this act:
(1) “Group home” means any dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state;

(2) “municipality” means any township, city or county located in Kansas;

(3) “disability” means, with respect to a person:
   (A) A physical or mental impairment which substantially limits one or more of such person’s major life activities;
   (B) a record of having such an impairment; or
   (C) being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance, as defined in section 102 of the controlled substance act, (21 U.S.C. § 802);

(4) “licensed provider” means a person or agency who provides mental health services and is licensed by:
   (A) The Kansas department for aging and disability services pursuant to K.S.A. 75-2307 or 65-425 et seq. or K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto; or
   (B) the behavioral sciences regulatory board pursuant to K.S.A. 75-5346 et seq. or 74-5301 et seq., and amendments thereto; or
   (C) the state board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto.

(c) (1) No mentally ill person shall be eligible for placement in a group home unless such person has been evaluated by a licensed provider and such provider determines that the mentally ill person is not dangerous to others and is suitable for group-home placement. A group home shall not be a licensed provider for the purposes of evaluating or approving for placement a mentally ill person in a group home.

(2) No person shall be eligible for placement in a group home if such person is: (A) Assigned to a community corrections program or a diversion program; (B) on parole from a correctional institution or on probation for a felony offense; or (C) in a state mental institution following a finding of mental disease or defect excluding criminal responsibility, pursuant to K.S.A. 22-3220 and 22-3221, and amendments thereto.

(d) No person shall be placed in a group home under this act unless such dwelling is licensed as a group home by the Kansas department for aging and disability services or the department of health and environment.

(e) No municipality shall prohibit the location of a group home in any zone or area where single family dwellings are permitted. Any zoning ordinance, resolution or regulation which prohibits the location of a group home in such zone or area or which subjects group homes to regulations not applicable to other single family dwellings in the same
zone or area is invalid. Notwithstanding the provisions of this act, group homes shall be subject to all other regulations applicable to other property and buildings located in the zone or area that are imposed by any municipality through zoning ordinance, resolution or regulation, its building regulatory codes, subdivision regulations or other nondiscriminatory regulations.

(f) No person or entity shall contract or enter into a contract, restrictive covenant, equitable servitude or such similar restriction, which that would restrict group homes or their location in a manner inconsistent with the provisions of subsection (e).

Sec. 2. K.S.A. 19-4016 is hereby amended to read as follows: 19-4016.
(a) The governing board of a community mental health center which that is organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and which that is licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, is hereby authorized to expend funds of the community mental health center to provide loans or scholarships to aid in financing the education of persons studying to become licensed psychologists or licensed in one of the social work specialties and who agree, upon completion of their education and attainment of such license, to become members of the staff of the community mental health center.

(b) Every agreement entered into under this section shall be in writing; and shall specify the amount of financial assistance to be provided, the terms of eligibility for such financial assistance, the length of employment with the community mental health center required as a condition to the receipt of such financial assistance, the circumstances under which such employment obligation may be discharged or forgiven and such other additional provisions as the parties to the agreement may include as part of the agreement.

Sec. 3. K.S.A. 2017 Supp. 21-5417 is hereby amended to read as follows: 21-5417. (a) Mistreatment of a dependent adult is knowingly committing one or more of the following acts:

(1) Infliction of physical injury, unreasonable confinement or unreasonable punishment upon a dependent adult;

(2) taking the personal property or financial resources of a dependent adult for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of a dependent adult through:

(A) Undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such dependent adult;

(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto; or
(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(3) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of such dependent adult.

(b) Mistreatment of an elder person is knowingly committing one or more of the following acts:

(1) Taking the personal property or financial resources of an elder person for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of an elder person through:

(A) Undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such elder person;

(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto; or

(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(2) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of such elder person.

(c) Mistreatment of a dependent adult as defined in:

(1) Subsection (a)(1) is a severity level 5, person felony;

(2) subsection (a)(2) if the aggregate amount of the value of the personal property or financial resources is:

(A) $1,000,000 or more is a severity level 2, person felony;

(B) at least $250,000 but less than $1,000,000 is a severity level 3, person felony;

(C) at least $100,000 but less than $250,000 is a severity level 4, person felony;

(D) at least $25,000 but less than $100,000 is a severity level 5, person felony;

(E) at least $1,000 but less than $25,000 is a severity level 7, person felony;

(F) less than $1,000 is a class A person misdemeanor, except as provided in subsection (c)(2)(G); and

(G) less than $1,000 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of mistreatment of a dependent adult two or more times is a severity level 7, person felony; and

(3) subsection (a)(3) is a severity level 8, person felony.

(d) Mistreatment of an elder person as defined in:

(1) Subsection (b)(1) if the aggregate amount of the value of the personal property or financial resources is:

(A) $1,000,000 or more is a severity level 2, person felony;

(B) at least $250,000 but less than $1,000,000 is a severity level 3, person felony;
(C) at least $100,000 but less than $250,000 is a severity level 4, person felony;
(D) at least $25,000 but less than $100,000 is a severity level 5, person felony;
(E) at least $5,000 but less than $25,000 is a severity level 7, person felony;
(F) less than $5,000 is a class A person misdemeanor, except as provided in subsection (d)(1)(G); and
(G) less than $5,000 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of mistreatment of an elder person two or more times is a severity level 7, person felony; and
(2) subsection (b)(2) is a severity level 8, person felony.
(e) It shall be an affirmative defense to any prosecution for mistreatment of a dependent adult or mistreatment of an elder person as described in subsections (a)(2) and (b)(1) that:
(1) The personal property or financial resources were given as a gift consistent with a pattern of gift giving to the person that existed before the dependent adult or elder person became vulnerable;
(2) the personal property or financial resources were given as a gift consistent with a pattern of gift giving to a class of individuals that existed before the dependent adult or elder person became vulnerable;
(3) the personal property or financial resources were conferred as a gift by the dependent adult or elder person to the benefit of a person or class of persons, and such gift was reasonable under the circumstances; or
(4) a court approved the transaction before the transaction occurred.
(f) No dependent adult or elder person is considered to be mistreated under subsection (a)(1), (a)(3) or (b)(2) for the sole reason that such dependent adult or elder person relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult or elder person is a member or adherent.
(g) As used in this section:
(1) “Adequate consideration” means the personal property or financial resources were given to the person as payment for bona fide goods or services provided by such person and the payment was at a rate customary for similar goods or services in the community that the dependent adult or elder person resided in at the time of the transaction.
(2) “Dependent adult” means an individual 18 years of age or older who is unable to protect the individual’s own interest. Such term shall include, but is not limited to, any:
(A) Resident of an adult care home including, but not limited to, those facilities defined by K.S.A. 39-923, and amendments thereto;
(B) adult cared for in a private residence;
(C) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a medical care facility;
(D) individual with intellectual disability or a developmental disability receiving services through a community facility for people with intellectual disability or residential facility licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto;
(E) individual with a developmental disability receiving services provided by a community service provider as provided in the developmental disability reform act; or
(F) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a state psychiatric hospital or state institution for people with intellectual disability.

(3) “Elder person” means a person 70 years of age or older.

(h) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in article 54, 55, 56 or 58 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6418, and amendments thereto.

Sec. 4. K.S.A. 2017 Supp. 21-6109 is hereby amended to read as follows: 21-6109. As used in K.S.A. 2017 Supp. 21-6109 through 21-6116, and amendments thereto:

(a) “Access point” means the area within a ten foot radius outside of any doorway, open window or air intake leading into a building or facility that is not exempted pursuant to subsection (d) of K.S.A. 2017 Supp. 21-6110(d), and amendments thereto.

(b) “Bar” means any indoor area that is operated and licensed for the sale and service of alcoholic beverages, including alcoholic liquor as defined in K.S.A. 41-102, and amendments thereto, or cereal malt beverages as defined in K.S.A. 41-2701, and amendments thereto, for on-premises consumption.

(c) “Employee” means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers their services for a nonprofit entity.

(d) “Employer” means any person, partnership, corporation, association or organization, including municipal or nonprofit entities, which employs one or more individual persons.

(e) “Enclosed area” means all space between a floor and ceiling which is enclosed on all sides by solid walls, windows or doorways which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid or similar structures. For purposes of this section, the following shall not be considered an “enclosed area”: (1) Rooms or areas, enclosed by walls, windows or doorways, having neither a ceiling nor a roof and which are completely open to the elements and weather at all times; and
(2) rooms or areas, enclosed by walls, fences, windows or doorways and a roof or ceiling, having openings that are permanently open to the elements and weather and which comprise an area that is at least 30% of the total perimeter wall area of such room or area.

(f) “Food service establishment” means any place in which food is served or is prepared for sale or service on the premises. Such term shall include, but not be limited to, fixed or mobile restaurants, coffee shops, cafeterias, short-order cafes, luncheonettes, grills, tea rooms, sandwich shops, soda fountains, taverns, private clubs, roadside kitchens, commissaries and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(g) “Gaming floor” means the area of a lottery gaming facility or race-track gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto, where patrons engage in Class III gaming. The gaming floor shall not include any areas used for accounting, maintenance, surveillance, security, administrative offices, storage, cash or cash counting, records, food service, lodging or entertainment, except that the gaming floor may include a bar where alcoholic beverages are served so long as the bar is located entirely within the area where Class III gaming is conducted.

(h) “Medical care facility” means a physician’s office, general hospital, special hospital, ambulatory surgery center or recuperation center, as defined in K.S.A. 65-425, and amendments thereto, and any psychiatric hospital licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto.

(i) “Outdoor recreational facility” means a hunting, fishing, shooting or golf club, business or enterprise operated primarily for the benefit of its owners, members and their guests and not normally open to the general public.

(j) “Place of employment” means any enclosed area under the control of a public or private employer, including, but not limited to, work areas, auditoriums, elevators, private offices, employee lounges and restrooms, conference and meeting rooms, classrooms, employee cafeterias, stairwells and hallways, that is used by employees during the course of employment. For purposes of this section, a private residence shall not be considered a “place of employment” unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

(k) “Private club” means an outdoor recreational facility operated primarily for the use of its owners, members and their guests that in its ordinary course of business is not open to the general public for which use of its facilities has substantial dues or membership fee requirements for its members.

(l) “Public building” means any building owned or operated by: (1)
The state, including any branch, department, agency, bureau, commission, authority or other instrumentality thereof; (2) any county, city, township, other political subdivision, including any commission, authority, agency or instrumentality thereof; or (3) any other separate corporate instrumentality or unit of the state or any municipality.

(m) “Public meeting” means any meeting open to the public pursuant to K.S.A. 75-4317 et seq., and amendments thereto, or any other law of this state.

(n) “Public place” means any enclosed areas open to the public or used by the general public including, but not limited to: Banks, bars, food service establishments, retail service establishments, retail stores, public means of mass transportation, passenger elevators, health care institutions or any other place where health care services are provided to the public, medical care facilities, educational facilities, libraries, courtrooms, public buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas and recreational facilities. For purposes of this section, a private residence shall not be considered a “public place” unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

(o) “Smoking” means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

(p) “Tobacco shop” means any indoor area operated primarily for the retail sale of tobacco, tobacco products or smoking devices or accessories, and which derives not less than 65% of its gross receipts from the sale of tobacco.

(q) “Substantial dues or membership fee requirements” means initiation costs, dues or fees proportional to the cost of membership in similarly-situated outdoor recreational facilities that are not considered nominal and implemented to otherwise avoid or evade restrictions of a statewide ban on smoking.

Sec. 5. K.S.A. 2017 Supp. 22-4612 is hereby amended to read as follows: 22-4612. (a) Except as otherwise provided in this section, a county, a city, a county or city law enforcement agency, a county department of corrections or the Kansas highway patrol shall be liable to pay a health care provider for health care services rendered to persons in the custody of such agencies the lesser of the actual amount billed by such health care provider or the medicaid rate. The provisions of this section shall not apply if a person in the custody of a county or city law enforcement agency, a county department of corrections or the Kansas highway patrol is covered under a current individual or group accident and health insurance policy, medical service plan contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization contract.
(b) Nothing in this section shall prevent a county or city law enforcement agency, a county department of corrections, the Kansas highway patrol or such agencies' authorized vendors from entering into agreements with health care providers for the provision of health care services at terms, conditions and amounts which are different than the medicaid rate.

(c) It shall be the responsibility of the custodial county or city law enforcement agency, county department of corrections or the Kansas highway patrol or such agencies' agents, to determine, under agreement with the secretary of health and environment, the amount payable for the services provided and to communicate that determination along with the remittance advice and payment for the services provided.

(d) Nothing in this section shall be construed to create a duty on the part of a health care provider to render health care services to a person in the custody of a county or city law enforcement agency, a county department of corrections or the Kansas highway patrol.

(e) As used in this section:

(1) “County or city law enforcement agency” means a city police department, a county sheriff’s department, a county law enforcement department as defined in K.S.A. 19-4401, and amendments thereto, or a law enforcement agency established pursuant to the consolidated city-county powers in K.S.A. 12-345, and amendments thereto.

(2) “Health care provider” means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a licensed physician assistant, a person licensed by the behavioral sciences regulatory board, a medical care facility licensed by the department of health and environment, a podiatrist licensed by the state board of healing arts, an optometrist licensed by the board of examiners in optometry, a registered nurse, and advanced nurse practitioner, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed practical nurse, a licensed physical therapist, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a Kansas limited liability company organized for the purpose of rendering professional services by its members who are health care providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized, a partnership of persons who are health care providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers as defined by this subsection, a dentist certified by the state board of healing arts to
administer anesthetics under K.S.A. 65-2899, and amendments thereto, a psychiatric hospital licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, a licensed social worker or a mental health center or mental health clinic licensed by the secretary for aging and disability services and any health care provider licensed by the appropriate regulatory body in another state that has a current approved provider agreement with the secretary of health and environment.

(3) “Medicaid rate” means the terms, conditions and amounts a health care provider would be paid for health care services rendered pursuant to a contract or provider agreement with the secretary of health and environment.

Sec. 6. K.S.A. 2017 Supp. 36-501 is hereby amended to read as follows: 36-501. (a) K.S.A. 36-501 through 36-520, and amendments thereto, shall be known and may be cited as the lodging inspection act.

(b) As used in the lodging inspection act, the following words and phrases shall have the following meanings:

(1) “Hotel” means every building or other structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin camp, tourist cabin, motel or other type of lodging unit.

(2) “Rooming house” means every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight or more guests may be accommodated, but which does not maintain common facilities for the serving or preparation of food for such guests.

(3) “Boarding house” means every building or other structure which is kept, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight or more guests may be accommodated, and which maintains common facilities for the serving or preparation of food for such guests. The term “boarding house” shall not include facilities licensed under paragraph (5) of subsection (a) of K.S.A. 2015 Supp. 75-3307b(a)(5), and amendments thereto, prior to its repeal, or facilities licensed by the Kansas department for aging and disability services that are: (A) Facilities for developmentally disabled persons receiving assistance through the department and that receive or have received after June 30, 1967, any state or federal funds; or (B) facilities where developmentally disabled persons who require supervision or limited assistance with the taking of medication reside.

(4) “Lodging establishment” means a hotel, rooming house, guest house or boarding house.
(5) “Food” means the same as provided in K.S.A. 65-656, and amendments thereto.

(6) “Guest house” means every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests. A guest house shall accommodate no more than seven guests in no more than three rooms furnished with sleeping accommodations, regardless of whether common facilities for the serving or preparation of food are maintained.

(7) “Person” means an individual, partnership, corporation or other association of persons.

(8) “Municipality” means any city or county of this state.

(9) “Secretary” means the secretary of agriculture and the secretary’s authorized representatives.

(10) “Department” means the Kansas department of agriculture.

Sec. 7. K.S.A. 2017 Supp. 39-1430 is hereby amended to read as follows: 39-1430. As used in this act:

(a) “Adult” means an individual 18 years of age or older alleged to be unable to protect their own interest and who is harmed or threatened with harm, whether financial, mental or physical in nature, through action or inaction by either another individual or through their own action or inaction when: (1) Such person is residing in such person’s own home, the home of a family member or the home of a friend; (2) such person resides in an adult family home as defined in K.S.A. 39-1501, and amendments thereto; or (3) such person is receiving services through a provider of community services and affiliates thereof operated or funded by the Kansas department for children and families or the Kansas department for aging and disability services or a residential facility licensed pursuant to K.S.A. 75-4901 et seq., and amendments thereto. Such term shall not include persons to whom K.S.A. 39-1401 et seq., apply.

(b) “Abuse” means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to an adult, including:

(1) Infliction of physical or mental injury;

(2) any sexual act with an adult when the adult does not consent or when the other person knows or should know that the adult is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;

(3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm an adult;

(4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician’s orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the adult;
(5) a threat or menacing conduct directed toward an adult that results or might reasonably be expected to result in fear or emotional or mental distress to an adult;

(6) fiduciary abuse; or

(7) omission or deprivation by a caretaker or another person of goods or services which that are necessary to avoid physical or mental harm or illness.

(c) “Neglect” means the failure or omission by one’s self, caretaker or another person with a duty to supply or provide goods or services which that are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

(d) “Exploitation” means misappropriation of an adult’s property or intentionally taking unfair advantage of an adult’s physical or financial resources for another individual’s personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.

(e) “Fiduciary abuse” means a situation in which any person who is the caretaker of, or who stands in a position of trust to, an adult, takes, secretes, or appropriates their money or property; to any use or purpose not in the due and lawful execution of such person’s trust or benefit.

(f) “In need of protective services” means that an adult is unable to provide for or obtain services which that are necessary to maintain physical or mental health or both.

(g) “Services which that are necessary to maintain physical or mental health or both” include, but are not limited to, the provision of medical care for physical and mental health needs, the relocation of an adult to a facility or institution able to offer such care, assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, protection from health and safety hazards, protection from maltreatment the result of which includes, but is not limited to, malnutrition, deprivation of necessities or physical punishment and transportation necessary to secure any of the above stated needs, except that this term shall not include taking such person into custody without consent except as provided in this act.

(h) “Protective services” means services provided by the state or other governmental agency or by private organizations or individuals which that are necessary to prevent abuse, neglect or exploitation. Such protective services shall include, but shall not be limited to, evaluation of the need for services, assistance in obtaining appropriate social services, and assistance in securing medical and legal services.

(i) “Caretaker” means a person who has assumed the responsibility, whether legally or not, for an adult’s care or financial management or both.

(j) “Secretary” means the secretary for the Kansas department for children and families.
(k) “Report” means a description or accounting of an incident or incidents of abuse, neglect or exploitation under this act and for the purposes of this act shall not include any written assessment or findings.

(l) “Law enforcement” means the public office that is vested by law with the duty to maintain public order, make arrests for crimes, investigate criminal acts and file criminal charges, whether that duty extends to all crimes or is limited to specific crimes.

(m) “Involved adult” means the adult who is the subject of a report of abuse, neglect or exploitation under this act.

(n) “Legal representative,” “financial institution” and “governmental assistance provider” shall have the meanings ascribed thereto in K.S.A. 39-1401, and amendments thereto.

No person shall be considered to be abused, neglected or exploited or in need of protective services for the sole reason that such person relies upon spiritual means through prayer alone for treatment in accordance with the tenets and practices of a recognized church or religious denomination in lieu of medical treatment.

Sec. 8. K.S.A. 2017 Supp. 39-1431 is hereby amended to read as follows: 39-1431. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, the chief administrative officer of a medical care facility, a teacher, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed dentist, a licensed marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a law enforcement officer, a case manager, a rehabilitation counselor, a bank trust officer or any other officers of financial institutions, a legal representative, a governmental assistance provider, an owner or operator of a residential care facility, an independent living counselor and the chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report, immediately from receipt of the information, such information or cause a report of such information to be made in any reasonable manner. An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection. Other state agencies receiving reports that are to be referred to the Kansas department for children and families and the appropriate law enforcement agency; shall submit the report to the department and
agency within six hours, during normal work days, of receiving the informa-
tion. Reports shall be made to the Kansas department for children and
families during the normal working week days and hours of operation.
Reports shall be made to law enforcement agencies during the time the
Kansas department for children and families is not in operation. Law
enforcement shall submit the report and appropriate information to the
Kansas department for children and families on the first working day that
the Kansas department for children and families is in operation after
receipt of such information.

(b) The report made pursuant to subsection (a) shall contain the
name and address of the person making the report and of the caretaker
caring for the involved adult, the name and address of the involved adult,
information regarding the nature and extent of the abuse, neglect or ex-
plotation, the name of the next of kin of the involved adult, if known,
and any other information which that the person making the report be-
lieves might be helpful in the investigation of the case and the protection
of the involved adult.

(c) Any other person, not listed in subsection (a), having reasonable
cause to suspect or believe that an adult is being or has been abused,
neglected or exploited or is in need of protective services may report such
information to the Kansas department for children and families. Reports
shall be made to law enforcement agencies during the time the Kansas
department for children and families is not in operation.

(d) A person making a report under subsection (a) shall not be re-
quired to make a report under K.S.A. 39-1401 through 39-1410, inclu-
sive, and amendments thereto.

(e) Any person required to report information or cause a report of
information to be made under subsection (a) who knowingly fails to make
such report or cause such report not to be made shall be guilty of a class
B misdemeanor.

(f) Notice of the requirements of this act and the department to
which a report is to be made under this act shall be posted in a conspic-
uous public place in every adult family home as defined in K.S.A. 39-
1501, and amendments thereto, and every provider of community services
and affiliates thereof operated or funded by the Kansas department for
aging and disability services or other facility licensed under K.S.A. –75-
institutions included in subsection (a).

Sec. 9. K.S.A. 2017 Supp. 39-1433 is hereby amended to read as
follows: 39-1433. (a) The Kansas department for children and families
upon receiving a report that an adult is being, or has been abused, ne-
glected, or exploited or is in need of protective services, shall:

(1) When a criminal act has occurred or has appeared to have oc-
curred, immediately notify, in writing, the appropriate law enforcement agency;

(2) make a personal visit with the involved adult:
   (A) Within 24 hours when the information from the reporter indicates imminent danger to the health or welfare of the involved adult;
   (B) within three working days for all reports of suspected abuse, when the information from the reporter indicates no imminent danger;
   (C) within five working days for all reports of neglect or exploitation when the information from the reporter indicates no imminent danger.

(3) Complete, within 30 working days of receiving a report, a thorough investigation and evaluation to determine the situation relative to the condition of the involved adult and what action and services, if any, are required. The evaluation shall include, but not be limited to, consultation with those individuals having knowledge of the facts of the particular case. If conducting the investigation within 30 working days would interfere with an ongoing criminal investigation, the time period for the investigation shall be extended, but the investigation and evaluation shall be completed within 90 working days. If a finding is made prior to the conclusion of the criminal investigation, the investigation and evaluation may be reopened and a new finding made based on any additional evidence provided as a result of the criminal investigation. If the alleged perpetrator is licensed, registered or otherwise regulated by a state agency, such state agency also shall be notified upon completion of the investigation or sooner if such notification does not compromise the investigation.

(4) Prepare, upon completion of the investigation of each case, a written assessment which shall include an analysis of whether there is or has been abuse, neglect or exploitation, recommended action, a determination of whether protective services are needed, and any follow-up.

(b) The secretary for children and families shall forward any finding of abuse, neglect or exploitation alleged to have been committed by a provider of services licensed, registered or otherwise authorized to provide services in this state to the appropriate state authority which regulates such provider. The appropriate state regulatory authority may consider the finding in any disciplinary action taken with respect to the provider of services under the jurisdiction of such authority.

(c) The Kansas department for children and families shall inform the complainant, upon request of the complainant, that an investigation has been made and if the allegations of abuse, neglect or exploitation have been substantiated, that corrective measures will be taken, upon completion of the investigation or sooner, if such measures do not jeopardize the investigation.

(d) The Kansas department for children and families may inform the chief administrative officer of community facilities licensed pursuant to
Sec. 10. K.S.A. 2017 Supp. 39-1602 is hereby amended to read as follows: 39-1602. As used in K.S.A. 39-1601 through 39-1612, and amendments thereto:

(a) “Targeted population” means the population group designated by rules and regulations of the secretary as most in need of mental health services which are funded, in whole or in part, by state or other public funding sources, and such group shall include adults with severe and persistent mental illness, severely emotionally disturbed children and adolescents, and other individuals at risk of requiring institutional care.

(b) “Community based mental health services” includes, but is not limited to, evaluation and diagnosis, case management services, mental health inpatient and outpatient services, prescription and management of psychotropic medication, prevention, education, consultation, treatment and rehabilitation services, twenty-four 24-hour emergency services, and any facilities required therefor, which are provided within one or more local communities in order to provide a continuum of care and support services to enable mentally ill persons, including targeted population members, to function outside of inpatient institutions to the extent of their capabilities. Community based mental health services also include assistance in securing employment services, housing services, medical and dental care, and other support services.

(c) “Mental health center” means any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto, or mental health clinic organized pursuant to the provisions of K.S.A. 65-211 to 65-215, inclusive, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b as defined in K.S.A. 2017 Supp. 39-2002, and amendments thereto.

(d) “Secretary” means the secretary for aging and disability services.

(e) “Department” means the Kansas department for aging and disability services.

(f) “State psychiatric hospital” means Osawatomie state hospital, Rainbow mental health facility or Larned state hospital.

(g) “Mental health reform phased program” means the program in three phases for the implementation of mental health reform in Kansas as follows:

1. The first phase covers the counties in the Osawatomie state hospital catchment area and is to commence on July 1, 1990, and is to be completed by June 30, 1994;

2. the second phase covers the counties in the Topeka state hospital
catchment area and is to commence on July 1, 1992, and is to be completed by June 30, 1996; and

(3) the third phase covers the counties in the Larned state hospital catchment area and is to commence on July 1, 1993, and is to be completed by June 30, 1997.

(h) “Screening” means the process performed by a participating community mental health center, pursuant to a contract entered into with the secretary under K.S.A. 39-1610, and amendments thereto, to determine whether a person, under either voluntary or involuntary procedures, can be evaluated or treated, or can be both evaluated and treated, in the community or should be referred to the appropriate state psychiatric hospital for such treatment or evaluation or for both treatment and evaluation.


(j) “Larned state hospital catchment area” means, except as otherwise defined by rules and regulations of the secretary adopted pursuant to K.S.A. 39-1613, and amendments thereto, the area composed of the following counties: Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Dickinson, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Haskell, Hodgeman, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Marion, McPherson, Meade, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Reno, Rice, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wallace and Wichita.

(k) “Catchment area” means the Osawatomie state hospital catchment area or the Larned state hospital catchment area.

(l) “Participating mental health center” means a mental health center which that has entered into a contract with the secretary for aging and disability services to provide screening, treatment and evaluation, court ordered evaluation and other treatment services pursuant to the care and treatment act for mentally ill persons, in keeping with the phased concept of the mental health reform act.

Sec. 11. K.S.A. 2017 Supp. 39-1903 is hereby amended to read as follows: 39-1903. (a) The disability and behavioral health services section
of the Kansas department for children and families is hereby transferred to the Kansas department for aging and disability services and shall be a part thereof. The disability and behavioral health services section transferred to the Kansas department for aging and disability services by K.S.A. 2017 Supp. 39-1901 through 39-1914, and amendments thereto, shall be administered by the secretary for aging and disability services.

The programs to be transferred by this section are:

1. Mental health and substance abuse, serious emotionally disturbed, developmental disability, physical disability, traumatic brain injury, autism, technology assistance and money-follows-the-person medicaid waivers and programs;
2. Licensure and regulation of community mental health centers, as defined by K.S.A. 75-3307b, 2017 Supp. 39-2002, and amendments thereto;
3. Regulation of community developmental disability organizations, as defined by K.S.A. 75-3307b pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto;
4. Licensure of private psychiatric hospitals, as defined by K.S.A. 75-3307b pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto;
5. Licensure and regulation of facilities and providers of residential services, as defined by K.S.A. 75-3307b pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto;
6. Licensure and regulation of providers of addiction and prevention services, as defined by K.S.A. 75-5375 et seq., and amendments thereto; and
7. Any other programs and related grants administered by the disability and behavioral health services section of the Kansas department for children and families prior to the effective date of K.S.A. 2017 Supp. 39-1901 through 39-1914, and amendments thereto.

(b) Except as otherwise provided by K.S.A. 2017 Supp. 39-1901 through 39-1914, and amendments thereto, all powers, duties and functions of the secretary for children and families pertaining to the disability and behavioral health services section transferred by K.S.A. 2017 Supp. 39-1901 through 39-1914, and amendments thereto, including that agency’s designation as the medicaid single state authority for substance abuse and for mental health, are hereby transferred to and imposed upon the secretary for aging and disability services.

(c) The Kansas department for aging and disability services shall be the successor in every way to the powers, duties and functions of the Kansas department for children and families pertaining to the disability and behavioral health services section transferred by K.S.A. 2017 Supp. 39-1901 through 39-1914, and amendments thereto. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the Kansas department for aging and disability
services shall be deemed to have the same force and effect as if performed by the Kansas department for children and families in which such powers, duties and functions were vested prior to the effective date of K.S.A. 2017 Supp. 39-1901 through 39-1914, and amendments thereto.

Sec. 12. K.S.A. 2017 Supp. 40-2,105 is hereby amended to read as follows: 40-2,105. (a) On or after the effective date of this act, every insurer which issues any individual policy of accident and sickness insurance or group policy of accident and sickness insurance to a small employer as defined in K.S.A. 40-2209d, and amendments thereto, which provides medical, surgical or hospital expense coverage for other than specific diseases or accidents only and which provides for reimbursement or indemnity for services rendered to a person covered by such policy in a medical care facility, must provide for reimbursement or indemnity under such individual policy or under such small employer group policy, except as provided in subsection (d), which shall be limited to not less than 45 days per year for in-patient treatment of mental illness in a medical care facility licensed under the provisions of K.S.A. 65-429, and amendments thereto, and not less than 30 days per year when such person is confined for treatment of alcoholism, drug abuse or substance use disorders in a treatment facility for alcoholics licensed under the provisions of K.S.A. 65-4014, and amendments thereto, a treatment facility for drug abusers licensed under the provisions of K.S.A. 65-4605, and amendments thereto, a community mental health center or clinic licensed under the provisions of K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, or a psychiatric hospital licensed under the provisions of K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto. Such individual policy or such small employer group policy shall also provide for reimbursement or indemnity, except as provided in subsection (d), of the costs of treatment of such person for mental illness, alcoholism, drug abuse and substance use disorders subject to the same deductibles, copayments, coinsurance, out-of-pocket expenses and treatment limitations as apply to other covered services, limited to not less than $15,000 in such person’s lifetime, with no annual limits, in the facilities enumerated when in-patient treatment is not necessary for the treatment or by a physician licensed or psychologist licensed to practice under the laws of the state of Kansas.

(b) For the purposes of this section “mental illness, alcoholism, drug abuse or substance use” means disorders specified in the diagnostic and statistical manual of mental disorders, fourth edition, (DSM-IV, 1994) of the American psychiatric association.

(c) The provisions of this section shall be applicable to health maintenance organizations organized under article 32 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(d) There shall be no coverage under the provisions of this section
for any assessment against any person required by a diversion agreement or by order of a court to attend an alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, or for evaluations and diagnostic tests ordered or requested in connection with criminal actions, divorce, child custody or child visitation proceedings.

(c) The provisions of this section shall not apply to any medicare supplement policy of insurance, as defined by the commissioner of insurance by rule and regulation.

(f) Treatment limitations include limits on the frequency of treatment, number of visits, days of coverage or other similar limits on the scope or duration of treatment.

(g) Utilization review for mental illness shall be consistent with provisions in K.S.A. 40-22a01 through 40-22a12, and amendments thereto.

Sec. 13. K.S.A. 2017 Supp. 40-2,105a is hereby amended to read as follows: 40-2,105a. (a) (1) Any group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization which provides medical, surgical or hospital expense coverage shall include, coverage for diagnosis and treatment of mental illnesses and alcoholism, drug abuse or other substance use disorders. Reimbursement or indemnity shall be provided for treatment in a medical care facility licensed under the provisions of K.S.A. 65-429, and amendments thereto, treatment facilities licensed under K.S.A. 65-4605, and amendments thereto, a community mental health center or clinic licensed under the provisions of K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, a psychiatric hospital licensed under the provisions of K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, by a physician or psychologist licensed to practice under the laws of the state of Kansas. Such coverage shall be subject to the same deductibles, copayments, coinsurance, out-of-pocket expenses, treatment limitations and other limitations as apply to other covered services.

(2) The coverage shall include treatment for in-patient care and out-patient care for mental illness, alcoholism, drug abuse or substance use disorders.

(b) For the purposes of this section, “mental illness, alcoholism, drug abuse or substance use” means any disorder as such terms are defined in the diagnostic and statistical manual of mental disorders, fourth edition, (DSM-IV, 1994) of the American Psychiatric Association.

(c) The provisions of this section shall be applicable to health maintenance organizations organized under article 32 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(d) The provisions of this section shall not apply to any small employer group policy, as defined under K.S.A. 40-2209, and amendments
thereto, providing medical, surgical or hospital expense coverage or to any medicare supplement policy of insurance, as defined by the commissioner of insurance by rule and regulation.

(e) The provisions of this section shall be applicable to the Kansas state employees health care benefits program and municipal funded pools.

(f) The provisions of this section shall not apply to any policy or certificate that provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, any coverage issued as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

(g) Treatment limitations include limits on the frequency of treatment, number of visits, days of coverage or other similar limits on the scope or duration of treatment.

(h) There shall be no coverage under the provisions of this section for any assessment against any person required by a diversion agreement or by order of a court to attend an alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, or for evaluations and diagnostic tests ordered or requested in connection with criminal actions, divorce, child custody or child visitation proceedings.

(i) Utilization review for mental illness shall be consistent with provisions in K.S.A. 40-22a01 through 40-22a12, and amendments thereto.

Sec. 14. K.S.A. 40-2,116 is hereby amended to read as follows: 40-2,116. As used in this act:

(a) “Contracting facility” means a health facility that has entered into a contract with a service corporation to provide services to subscribers of the service corporation.

(b) “Contracting professional provider” means a professional provider who has entered into a contract with a service corporation to provide services to subscribers of the service corporation.

(c) “Health facility” means a medical care facility as defined in K.S.A. 65-425, and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto; adult care home, which but such term shall be limited to nursing facility, assisted living facility and residential health care facility as such terms are defined in K.S.A. 39-923, and amendments thereto; and kidney disease treatment center, including centers not located in a medical care facility.

(d) “Professional provider” means a provider, other than a contract-
ing facility, of services for which benefits are provided under contracts issued by a service corporation.

(e) “Service corporation” means a nonprofit medical and hospital service corporation organized under the provisions of K.S.A. 40-19c01 et seq., and amendments thereto.

Sec. 15. K.S.A. 40-12a01 is hereby amended to read as follows: 40-12a01. As used in this act: (a) “Health care provider” means any person licensed to practice any branch of the healing arts by the state board of healing arts or any hospital licensed under the provisions of K.S.A. 65-425 et seq., and amendments thereto, or a private psychiatric hospital authorized under K.S.A. 75-3307b, 2017 Supp. 39-2001 et seq., and amendments thereto;

(b) “person” means an individual, corporation, partnership, association, joint stock company, trust, unincorporated organization or any similar entity;

(c) “affiliate” means a person that directly or indirectly, through one or more intermediaries, employs, controls or is controlled by, or is under common control with a health care provider;

(d) “commissioner” means the commissioner of insurance; and

(e) “association” means any organization whose income is exempt from taxation pursuant to section 501(a) of the internal revenue code of 1986, and amendments thereto, as in effect on the effective date of this act, due to such association’s compliance with section 501(c)(6) of such code, and amendments thereto, as in effect on the effective date of this act.

Sec. 16. K.S.A. 2017 Supp. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act, the following terms shall have the meanings respectively ascribed to them herein:

(a) “Applicant” means any healthcare provider.

(b) “Basic coverage” means a policy of professional liability insurance required to be maintained by each healthcare provider pursuant to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.

(c) “Commissioner” means the commissioner of insurance.

(d) “Fiscal year” means the year commencing on the effective date of this act and each year, commencing on the first day of July thereafter.

(e) “Fund” means the healthcare stabilization fund established pursuant to K.S.A. 40-3403(a), and amendments thereto.

(f) “Healthcare provider” means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the state of Kansas, a podiatrist licensed by the state board of healing arts, a health maintenance organization issued a
certificate of authority by the commissioner, an optometrist licensed by the board of examiners in optometry, a pharmacist licensed by the state board of pharmacy, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are healthcare providers as defined by this subsection, a Kansas limited liability company organized for the purpose of rendering professional services by its members who are healthcare providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized, a partnership of persons who are healthcare providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are healthcare providers as defined by this subsection, a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto, a psychiatric hospital licensed prior to January 1, 1988, and continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto, or a mental health center or mental health clinic licensed by the state of Kansas. On and after January 1, 2015, “healthcare provider” also means a physician assistant licensed by the state board of healing arts, a licensed advanced practice registered nurse who is authorized by the state board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, a licensed advanced practice registered nurse who has been granted a temporary authorization by the state board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, a nursing facility licensed by the state of Kansas, an assisted living facility licensed by the state of Kansas or a residential healthcare facility licensed by the state of Kansas. “healthcare provider” does not include: (1) Any state institution for people with intellectual disability; (2) any state psychiatric hospital; (3) any person holding an exempt license issued by the state board of healing arts or the state board of nursing; (4) any person holding a visiting clinical professor license from the state board of healing arts; (5) any person holding an inactive license issued by the state board of healing arts; (6) any person holding a federally active license issued by the state board of healing arts; (7) an advanced practice registered nurse who is authorized by the state board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife or nurse anesthetist and who practices solely in the
course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto; or (8) a physician assistant licensed by the state board of healing arts who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto.

(g) “Inactive healthcare provider” means a person or other entity who purchased basic coverage or qualified as a self-insurer on or subsequent to the effective date of this act but who, at the time a claim is made for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider, does not have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a healthcare provider.

(h) “Insurer” means any corporation, association, reciprocal exchange, inter-insurer and any other legal entity authorized to write bodily injury or property damage liability insurance in this state, including workers compensation and automobile liability insurance, pursuant to the provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(i) “Plan” means the operating and administrative rules and procedures developed by insurers and rating organizations or the commissioner to make professional liability insurance available to healthcare providers.

(j) “Professional liability insurance” means insurance providing coverage for legal liability arising out of the performance of professional services rendered or which that should have been rendered by a healthcare provider.

(k) “Rating organization” means a corporation, an unincorporated association, a partnership or an individual licensed pursuant to K.S.A. 40-956, and amendments thereto, to make rates for professional liability insurance.

(l) “Self-insurer” means a healthcare provider who qualifies as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(m) “Medical care facility” means the same when used in the healthcare provider insurance availability act as the meaning ascribed to that term defined in K.S.A. 65-425, and amendments thereto, except that as used in the healthcare provider insurance availability act such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a medical care facility.

(n) “Mental health center” means a mental health center licensed by the state of Kansas under K.S.A. 75-3307b, 2017 Supp. 39-2001 et seq.
and amendments thereto, except that as used in the healthcare provider insurance availability act such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health center.

(o) “Mental health clinic” means a mental health clinic licensed by the state of Kansas under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, except that as used in the healthcare provider insurance availability act such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health clinic.

(p) “State institution for people with intellectual disability” means Winfield state hospital and training center, Parsons state hospital and training center and the Kansas neurological institute.

(q) “State psychiatric hospital” means Larned state hospital, Osawatomie state hospital and Rainbow mental health facility.

(r) “Person engaged in residency training” means:

1. A person engaged in a postgraduate training program approved by the state board of healing arts who is employed by and is studying at the university of Kansas medical center only when such person is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and which have not been approved by the dean of the school of medicine and the executive vice-chancellor of the university of Kansas medical center. Persons engaged in residency training shall be considered resident healthcare providers for purposes of K.S.A. 40-3401 et seq., and amendments thereto; and

2. A person engaged in a postgraduate training program approved by the state board of healing arts who is employed by a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine or who is employed by an affiliate of the university of Kansas school of medicine as defined in K.S.A. 76-367, and amendments thereto, only when such person is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and which have not been approved by the chief operating officer of the nonprofit corporation or the chief operating officer of the affiliate and the executive vice-chancellor of the university of Kansas medical center.

(s) “Full-time physician faculty employed by the university of Kansas medical center” means a person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center when such person is providing healthcare. A person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center may also be employed part-time by the United States department of veterans affairs if such employment is
approved by the executive vice-chancellor of the university of Kansas medical center.

(i) “Sexual act” or “sexual activity” means that sexual conduct which constitutes a criminal or tortious act under the laws of the state of Kansas.

(u) “Board” means the board of governors created by K.S.A. 40-3403, and amendments thereto.

(v) “Board of directors” means the governing board created by K.S.A. 40-3413, and amendments thereto.

(w) “Locum tenens contract” means a temporary agreement not exceeding 182 days per calendar year that employs a healthcare provider to actively render professional services in this state.

(x) “Professional services” means patient care or other services authorized under the act governing licensure of a healthcare provider.

(y) “Healthcare facility” means a nursing facility, an assisted living facility or a residential healthcare facility as all such terms are defined in K.S.A. 39-923, and amendments thereto.

(z) “Charitable healthcare provider” means the same as defined in K.S.A. 75-6102, and amendments thereto.

Sec. 17. K.S.A. 2017 Supp. 40-3403 is hereby amended to read as follows: 40-3403. (a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a health care provider, self-insurer or inactive health care provider subsequent to the time that such health care provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the health care stabilization fund. The fund shall be held in trust in the state treasury and accounted for separately from other state funds. The board of governors shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) The commissioner shall:

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

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

(c) Except as otherwise provided by any other provision of this act, the fund shall be liable to pay: (1) Any amount due from a judgment or settlement which that is in excess of the basic coverage liability of all liable resident health care providers or resident self-insurers for any personal injury or death arising out of the rendering of or the failure to render professional services within or without this state;

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

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

(4) subject to the provisions of subsections (f) and (m), any amount due from a judgment or settlement against a nonresident inactive health care provider for any injury or death arising out of the rendering or failure to render professional services within this state, but in no event shall the fund be obligated for claims against: (A) Nonresident inactive health care providers who have not complied with this act; or (B) nonresident inactive health care providers for claims that arose outside of this state, unless such health care provider was a resident health care provider or resident self-insurer at the time such act occurred;

(5) subject to subsection (b) of K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees, depositions, expert witnesses and other costs incurred in defending the fund against claims, which and such expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the board of governors, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, but shall not be subject to the provisions of K.S.A. 75-4101, and amendments thereto;

(7) reasonable and necessary actuarial expenses incurred in administering the act, including expenses for any actuarial studies contracted for by the legislative coordinating council, which and such expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(8) periodically to the plan or plans, any amount due pursuant to subsection (a)(3) of K.S.A. 40-3413(a)(3), and amendments thereto;

(9) reasonable and necessary expenses incurred by the board of governors in the administration of the fund or in the performance of other powers, duties or functions of the board under the health care provider insurance availability act;

(10) surcharge refunds payable when the notice of cancellation requirements of K.S.A. 40-3402, and amendments thereto, are met;

(11) subject to subsection (b) of K.S.A. 40-3411(b), and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or any nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical
care facilities affiliated with the university of Kansas school of medicine from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider;

(12) notwithstanding the provisions of subsection (m), any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center or any nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine;

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

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

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

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

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

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, if the amount for which the fund is liable is $300,000 or more, it shall be paid, by installment payments of $300,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment
to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full.

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

(f) In no event shall the fund be liable to pay in excess of the amounts specified in the option selected by an active or inactive health care provider pursuant to subsection (l) for judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services by such health care provider on or after July 1, 1989.

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

(1) On and after July 1, 1976, if basic coverage is then in effect;

(2) subsequent to July 1, 1976, at such time as basic coverage becomes effective; or

(3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

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

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

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

(2) Subject to the provisions of paragraph (7) of this subsection (j), upon the payment of moneys from the health care stabilization fund pursuant to subsection (c)(12), the board of governors shall certify to the secretary of administration the amount of such payment which is equal to the basic coverage liability of self-insurers, and the secretary of administration shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) or (4) of this subsection (j), from the state general fund to the health care stabilization fund.

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

(4) The graduate medical education administration reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than $40,000 on July 1 of any year, the nonprofit corporations organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of
Kansas school of medicine shall remit the amount necessary to increase such balance to $40,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the health care stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any nonprofit corporations organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine the secretary of administration shall transfer an amount equal to the amount paid from the graduate medical education administration reserve fund to the health care stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

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

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

(7) The funds required to be transferred from the state general fund to the health care stabilization fund pursuant to paragraphs (1) and (2) of this subsection (j) for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013, shall not be transferred prior to July 1, 2013. The secretary of administration shall maintain a record of the amounts certified by the board of governors pursuant to paragraphs (1) and (2) of this subsection (j) for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013. Beginning July 1, 2013, in addition to any other transfers required pursuant to subsection (j), the state general fund transfers which that are deferred pursuant to this paragraph shall be transferred from the state general fund to the health care stabilization fund in the following manner: On July 1, 2013, and annually thereafter through July 1, 2017, an amount equal to 20% of the total amount of state general fund transfers deferred pursuant to this paragraph for the fiscal years ending June 30, 2010, June 30, 2011, June 30,
2012, and June 30, 2013. The amounts deferred pursuant to this paragraph shall not accrue interest thereon.

(k) Notwithstanding any other provision of the health care provider insurance availability act, no psychiatric hospital licensed under K.S.A. 75-3307b, 2017 Supp. 39-2001 et seq., and amendments thereto, shall be assessed a premium surcharge or be entitled to coverage under the fund if such hospital has not paid any premium surcharge pursuant to K.S.A. 40-3404, and amendments thereto, prior to January 1, 1988.

(l) On or after July 1, 1989, every health care provider shall make an election to be covered by one of the following options provided in this subsection (l) which shall limit the liability of the fund with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after July 1, 1989. Such election shall be made at the time the health care provider renews the basic coverage in effect on July 1, 1989, or, if basic coverage is not in effect, such election shall be made at the time such coverage is acquired pursuant to K.S.A. 40-3402, and amendments thereto. Notice of the election shall be provided by the insurer providing the basic coverage in the manner and form prescribed by the board of governors and shall continue to be effective from year to year unless modified by a subsequent election made prior to the anniversary date of the policy. The health care provider may at any subsequent election reduce the dollar amount of the coverage for the next and subsequent fiscal years, but may not increase the same, unless specifically authorized by the board of governors. Any election of fund coverage limits, whenever made, shall be with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after the effective date of such election of fund coverage limits. Such election shall be made for persons engaged in residency training and persons engaged in other postgraduate training programs approved by the state board of healing arts at medical care facilities or mental health centers in this state by the agency or institution paying the surcharge levied under K.S.A. 40-3404, and amendments thereto, for such persons. The election of fund coverage limits for a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to be effective at the highest option. Such options shall be as follows:

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

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

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

(m) The fund shall not be liable for any amounts due from a judgment or settlement against resident or nonresident inactive health care providers who first qualify as an inactive health care provider on or after July 1, 1989, unless such health care provider has been in compliance with K.S.A. 40-3402, and amendments thereto, for a period of not less than five years. If a health care provider has not been in compliance for five years, such health care provider may make application and payment for the coverage for the period while they are nonresident health care providers, nonresident self-insurers or resident or nonresident inactive health care providers to the fund. Such payment shall be made within 30 days after the health care provider ceases being an active health care provider and shall be made in an amount determined by the board of governors to be sufficient to fund anticipated claims based upon reasonably prudent actuarial principles. The provisions of this subsection shall not be applicable to any health care provider which becomes inactive through death or retirement, or through disability or circumstances beyond such health care provider's control, if such health care provider notifies the board of governors and receives approval for an exemption from the provisions of this subsection. Any period spent in a postgraduate program of residency training approved by the state board of healing arts shall not be included in computation of time spent in compliance with the provisions of K.S.A. 40-3402, and amendments thereto. The provisions of this subsection shall expire on July 1, 2014.

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

(o) Notwithstanding anything in article 34 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, to the contrary, the fund shall in no event be liable for any claims against any health care provider based upon or relating to the health care provider's sexual acts or activity, but in such cases the fund may pay reasonable and necessary expenses for attorney fees incurred in defending the fund against such claim. The fund may recover all or a portion of such expenses for attorney fees if an adverse judgment is returned against the health care provider for damages resulting from the health care provider's sexual acts or activity.
Sec. 18. K.S.A. 2017 Supp. 59-2946 is hereby amended to read as follows: 59-2946. When used in the care and treatment act for mentally ill persons:

(a) “Discharge” means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-2950, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-2973, and amendments thereto.

(b) “Head of a treatment facility” means the administrative director of a treatment facility or such person’s designee.

(c) “Law enforcement officer” shall have the meaning ascribed to it means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) (1) “Mental health center” means any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto, or mental health clinic organized pursuant to the provisions of K.S.A. 65-211 through 65-215 as defined in K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto.

(2) “Participating mental health center” means a mental health center which that has entered into a contract with the secretary for aging and disability services pursuant to the provisions of K.S.A. 39-1601 through 39-1612, and amendments thereto.

(e) “Mentally ill person” means any person who is suffering from a mental disorder which that is manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or an impairment in one or more important areas of functioning, and involving substantial behavioral, psychological or biological dysfunction, to the extent that the person is in need of treatment.

(f) (1) “Mentally ill person subject to involuntary commitment for care and treatment” means a mentally ill person, as defined in subsection (e), who also lacks capacity to make an informed decision concerning treatment, is likely to cause harm to self or others, and whose diagnosis is not solely one of the following mental disorders: Alcohol or chemical substance abuse; antisocial personality disorder; intellectual disability; organic personality syndrome; or an organic mental disorder.

(2) “Lacks capacity to make an informed decision concerning treatment” means that the person, by reason of the person’s mental disorder, is unable, despite conscientious efforts at explanation, to understand basically the nature and effects of hospitalization or treatment or is unable to engage in a rational decision-making process regarding hospitalization or treatment, as evidenced by an inability to weigh the possible risks and benefits.
(3) “Likely to cause harm to self or others” means that the person, by reason of the person’s mental disorder: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another’s property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state’s interest in protecting the property from such harm outweighs the person’s interest in personal liberty; or (B) is substantially unable, except for reason of indigency, to provide for any of the person’s basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person’s ability to function on the person’s own.

No person who is being treated by prayer in the practice of the religion of any church that teaches reliance on spiritual means alone through prayer for healing shall be determined to be a mentally ill person subject to involuntary commitment for care and treatment under this act unless substantial evidence is produced upon which the district court finds that the proposed patient is likely in the reasonably foreseeable future to cause substantial physical injury or physical abuse to self or others or substantial damage to another’s property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state’s interest in protecting the property from such harm outweighs the person’s interest in personal liberty.

(g) “Patient” means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) “Voluntary patient” means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-2949, and amendments thereto.

(2) “Proposed patient” means a person for whom a petition pursuant to K.S.A. 59-2952 or 59-2957, and amendments thereto, has been filed.

(3) “Involuntary patient” means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to subsection (b) or (c) of K.S.A. 59-2954(b) or (c), and amendments thereto.

(h) “Physician” means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(i) “Psychologist” means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(j) “Qualified mental health professional” means a physician or psychologist who is employed by a participating mental health center or who
is providing services as a physician or psychologist under a contract with
a participating mental health center, a licensed master’s level psycholo-
gist, a licensed clinical psychotherapist, a licensed marriage and family
therapist, a licensed clinical marriage and family therapist, a licensed pro-
fessional counselor, a licensed clinical professional counselor, a licensed
specialist social worker or a licensed master social worker or a registered
nurse who has a specialty in psychiatric nursing, who is employed by a
participating mental health center and who is acting under the direction
of a physician or psychologist who is employed by, or under contract with,

(1) “Direction” means monitoring and oversight including regular,
periodic evaluation of services.
(2) “Licensed master social worker” means a person licensed as a
master social worker by the behavioral sciences regulatory board under
K.S.A. 65-6301 through 65-6318, and amendments thereto.
(3) “Licensed specialist social worker” means a person licensed in a
social work practice specialty by the behavioral sciences regulatory board
under K.S.A. 65-6301 through 65-6318, and amendments thereto.
(4) “Licensed master’s level psychologist” means a person licensed as
a licensed master’s level psychologist by the behavioral sciences regulatory
board under K.S.A. 74-5361 through 74-5373, and amendments thereto.
(5) “Registered nurse” means a person licensed as a registered pro-
fessional nurse by the board of nursing under K.S.A. 65-1113 through 65-
1164, and amendments thereto.
(k) “Secretary” means the secretary for aging and disability services.
(l) “State psychiatric hospital” means Larned state hospital, Osawatomie state hospital or Rainbow mental health facility.
(m) “Treatment” means any service intended to promote the mental
health of the patient and rendered by a qualified professional, licensed
or certified by the state to provide such service as an independent prac-
titioner or under the supervision of such practitioner.
(n) “Treatment facility” means any mental health center or clinic,
psychiatric unit of a medical care facility, state psychiatric hospital, psy-
chologist, physician or other institution or person authorized or licensed
by law to provide either inpatient or outpatient treatment to any patient.
(o) The terms defined in K.S.A. 59-3051, and amendments thereto,
shall have the meanings provided by that section.

Sec. 19. K.S.A. 2017 Supp. 59-29b46 is hereby amended to read as
follows: 59-29b46. When used in the care and treatment act for persons
with an alcohol or substance abuse problem:
(a) “Discharge” means the final and complete release from treat-
ment, by either the head of a treatment facility acting pursuant to K.S.A.
59-29b50, and amendments thereto, or by an order of a court issued
pursuant to K.S.A. 59-29b73, and amendments thereto.
(b) “Head of a treatment facility” means the administrative director of a treatment facility or such person’s designee.

(c) “Law enforcement officer” means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) “Licensed addiction counselor” means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2017 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under subsection (n).

(e) “Licensed clinical addiction counselor” means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association’s diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

(f) “Licensed master’s addiction counselor” means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(g) “Other facility for care or treatment” means any mental health clinic, medical care facility, nursing home, the detox units at either Osawatomie state hospital or Larned state hospital, any physician or any other institution or individual authorized or licensed by law to give care or treatment to any person.

(h) “Patient” means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) “Voluntary patient” means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

(2) “Proposed patient” means a person for whom a petition pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

(3) “Involuntary patient” means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to K.S.A. 59-29b54(b) or (c), and amendments thereto.

(i) “Person with an alcohol or substance abuse problem” means a
person who: (1) Lacks self-control as to the use of alcoholic beverages or any substance as defined in subsection (m); or

(2) uses alcoholic beverages or any substance to the extent that the person’s health may be substantially impaired or endangered without treatment.

(j) (1) “Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment” means a person with an alcohol or substance abuse problem who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.

(2) “Incapacitated by alcohol or any substance” means that the person, as the result of the use of alcohol or any substance, has impaired judgment resulting in the person:

(A) Being incapable of realizing and making a rational decision with respect to the need for treatment; or

(B) lacking sufficient understanding or capability to make or communicate responsible decisions concerning either the person’s well-being or estate.

(3) “Likely to cause harm to self or others” means that the person, by reason of the person’s use of alcohol or any substance: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another’s property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state’s interest in protecting the property from such harm outweighs the person’s interest in personal liberty; or

(B) is substantially unable, except for reason of indigency, to provide for any of the person’s basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person’s ability to function on the person’s own.

(k) “Physician” means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(l) “Psychologist” means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(m) “Substance” means: (1) The same as the term “controlled substance” as defined in K.S.A. 2017 Supp. 21-5701, and amendments thereto; or

(2) fluorocarbons, toluene or volatile hydrocarbon solvents.

(n) “Treatment” means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, voca-
tional rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.

(o) (1) “Treatment facility” means a treatment program, public or private treatment facility, or any facility of the United States government available to treat a person for an alcohol or other substance abuse problem, but such term shall not include a licensed medical care facility, a licensed adult care home, a facility licensed under K.S.A. 2015 Supp. 75-3307b, prior to its repeal or under K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008, and amendments thereto, and performing only those functions for which the program is certified to perform under K.S.A. 8-1008, and amendments thereto, or a professional licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders at the independent level or a physician, who may treat in the usual course of the behavioral sciences regulatory board licensee’s or physician’s professional practice individuals incapacitated by alcohol or other substances, but who are not primarily engaged in the usual course of the individual’s professional practice in treating such individuals, or any state institution, even if detoxification services may have been obtained at such institution.

(2) “Private treatment facility” means a private agency providing facilities for the care and treatment or lodging of persons with either an alcohol or other substance abuse problem and meeting the standards prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto, and licensed under either K.S.A. 65-4014 or 65-4607, and amendments thereto.

(3) “Public treatment facility” means a treatment facility owned and operated by any political subdivision of the state of Kansas and licensed under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an appropriate place for the care and treatment or lodging of persons with an alcohol or other substance abuse problem.

(p) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 20. K.S.A. 2017 Supp. 59-3077 is hereby amended to read as follows: 59-3077. (a) At any time after the filing of the petition provided for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, any person may file in addition to that original petition, or as a part thereof, or at any time after the appointment of a temporary guardian as provided for in K.S. 59-3073, and amendments thereto, or a guardian as provided for in K.S.A. 59-3067, and amendments thereto, the temporary guardian or guardian may file a verified petition requesting that the court grant authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility, as defined in subsection
(h), and to consent to the care and treatment of the proposed ward or ward therein. The petition shall include:

(1) The petitioner’s name and address, and if the petitioner is the proposed ward’s or ward’s court appointed temporary guardian or guardian, that fact;

(2) the proposed ward’s or ward’s name, age, date of birth, address of permanent residence; and present address or whereabouts, if different from the proposed ward’s or ward’s permanent residence;

(3) the name and address of the proposed ward’s or ward’s court appointed temporary guardian or guardian, if different from the petitioner;

(4) the factual basis upon which the petitioner alleges the need for the proposed ward or ward to be admitted to and treated at a treatment facility, or for the proposed ward or ward to continue to be treated at the treatment facility to which the proposed ward or ward has already been admitted, or for the guardian to have continuing authority to admit the ward for care and treatment at a treatment facility pursuant to K.S.A. 59-2949(b)(3) or K.S.A. 59-29b49(b)(3), and amendments thereto;

(5) the names and addresses of witnesses by whom the truth of this petition may be proved; and

(6) a request that the court find that the proposed ward or ward is in need of being admitted to and treated at a treatment facility, and that the court grant to the temporary guardian or guardian the authority to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein.

(b) The petition may be accompanied by a report of an examination and evaluation of the proposed ward or ward conducted by an appropriately qualified professional, which shows that the criteria set out in K.S.A. 39-1803, K.S.A. 59-2946(e), K.S.A. 59-29b46(i) or K.S.A. 76-12b03, and amendments thereto, are met.

(c) Upon the filing of such a petition, the court shall issue the following:

(1) An order fixing the date, time and place of a hearing on the petition. Such hearing, in the court’s discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 21 days after the date of the filing of the petition. The court may consolidate this hearing with the trial upon the original petition filed pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, or with the trial provided for in the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, if the petition also incorporates the allegations required by, and is filed in compliance with, the provisions of either of those acts.

(2) An order requiring that the proposed ward or ward appear at the
time and place of the hearing on the petition unless the court makes a finding prior to the hearing that the presence of the proposed ward or ward will be injurious to the person’s health or welfare, or that the proposed ward’s or ward’s impairment is such that the person could not meaningfully participate in the proceedings, or that the proposed ward or ward has filed with the court a written waiver of such ward’s right to appear in person. In any such case, the court shall enter in the record of the proceedings the facts upon which the court has found that the presence of the proposed ward or ward at the hearing should be excused. Notwithstanding the foregoing provisions of this subsection, if the proposed ward or ward files with the court at least one day prior to the date of the hearing a written notice stating the person’s desire to be present at the hearing, the court shall order that the person must be present at the hearing.

(3) An order appointing an attorney to represent the proposed ward or ward. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed ward or ward in other matters, if the court has knowledge of that prior representation. The proposed ward, or the ward with the consent of the ward’s conservator, if one has been appointed, shall have the right to engage an attorney of the proposed ward’s or ward’s choice and, in such case, the attorney appointed by the court shall be relieved of all duties by the court. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order.

(4) An order fixing the date, time and a place that is in the best interest of the proposed ward or ward at which the proposed ward or ward shall have the opportunity to consult with such ward’s attorney. This consultation shall be scheduled to occur prior to the time at which the examination and evaluation ordered pursuant to subsection (d)(1), if ordered, is scheduled to occur.

(5) A notice similar to that provided for in K.S.A. 59-3066, and amendments thereto.

(d) Upon the filing of such a petition, the court may issue the following:

(1) An order for a psychological or other examination and evaluation of the proposed ward or ward, as may be specified by the court. The court may order the proposed ward or ward to submit to such an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health center, or community developmental disability organization, or by a private physician, psychiatrist, psychologist or other person appointed by the court who is qualified to examine and evaluate the proposed ward or ward. The costs of this examination and evaluation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.
(2) If the petition is accompanied by a report of an examination and evaluation of the proposed ward or ward as provided for in subsection (b), an order granting temporary authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein. Any such order shall expire immediately after the hearing upon the petition, or as the court may otherwise specify, or upon the discharge of the proposed ward or ward by the head of the treatment facility, if the proposed ward or ward is discharged prior to the time at which the order would otherwise expire.

(3) For good cause shown, an order of continuance of the hearing.

(4) For good cause shown, an order of advancement of the hearing.

(5) For good cause shown, an order changing the place of the hearing.

(e) The hearing on the petition shall be held at the time and place specified in the court’s order issued pursuant to subsection (c), unless an order of advancement, continuance, or a change of place of the hearing has been issued pursuant to subsection (d). The petitioner and the proposed ward or ward shall each be afforded an opportunity to appear at the hearing, to testify and to present and cross-examine witnesses. If the hearing has been consolidated with a trial being held pursuant to either the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, persons not necessary for the conduct of the proceedings may be excluded as provided for in those acts. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall have the authority to receive all relevant and material evidence which may be offered, including the testimony or written report, findings or recommendations of any professional or other person who has examined or evaluated the proposed ward or ward pursuant to any order issued by the court pursuant to subsection (d). Such evidence shall not be privileged for the purpose of this hearing.

(f) Upon completion of the hearing, if the court finds by clear and convincing evidence that the criteria set out in K.S.A. 39-1803, K.S.A. 59-2946(e), K.S.A. 59-29b46(i) or K.S.A. 76-12b03, and amendments thereto, are met, and after a careful consideration of reasonable alternatives to admission of the proposed ward or ward to a treatment facility, the court may enter an order granting such authority to the temporary guardian or guardian as is appropriate, including continuing authority to the guardian to readmit the ward to an appropriate treatment facility as may later become necessary. Any such grant of continuing authority shall expire two years after the date of final discharge of the ward from such a treatment facility if the ward has not had to be readmitted to a treatment facility during that two-year period of time. Thereafter, any such grant of continuing authority may be renewed only after the filing of another petition seeking authority in compliance with the provision of this section.
(g) Nothing herein shall be construed so as to prohibit the head of a treatment facility from admitting a proposed ward or ward to that facility as a voluntary patient if the head of the treatment facility is satisfied that the proposed ward or ward at that time has the capacity to understand such ward’s illness and need for treatment, and to consent to such ward’s admission and treatment. Upon any such admission, the head of the treatment facility shall give notice to the temporary guardian or guardian as soon as possible of the ward’s admission, and shall provide to the temporary guardian or guardian copies of any consents the proposed ward or ward has given. Thereafter, the temporary guardian or guardian shall timely either seek to obtain proper authority pursuant to this section to admit the proposed ward or ward to a treatment facility and to consent to further care and treatment, or shall otherwise assume responsibility for the care of the proposed ward or ward, consistent with the authority of the temporary guardian or guardian, and may arrange for the discharge from the facility of the proposed ward or ward, unless the head of the treatment facility shall file a petition requesting the involuntary commitment of the proposed ward or ward to that or some other facility.

(h) As used herein, “treatment facility” means the Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, the Rainbow mental health facility, any intermediate care facility for people with intellectual disability, any psychiatric hospital licensed pursuant to K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, and any other facility for mentally ill persons or people with intellectual or developmental disabilities licensed pursuant to K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, if the proposed ward or ward is to be admitted as an inpatient or resident of that facility.

Sec. 21. K.S.A. 2017 Supp. 65-4412 is hereby amended to read as follows: 65-4412. (a) “Community facilities for people with intellectual disability” means: (1) Any community facility for people with intellectual disability organized pursuant to the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto; or (2) any intellectual disability governing board which contracts with a nonprofit corporation to provide services for people with intellectual disability.

(b) “Secretary” means secretary for aging and disability services.

Sec. 22. K.S.A. 2017 Supp. 65-4432 is hereby amended to read as follows: 65-4432. (a) “Mental health center” means any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 to 19-4015, inclusive as defined in K.S.A. 2017 Supp. 39-2002, and amendments thereto, or mental health clinics organized pursuant to the provisions of K.S.A. 65-211 to 65-215, inclusive, and amend-
ments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, 2017 Supp. 39-2001 et seq., and amendments thereto.

(b) “Secretary” means the secretary for aging and disability services.

Sec. 23. K.S.A. 2017 Supp. 65-4915 is hereby amended to read as follows: 65-4915. (a) As used in this section:

(1) “Health care provider” means: (A) Those persons and entities defined as a health care provider under K.S.A. 40-3401, and amendments thereto; and (B) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist licensed by the state board of healing arts, a physical therapist assistant certified by the state board of healing arts, an occupational therapist licensed by the state board of healing arts, an occupational therapy assistant licensed by the state board of healing arts, a respiratory therapist licensed by the state board of healing arts, a physician assistant licensed by the state board of healing arts and attendants and ambulance services certified by the emergency medical services board.

(2) “Health care provider group” means:

(A) A state or local association of health care providers or one or more committees thereof;

(B) the board of governors created under K.S.A. 40-3403, and amendments thereto;

(C) an organization of health care providers formed pursuant to state or federal law and authorized to evaluate medical and health care services;

(D) a review committee operating pursuant to K.S.A. 65-2840c, and amendments thereto;

(E) an organized medical staff of a licensed medical care facility as defined by K.S.A. 65-425, and amendments thereto, an organized medical staff of a private psychiatric hospital licensed under K.S.A. 75-3307b, 2017 Supp. 39-2001 et seq., and amendments thereto, or an organized medical staff of a state psychiatric hospital or state institution for people with intellectual disability, as follows: Larned state hospital, Osawatomie state hospital, Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center;

(F) a health care provider;

(G) a professional society of health care providers or one or more committees thereof;

(H) a Kansas corporation whose stockholders or members are health care providers or an association of health care providers, which corporation evaluates medical and health care services;

(I) an insurance company, health maintenance organization or administrator of a health benefits plan which engages in any of the functions defined as peer review under this section; or
(J) the university of Kansas medical center.
(3) “Peer review” means any of the following functions:
(A) Evaluate and improve the quality of health care services rendered by health care providers;
(B) determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care;
(C) determine that the cost of health care rendered was considered reasonable by the providers of professional health services in this area;
(D) evaluate the qualifications, competence and performance of the providers of health care or to act upon matters relating to the discipline of any individual provider of health care;
(E) reduce morbidity or mortality;
(F) establish and enforce guidelines designed to keep within reasonable bounds the cost of health care;
(G) conduct of research;
(H) determine if a hospital’s facilities are being properly utilized;
(I) supervise, discipline, admit, determine privileges or control members of a hospital’s medical staff;
(J) review the professional qualifications or activities of health care providers;
(K) evaluate the quantity, quality and timeliness of health care services rendered to patients in the facility;
(L) evaluate, review or improve methods, procedures or treatments being utilized by the medical care facility or by health care providers in a facility rendering health care.
(4) “Peer review officer or committee” means:
(A) An individual employed, designated or appointed by, or a committee of or employed, designated or appointed by, a health care provider group and authorized to perform peer review; or
(B) a health care provider monitoring the delivery of health care at correctional institutions under the jurisdiction of the secretary of corrections.
(b) Except as provided by K.S.A. 60-437, and amendments thereto, and by subsections (c) and (d), the reports, statements, memoranda, proceedings, findings and other records submitted to or generated by peer review committees or officers shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. Information contained in such records shall not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process. The peer review officer or committee creating or initially receiving the record is the holder of the privilege established by this section. This privilege may be claimed by the legal entity creating the peer review committee or officer, or by
the commissioner of insurance for any records or proceedings of the board of governors.

(c) Subsection (b) shall not apply to proceedings in which a health care provider contests the revocation, denial, restriction or termination of staff privileges or the license, registration, certification or other authorization to practice of the health care provider. A licensing agency in conducting a disciplinary proceeding in which admission of any peer review committee report, record or testimony is proposed shall hold the hearing in closed session when any such report, record or testimony is disclosed. Unless otherwise provided by law, a licensing agency conducting a disciplinary proceeding may close only that portion of the hearing in which disclosure of a report or record privileged under this section is proposed. In closing a portion of a hearing as provided by this section, the presiding officer may exclude any person from the hearing location except the licensee, the licensee’s attorney, the agency’s attorney, the witness, the court reporter and appropriate staff support for either counsel. The licensing agency shall make the portions of the agency record in which such report or record is disclosed subject to a protective order prohibiting further disclosure of such report or record. Such report or record shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity. No person in attendance at a closed portion of a disciplinary proceeding shall at a subsequent civil, criminal or administrative hearing, be required to testify regarding the existence or content of a report or record privileged under this section which was disclosed in a closed portion of a hearing, nor shall such testimony be admitted into evidence in any subsequent civil, criminal or administrative hearing. A licensing agency conducting a disciplinary proceeding may review peer review committee records, testimony or reports but must prove its findings with independently obtained testimony or records which shall be presented as part of the disciplinary proceeding in open meeting of the licensing agency. Offering such testimony or records in an open public hearing shall not be deemed a waiver of the peer review privilege relating to any peer review committee testimony, records or report.

(d) Nothing in this section shall limit the authority, which may otherwise be provided by law, of the commissioner of insurance, the state board of healing arts or other health care provider licensing or disciplinary boards of this state to require a peer review committee or officer to report to it any disciplinary action or recommendation of such committee or officer; to transfer to it records of such committee’s or officer’s proceedings or actions to restrict or revoke the license, registration, certification or other authorization to practice of a health care provider; or to terminate the liability of the fund for all claims against a specific health care provider for damages for death or personal injury pursuant to subsection (i) of K.S.A. 40-3403(i), and amendments thereto. Reports and records so fur-
nished shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in evidence in any judicial or administrative proceeding other than a disciplinary proceeding by the state board of healing arts or other health care provider licensing or disciplinary boards of this state.

(e) A peer review committee or officer may report to and discuss its activities, information and findings to other peer review committees or officers or to a board of directors or an administrative officer of a health care provider without waiver of the privilege provided by subsection (b) and the records of all such committees or officers relating to such report shall be privileged as provided by subsection (b).

(f) Nothing in this section shall be construed to prevent an insured from obtaining information pertaining to payment of benefits under a contract with an insurance company, a health maintenance organization or an administrator of a health benefits plan.

Sec. 24. K.S.A. 2017 Supp. 65-4921 is hereby amended to read as follows: 65-4921. As used in K.S.A. 65-4921 through 65-4930, and amendments thereto:

(a) “Appropriate licensing agency” means the agency that issued the license to the individual or health care provider who is the subject of a report under this act.

(b) “Department” means the department of health and environment.

(c) “Health care provider” means: (1) Those persons and entities defined as a health care provider under K.S.A. 40-3401, and amendments thereto; and (2) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist licensed by the state board of healing arts, a physical therapist assistant certified by the state board of healing arts, an occupational therapist assistant licensed by the state board of healing arts and a respiratory therapist licensed by the state board of healing arts.

(d) “License,” “licensee” and “licensing” include comparable terms which relate to regulation similar to licensure, such as registration.

(e) “Medical care facility” means: (1) A medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto; (2) a private psychiatric hospital licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto; and (3) state psychiatric hospitals and state institutions for people with intellectual disability, as follows: Larned state hospital, Osawatomie state hospital, Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center.

(f) “Reportable incident” means an act by a health care provider which: (1) Is or may be below the applicable standard of care and
has a reasonable probability of causing injury to a patient; or (2) may be
grounds for disciplinary action by the appropriate licensing agency.

(g) “Risk manager” means the individual designated by a medical care
facility to administer its internal risk management program and to receive
reports of reportable incidents within the facility.

(h) “Secretary” means the secretary of health and environment.

Sec. 25. K.S.A. 2017 Supp. 65-5601 is hereby amended to read as
follows: 65-5601. As used in K.S.A. 65-5601 to through 65-5605, inclusive,
and amendments thereto:

(a) “Patient” means a person who consults or is examined or inter-
viewed by treatment personnel.

(b) “Treatment personnel” means any employee of a treatment fa-
cility who receives a confidential communication from a patient while
engaged in the diagnosis or treatment of a mental, alcoholic, drug de-
pendency or emotional condition, if such communication was not in-
tended to be disclosed to third persons.

(c) “Ancillary personnel” means any employee of a treatment facility
who is not included in the definition of treatment personnel.

(d) “Treatment facility” means a community mental health center,
community service provider, psychiatric hospital and state institution for
people with intellectual disability.

(e) “Head of the treatment facility” means the administrative director
of a treatment facility or the designee of the administrative director.

(f) “Community mental health center” means a mental health clinic
or community mental health center licensed under K.S.A. 75-3307b the

(g) “Psychiatric hospital” means Larned state hospital, Osawatomie
state hospital, Rainbow mental health facility, Topeka state hospital and
hospitals licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and
amendments thereto.

(h) “State institution for people with intellectual disability” means
Winfield state hospital and training center, Parsons state hospital and
training center and the Kansas neurological institute.

(i) “Community service provider” means: (1) A community facility
for people with intellectual disability organized pursuant to the provisions
of K.S.A. 19-4001 through 19-4015, and amendments thereto, and li-
censed in accordance with the provisions of K.S.A. 75-3307b 2017 Supp.
39-2001 et seq., and amendments thereto; (2) community service provider
as provided in the developmental disabilities reform act; or (3) a nonprofit
corporation which provides services for people with intellectual dis-
ability pursuant to a contract with an intellectual disability governing
board.

Sec. 26. K.S.A. 2017 Supp. 65-6805 is hereby amended to read as
follows: 65-6805. Each medical care facility as defined by K.S.A. 65-425,
and amendments thereto; health care provider as defined in K.S.A. 40-3401, and amendments thereto; providers of health care as defined in K.S.A. 65-5001, and amendments thereto; health care personnel as defined in K.S.A. 65-5001, and amendments thereto; home health agency as defined by K.S.A. 65-5101, and amendments thereto; psychiatric hospitals licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto; state institutions for people with intellectual disability; community facilities for people with intellectual disability as defined under K.S.A. 65-4412, and amendments thereto; community mental health center as defined under K.S.A. 65-4432, and amendments thereto; adult care homes as defined by K.S.A. 39-923, and amendments thereto; laboratories described in K.S.A. 65-1,107, and amendments thereto; pharmacies; board of nursing; Kansas dental board; board of examiners in optometry; state board of pharmacy; state board of healing arts and third-party payors, including, but not limited to, licensed insurers, medical and hospital service corporations, health maintenance organizations, fiscal intermediaries for government-funded programs and self-funded employee health plans, shall file health care data with the department of health and environment as prescribed by the secretary of health and environment. The provisions of this section shall not apply to any individual, facility or other entity under this section which uses spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination for the treatment or cure of disease.

Sec. 27. K.S.A. 2017 Supp. 75-5923 is hereby amended to read as follows: 75-5923. (a) The secretary for aging and disability services shall establish a telephone system to assist older Kansans, friends and relatives of older Kansans and other persons in obtaining information about and access to services available to both institutionalized and non-institutionalized older Kansans. The telephone system shall be designed to permit any person in the state to place a toll-free call into the system.

(b) The secretary for aging and disability services shall:
(1) Publicize the existence and purpose of the toll-free telephone system established by this section and the telephone number of such system;
(2) develop policies and procedures to document requests for assistance and monitor follow-up on such requests;
(3) develop policies and procedures to maintain confidentiality of requests for assistance;
(4) develop a program to train and coordinate the use of older Kansans within the toll-free telephone system;
(5) provide as part of the toll-free telephone system a call-forward system to assist in providing access to information and for further referral.
(c) Upon written notification by the secretary for aging and disability services, every adult care home, as defined in subsection (a)(1) of K.S.A. 39-923(a)(1), and amendments thereto, title XX adult residential home licensed under K.S.A. 75-3307h 2017 Supp. 39-2001 et seq., and amendments thereto, recuperation center, as defined in subsection (g) of K.S.A. 65-425(g), and amendments thereto, intermediate care facility, as defined in section 1905(c) of the federal social security act, skilled nursing facility, as defined in section 1861(j) of the federal social security act, and any other institution or facility which is licensed or certified by the state, which offers health, social or dietary care to elderly persons on a regular basis, and which is financed in whole or in part by funds from the federal government, the state of Kansas, or any political subdivision thereof, shall prominently display notice of the existence of the toll-free telephone system established under this section and the telephone number of such system.

Sec. 28. K.S.A. 2017 Supp. 75-6102 is hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and amendments thereto, unless the context clearly requires otherwise:

(a) “State” means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.

(b) “Municipality” means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.

(c) “Governmental entity” means state or municipality.

(d) (1) “Employee” means: (A) Any officer, employee, servant or member of a board, commission, committee, division, department, branch or council of a governmental entity, including elected or appointed officials and persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation and a charitable healthcare provider;

(2) any steward or racing judge appointed pursuant to K.S.A. 74-8818, and amendments thereto, regardless of whether the services of such steward or racing judge are rendered pursuant to contract as an independent contractor;

(C) employees of the United States marshal’s service engaged in the transportation of inmates on behalf of the secretary of corrections;

(D) person who is an employee of a nonprofit independent contractor, other than a municipality, under contract to provide educational or vocational training to inmates in the custody of the secretary of corrections and who is engaged in providing such service in an institution under the control of the secretary of corrections provided that such employee does not otherwise have coverage for such acts and omissions
within the scope of their employment through a liability insurance contract of such independent contractor;

(E) a person who is an employee or volunteer of a nonprofit program, other than a municipality, who has contracted with the commissioner of juvenile justice or with another nonprofit program that has contracted with the secretary of corrections to provide a juvenile justice program for juvenile offenders in a judicial district provided that such employee or volunteer does not otherwise have coverage for such acts and omissions within the scope of their employment or volunteer activities through a liability insurance contract of such nonprofit program;

(F) a person who contracts with the Kansas guardianship program to provide services as a court-appointed guardian or conservator;

(G) an employee of an indigent healthcare clinic;

(H) former employees for acts and omissions within the scope of their employment during their former employment with the governmental entity;

(I) any member of a regional medical emergency response team, created under the provisions of K.S.A. 48-928, and amendments thereto, in connection with authorized training or upon activation for an emergency response;

(J) any member of a regional search and rescue team or regional hazardous materials response team contracting with the state fire marshal pursuant to K.S.A. 31-133, and amendments thereto, or K.S.A. 2017 Supp. 75-1518, and amendments thereto, in connection with authorized training or upon activation for an emergency response; and

(K) medical students enrolled at the university of Kansas medical center who are in clinical training, on or after July 1, 2008, at the university of Kansas medical center or at another healthcare institution.

(2) “Employee” does not include: (A) An individual or entity for actions within the scope of K.S.A. 60-3614, and amendments thereto; or

(B) any independent contractor under contract with a governmental entity except those contractors specifically listed in subsection (d)(1).

(e) “Charitable healthcare provider” means a person licensed by the state board of healing arts as an exempt licensee or a federally active licensee, a person issued a limited permit by the state board of healing arts, a physician assistant licensed by the state board of healing arts, a mental health practitioner licensed by the behavioral sciences regulatory board, an ultrasound technologist currently registered in any area of sonography credentialed through the American registry of radiology technologists, the American registry for diagnostic medical sonography or cardiovascular credentialing international and working under the supervision of a person licensed to practice medicine and surgery, or a healthcare provider as the term “healthcare provider” is defined under K.S.A. 65-4921, and amendments thereto, who has entered into an agreement with:

(1) The secretary of health and environment under K.S.A. 75-6120,
and amendments thereto, who, pursuant to such agreement, gratuitously renders professional services to a person who has provided information which would reasonably lead the healthcare provider to make the good faith assumption that such person meets the definition of medically indigent person as defined by this section or to a person receiving medical assistance from the programs operated by the department of health and environment, and who is considered an employee of the state of Kansas under K.S.A. 75-6120, and amendments thereto;

(2) the secretary of health and environment and who, pursuant to such agreement, gratuitously renders professional services in conducting children’s immunization programs administered by the secretary;

(3) a local health department or indigent healthcare clinic which renders professional services to medically indigent persons or persons receiving medical assistance from the programs operated by the department of health and environment gratuitously or for a fee paid by the local health department or indigent healthcare clinic to such provider and who is considered an employee of the state of Kansas under K.S.A. 75-6120, and amendments thereto. Professional services rendered by a provider under this paragraph shall be considered gratuitous notwithstanding fees based on income eligibility guidelines charged by a local health department or indigent healthcare clinic and notwithstanding any fee paid by the local health department or indigent healthcare clinic to a provider in accordance with this paragraph; or

(4) the secretary of health and environment to provide dentistry services defined by K.S.A. 65-1422 et seq., and amendments thereto, or dental hygienist services defined by K.S.A. 65-1456, and amendments thereto, that are targeted, but are not limited to, medically indigent persons, and are provided on a gratuitous basis: (A) At a location sponsored by a not-for-profit organization that is not the dentist or dental hygienist office location; (B) at the office location of a dentist or dental hygienist provided the care be delivered as part of a program organized by a not-for-profit organization and approved by the secretary of health and environment; or (C) as part of a charitable program organized by the dentist that has been approved by the secretary of health and environment upon a showing that the dentist seeks to treat medically indigent patients on a gratuitous basis, except that such dentistry services and dental hygienist services shall not include “oral and maxillofacial surgery” as defined by K.A.R. 71-2-2, or use sedation or general anesthesia that result in “deep sedation” or “general anesthesia” as defined by K.A.R. 71-5-7.

(f) “Medically indigent person” means a person who lacks resources to pay for medically necessary healthcare services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 75-6120, and amendments thereto.

(g) “Indigent healthcare clinic” means an outpatient medical care
clinic operated on a not-for-profit basis which that has a contractual agreement in effect with the secretary of health and environment to provide healthcare services to medically indigent persons.

(h) “Local health department” shall have the meaning ascribed to such term under means the same as defined in K.S.A. 65-241, and amendments thereto.

(i) “Fire control, fire rescue or emergency medical services equipment” means any vehicle, firefighting tool, protective clothing, breathing apparatus and any other supplies, tools or equipment used in firefighting or fire rescue or in the provision of emergency medical services.

(j) “Community mental health center” means any community mental health center organized pursuant to K.S.A. 19-4001 through 19-4015, and amendments thereto, or a mental health clinic organized pursuant to K.S.A. 65-211 through 65-215, and amendments thereto, and licensed in accordance with K.S.A. 75-3307b the same as defined in K.S.A. 2017 Supp. 39-2002, and amendments thereto.

Sec. 29. K.S.A. 2017 Supp. 79-201b is hereby amended to read as follows: 79-201b. The following described property, to the extent herein specified, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All real property, and tangible personal property, actually and regularly used exclusively for hospital purposes by a hospital as the same is defined by K.S.A. 65-425, and amendments thereto, or a psychiatric hospital as the same was defined by K.S.A. 59-2902, and amendments thereto, as in effect on January 1, 1976, which hospital or psychiatric hospital is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation, or a public hospital authority; and all intangible property including moneys, notes and other evidences of debt, and the income therefrom, belonging exclusively to such a corporation and used exclusively for hospital, psychiatric hospital or public hospital authority purposes. This exemption shall not be deemed inapplicable to property which would otherwise be exempt pursuant to this paragraph because any such hospital, psychiatric hospital or public hospital authority: (a) Uses such property for a nonexempt purpose which that is minimal in scope and insubstantial in nature if such use is incidental to the exempt purpose enumerated in this paragraph; or (b) is reimbursed for the actual expense of using such property for the exempt purposes enumerated in this paragraph or paragraph second of K.S.A. 79-201, and amendments thereto; or (c) permits the use of such property for the exempt purposes enumerated in this paragraph or paragraph second of K.S.A. 79-201, and amendments thereto, by more than one agency or organization for one or more of such purposes.
Second. All real property, and tangible personal property, actually and regularly used exclusively for adult care home purposes by an adult care home as the same is defined by K.S.A. 39-923, and amendments thereto, which is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation, charges to residents for services of which produce an amount which in the aggregate is less than the actual cost of operation of the home or the services of which are provided to residents at the lowest feasible cost, taking into consideration such items as reasonable depreciation, interest on indebtedness, acquisition costs, interest and other expenses of financing acquisition costs, lease expenses and costs of services provided by a parent corporation at its costs and contributions to which are deductible under the Kansas income tax act; and all intangible property including moneys, notes and other evidences of debt, and the income therefrom, belonging exclusively to such corporation and used exclusively for adult care home purposes.

For purposes of this paragraph and for all taxable years commencing after December 31, 1976, an adult care home which uses its property in a manner which is consistent with the federal internal revenue service ruling 72-124 issued pursuant to section 501(c)(3) of the federal internal revenue code, shall be deemed to be operating at the lowest feasible cost. The fact that real property or real or tangible personal property may be leased from a not-for-profit corporation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the internal revenue code of 1986, and amendments thereto, and which is the parent corporation to the not-for-profit operator of an adult care home, shall not be grounds to deny exemption or deny that such property is actually and regularly used exclusively for adult care home purposes by an adult care home, nor shall the terms of any such lease be grounds for any such denial. For all taxable years commencing after December 31, 1995, such property shall be deemed to be used exclusively for adult care home purposes when used as a not-for-profit day care center for children which is licensed pursuant to K.S.A. 65-501 et seq., and amendments thereto.

Third. All real property, and tangible personal property, actually and regularly used exclusively for private children’s home purposes by a private children’s home as the same is defined by K.S.A. 75-3329, and amendments thereto, which is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation, charges to residents for services of which produce an amount which in the aggregate is less than the actual cost of operation of the home or the services of which are provided to residents at the lowest feasible cost, taking into consideration such items as reasonable depreciation and in-
terest on indebtedness, and contributions to which are deductible under the Kansas income tax act; and all intangible property including moneys, notes and other evidences of debt, and the income therefrom, belonging exclusively to such a corporation and used exclusively for children's home purposes.

Fourth. All real property and tangible personal property, actually and regularly used exclusively for: (a) Housing for elderly and handicapped persons having a limited or lower income, or used exclusively for cooperative housing for persons having a limited or low income, assistance for the financing of which was received under 12 U.S.C.A. § 1701 et seq., or under 42 U.S.C.A. § 1437 et seq., which is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation; and (b) for all taxable years commencing after December 31, 2006, temporary housing of 24 months or less for limited or low income, single-parent families in need of financial assistance who are enrolled in a program to receive life training skills, which is operated by a charitable or religious organization; and all intangible property including moneys, notes and other evidences of debt, and the income therefrom, belonging exclusively to such a corporation and used exclusively for the purposes of such housing. For the purposes of this subsection, cooperative housing means those not-for-profit cooperative housing projects operating or established pursuant to sections 236 or 221(d)(3), or both, of the national housing act and which have been approved as a cooperative housing project pursuant to applicable federal housing administration and U.S. department of housing and urban development statutes, and rules and regulations, during such time as the use of such properties are: (1) Restricted pursuant to such act, or rules and regulations thereof; or (2) subject to affordability financing standards established pursuant to the national housing act during such time that such not-for-profit corporation has adopted articles of incorporation or by-laws, or both, requiring such corporation to continue to operate in compliance with the United States department of housing and urban development affordability income guidelines established pursuant to sections 236 or 221(d)(3) of the national housing act or rules and regulations thereof.

Fifth. All real property and tangible personal property, actually and regularly used exclusively for housing for elderly persons, which is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation, in which charges to residents produce an amount which in the aggregate is less than the actual cost of operation of the housing facility or the services of which are provided to residents at the lowest feasible cost, taking into consideration such
items as reasonable depreciation and interest on indebtedness and contributions to which are deductible under the Kansas income tax act; and all intangible property including moneys, notes and other evidences of debt, and the income therefrom, belonging exclusively to such corporation and used exclusively for the purpose of such housing. For purposes of this paragraph and for all taxable years commencing after December 31, 1976, an adult care home which uses its property in a manner which is consistent with the federal internal revenue service ruling 72-124 issued pursuant to section 501(c)(3) of the federal internal revenue code, shall be deemed to be operating at the lowest feasible cost. For all taxable years commencing after December 31, 1995, such property shall be deemed to be used exclusively for housing for elderly persons purposes when used as a not-for-profit day care center for children which that is licensed pursuant to K.S.A. 65-501 et seq., and amendments thereto.

Sixth. All real property and tangible personal property actually and regularly used exclusively for the purpose of group housing of mentally ill or retarded and other handicapped persons which or individuals with intellectual or other disabilities that is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation, in which charges to residents produce an amount which that in the aggregate is less than the actual cost of operation of the housing facility or the services of which are provided to residents at the lowest feasible cost, taking into consideration such items as reasonable depreciation and interest on indebtedness and contributions to which are deductible under the Kansas income tax act, and which that is licensed as a facility for the housing of mentally ill or retarded and other handicapped persons or individuals with intellectual or other disabilities under the provisions of K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, or as a rooming or boarding house used as a facility for the housing of mentally retarded and other handicapped persons which individuals with intellectual or other disabilities that is licensed as a lodging establishment under the provisions of K.S.A. 36-501 et seq., and amendments thereto.

The provisions of this section, except as otherwise specifically provided, shall apply to all taxable years commencing after December 31, 1998.

Sec. 30. K.S.A. 2017 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined
by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which that is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, which that would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political
subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, “funds of a political subdivision” shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of
the month in which it shall be determined that such materials will not be
used for the purpose for which such certificate was issued, the political
subdivision, district described in subsection (s), hospital or public hospital
authority, school, educational institution or the contractor contracting
with the department of corrections for a correctional institution con-
cerned shall be liable for tax on all materials purchased for the project,
and upon payment thereof it may recover the same from the contractor
together with reasonable attorney fees. Any contractor or any agent, em-
ployee or subcontractor thereof, who shall use or otherwise dispose of
any materials purchased under such a certificate for any purpose other
than that for which such a certificate is issued without the payment of
the sales or compensating tax otherwise imposed upon such materials,
shall be guilty of a misdemeanor and, upon conviction therefor, shall be
subject to the penalties provided for in K.S.A. 79-3615(h), and amend-
ments thereto;

(e) all sales of tangible personal property or services purchased by a
contractor for the erection, repair or enlargement of buildings or other
projects for the government of the United States, its agencies or instru-
mentalities, which that would be exempt from taxation if purchased di-
rectly by the government of the United States, its agencies or instrument-
alities. When the government of the United States, its agencies or
instrumentalities shall contract for the erection, repair, or enlargement
of any building or other project, it shall obtain from the state and furnish
to the contractor an exemption certificate for the project involved, and
the contractor may purchase materials for incorporation in such project.
The contractor shall furnish the number of such certificates to all sup-
pliers from whom such purchases are made, and such suppliers shall
execute invoices covering the same bearing the number of such certifi-
cate. Upon completion of the project the contractor shall furnish to the
government of the United States, its agencies or instrumentalities con-
cerned a sworn statement, on a form to be provided by the director of
taxation, that all purchases so made were entitled to exemption under
this subsection. As an alternative to the foregoing procedure, any such
contracting entity may apply to the secretary of revenue for agent status
for the sole purpose of issuing and furnishing project exemption certifi-
cates to contractors pursuant to rules and regulations adopted by the
secretary establishing conditions and standards for the granting and main-
taining of such status. All invoices shall be held by the contractor for a
period of five years and shall be subject to audit by the director of taxation.
Any contractor or any agent, employee or subcontractor thereof, who shall
use or otherwise dispose of any materials purchased under such a certif-
icate for any purpose other than that for which such a certificate is issued
without the payment of the sales or compensating tax otherwise imposed
upon such materials, shall be guilty of a misdemeanor and, upon convic-


tion therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

  (f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

  (g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

  (h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

  (i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

  (j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees’ duties are related to the furnishing or sale of such meals or drinks;

  (k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

  (l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and amendments thereto;

  (m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

  (n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of
services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, “drug” means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the state board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto, and repair and replacement parts thereof, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) “Mobility enhancing equipment” means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by
a motor vehicle manufacturer; and (2) "prosthetic device" means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2017 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq.; or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. “Farm machinery and equipment” includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. “Precision farming equipment” includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in
preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, Second through Sixth. As used in this paragraph, “severing” shall have the meaning ascribed thereto by means the same as defined in K.S.A. 79-4216(k), and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) “Mobile homes” and “manufactured homes” shall have the meanings ascribed thereto by mean the same as defined in K.S.A. 58-4202, and amendments thereto; and (2) “sales of used mobile homes or manufactured homes” means sales other than the original retail sale thereof;
(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which that meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business which that meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. As used in this subsection, “business” and “retail business” have the meanings respectively ascribed thereto by mean the same as defined in K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;
(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, “mobile homes” and “manufactured homes” shall have the meanings ascribed thereto by mean the same as defined in K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, “durable medical equipment” means equipment including repair and replacement parts for such equipment, which that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, which that would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This
exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) “Integrated production operation” means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) “Production line” means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) “Manufacturing or processing plant or facility” means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) “Manufacturing or processing business” means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production,
and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) “repair and replacement parts and accessories” means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) “primary” or “primarily” mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) To transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) To act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) To guide, control or direct the movement of property undergoing manufacturing or processing;

(E) To test or measure raw materials, the property undergoing man-
ufacturing or processing or the finished product, as a necessary part of the manufacturer’s integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer’s production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer’s production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or
processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; (E) a manufacturing or processing business’ laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); (F) all machinery and equipment used in surface mining activities as described in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) “Machinery and equipment used as an integral or essential part of an integrated production operation” shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at
other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low-income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization which is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property which will admit the purchaser thereof to any annual event sponsored by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal in-
ternal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer’s disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer’s disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson’s disease association for the purpose of eliminating Parkinson’s disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the
purposes of assuring the development of the means to cure and control
cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of provid-
ing financial, educational and practical aid to families and individuals with
spina bifida. Such aid includes, but is not limited to, funding for medical
devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neigh-
borhoods through the construction of new homes, acquiring and reno-
vating existing homes and other related activities, and promoting eco-
nomic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing
social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult
day services to individuals with developmental disabilities and assisting
families in avoiding institutional or nursing home care for a developmen-
tally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence
and inclusion of people with disabilities as fully participating and contrib-
uting members of their communities and society through the training and
providing of guide and service dogs to people with disabilities, and pro-
viding disability education and awareness to the general public;

(16) the Lyme association of greater Kansas City, Inc., for the purpose
of providing support to persons with Lyme disease and public education
relating to the prevention, treatment and cure of Lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams
of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing stu-
dents and families with education and resources necessary to enable each
child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of
creating and fostering a spirit of understanding among all people for hu-
manitarian needs by providing voluntary services through community in-
volvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of pro-
moting a positive future for members of the community through volun-
teerism, financial support and education through the efforts of an all
volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating
cancer as a major health problem by preventing cancer, saving lives and
diminishing suffering from cancer, through research, education, advocacy
and service;

(22) the community services of Shawnee, inc., for the purpose of pro-
viding food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assis-
tance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;

(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo which that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo which that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable at-
torney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station which is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the
director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director’s designee;

(bbb) all sales of food for human consumption by an organization which that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program which that offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and which that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center which that would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this
subsection shall not apply to any sales of such tangible personal property and services purchased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto.

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance of such
exemption, the total amount of sales tax which would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business’ retail operations, if any, and which do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas academy of science, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations which distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, which would
be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of
accounts and reports pursuant to vouchers approved by the director or the director’s designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, “dietary supplement” means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;

(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter which that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emer-
ergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and

all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compen-
sating tax otherwise imposed upon such materials, shall be guilty of a
misdemeanor and, upon conviction therefor, shall be subject to the pen-
alties provided for in K.S.A. 79-3615(h), and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by
any county law library maintained pursuant to law and sales of tangible
personal property and services purchased by an organization which that
would have been exempt from taxation under the provisions of this sub-
section if purchased directly by the county law library for the purpose of
providing legal resources to attorneys, judges, students and the general
public, and all sales of any such property by or on behalf of any such
county law library;

(sss) all sales of tangible personal property and services purchased by
catholic charities or youthville, hereinafter referred to as charitable family
providers, which is exempt from federal income taxation pursuant to sec-
tion 501(c)(3) of the federal internal revenue code of 1986, and which
such property and services are used for the purpose of providing emer-
gency shelter and treatment for abused and neglected children as well as
meeting additional critical needs for children, juveniles and family, and
all sales of any such property by or on behalf of charitable family providers
for any such purpose; and all sales of tangible personal property or serv-
ices purchased by a contractor for the purpose of constructing, maintain-
ing, repairing, enlarging, furnishing or remodeling facilities for the op-
eration of services for charitable family providers for any such purpose
which would be exempt from taxation under the provisions of this section
if purchased directly by charitable family providers. Nothing in this sub-
section shall be deemed to exempt the purchase of any construction ma-
chinery, equipment or tools used in the constructing, maintaining, re-
pairing, enlarging, furnishing or remodeling such facilities for charitable
family providers. When charitable family providers contracts for the pur-
pose of constructing, maintaining, repairing, enlarging, furnishing or re-
modeling such facilities, it shall obtain from the state and furnish to the
contractor an exemption certificate for the project involved, and the con-
tractor may purchase materials for incorporation in such project. The
contractor shall furnish the number of such certificate to all suppliers
from whom such purchases are made, and such suppliers shall execute
invoices covering the same bearing the number of such certificate. Upon
completion of the project the contractor shall furnish to charitable family
providers a sworn statement, on a form to be provided by the director of
taxation, that all purchases so made were entitled to exemption under
this subsection. All invoices shall be held by the contractor for a period
of five years and shall be subject to audit by the director of taxation. If
any materials purchased under such a certificate are found not to have
been incorporated in the building or other project or not to have been
returned for credit or the sales or compensating tax otherwise imposed
upon such materials which that will not be so incorporated in the building
or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(66) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city which has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and which would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such
materials which that will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children’s service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose which that would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to
have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by jazz in the woods, inc., a Kansas corporation which that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing jazz in the woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac education foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such or-
organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director’s designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section
501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation, which is exempt from federal income taxa-
tion pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization’s annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization’s annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of goodwill industries or Easter seals of Kansas, inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of all American beef battalion, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging,
furnishing or remodeling homes and facilities for sheltered living, inc., for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such
business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than $50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children’s home for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children’s home. When Wichita children’s home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children’s home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or
other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children’s home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need;

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to become role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community; and

(llll) all sales of tangible personal property and services purchased by Gove county healthcare endowment foundation, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of constructing and equipping an airport in Quinter, Kansas, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing and equipping an airport in Quinter, Kansas, for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing or equipping an airport in Quinter, Kansas, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such pro-
ject. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation no later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. The provisions of this subsection shall expire and have no effect on and after July 1, 2019.

Sec. 31. K.S.A. 2017 Supp. 21-5909 is hereby amended to read as follows: 21-5909. (a) Intimidation of a witness or victim is preventing or dissuading, or attempting to prevent or dissuade, with an intent to vex, annoy, harm or injure in any way another person or an intent to thwart or interfere in any manner with the orderly administration of justice:

(1) Any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding or inquiry authorized by law; or

(2) Any witness, victim or person acting on behalf of a victim from:

(A) Making any report of the victimization of a victim to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer, the secretary of the department of social and rehabilitation for children and families, the secretary for aging and disability services, or any agent or representative of the either secretary, or any person required to make a report pursuant to K.S.A. 2017 Supp. 38-2223, and amendments thereto;

(B) Causing a complaint, indictment or information to be sought and prosecuted, or causing a violation of probation, parole or assignment to
a community correctional services program to be reported and prosecuted, and assisting in its prosecution;

(C) causing a civil action to be filed and prosecuted and assisting in its prosecution; or

(D) arresting or causing or seeking the arrest of any person in connection with the victimization of a victim.

(b) Aggravated intimidation of a witness or victim is intimidation of a witness or victim, as defined in subsection (a), when the:

(1) Act is accompanied by an expressed or implied threat of force or violence against a witness, victim or other person or the property of any witness, victim or other person;

(2) act is in furtherance of a conspiracy;

(3) act is committed by a person who has been previously convicted of corruptly influencing a witness or has been convicted of a violation of this section or any federal or other state’s statute which that, if the act prosecuted was committed in this state, would be a violation of this section;

(4) witness or victim is under 18 years of age; or

(5) act is committed for pecuniary gain or for any other consideration by a person acting upon the request of another person.

(c) (1) Intimidation of a witness or victim is a class B person misdemeanor.

(2) Aggravated intimidation of a witness or victim is a severity level 6, person felony.

Sec. 32. K.S.A. 2017 Supp. 22-3302 is hereby amended to read as follows: 22-3302. (1) At any time after the defendant has been charged with a crime and before pronouncement of sentence, the defendant, the defendant’s counsel or the prosecuting attorney may request a determination of the defendant’s competency to stand trial. If, upon the request of either party or upon the judge’s own knowledge and observation, the judge before whom the case is pending finds that there is reason to believe that the defendant is incompetent to stand trial the proceedings shall be suspended and a hearing conducted to determine the competency of the defendant.

(2) If the defendant is charged with a felony, the hearing to determine the competency of the defendant shall be conducted by a district judge.

(3) The court shall determine the issue of competency and may impanel a jury of six persons to assist in making the determination. The court may order a psychiatric or psychological examination of the defendant. To facilitate the examination, the court may: (a) If the defendant is charged with a felony, commit the defendant to the state security hospital or any county or private institution for examination and report to the court, or, if the defendant is charged with a misdemeanor, commit the defendant to any appropriate state, county or private institution for
examination and report to the court, except that the court shall not commit the defendant to the state security hospital or any other state institution unless, prior to such commitment, the director of a local county or private institution recommends to the court and to the secretary of social and rehabilitation services that examination of the defendant should be performed at a state institution; (b) designate any appropriate psychiatric or psychological clinic, mental health center or other psychiatric or psychological facility to conduct the examination while the defendant is in jail or on pretrial release; or (c) appoint two qualified licensed physicians or licensed psychologists, or one of each, to examine the defendant and report to the court. If the court commits the defendant to an institution for the examination, the commitment shall be for not more than 60 days or until the examination is completed, whichever is the shorter period of time. No statement made by the defendant in the course of any examination provided for by this section, whether or not the defendant consents to the examination, shall be admitted in evidence against the defendant in any criminal proceeding. Upon notification of the court that a defendant committed for psychiatric or psychological examination under this subsection has been found competent to stand trial, the court shall order that the defendant be returned not later than seven days after receipt of the notice for proceedings under this section. If the defendant is not returned within that time, the county in which the proceedings will be held shall pay the costs of maintaining the defendant at the institution or facility for the period of time the defendant remains at the institution or facility in excess of the seven-day period.

(4) If the defendant is found to be competent, the proceedings which have been suspended shall be resumed. If the proceedings were suspended before or during the preliminary examination, the judge who conducted the competency hearing may conduct a preliminary examination or, if a district magistrate judge was conducting the proceedings prior to the competency hearing, the judge who conducted the competency hearing may order the preliminary examination to be heard by a district magistrate judge.

(5) If the defendant is found to be incompetent to stand trial, the court shall proceed in accordance with K.S.A. 22-3303, and amendments thereto.

(6) If proceedings are suspended and a hearing to determine the defendant’s competency is ordered after the defendant is in jeopardy, the court may either order a recess or declare a mistrial.

(7) The defendant shall be present personally at all proceedings under this section.

Sec. 33. K.S.A. 2017 Supp. 36-502 is hereby amended to read as follows: 36-502. (a) It shall be unlawful for any person to engage in the business of conducting a lodging establishment unless such person shall
have in effect a valid license therefor issued by the secretary. Applications for such licenses shall be made on forms prescribed by the secretary, and each such application shall be accompanied by the appropriate license fee required by subsection (c). Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the lodging establishment designated in the application, to determine that it complies with the standards for lodging establishments promulgated pursuant to this act. If such lodging establishment is found to be in compliance, and the completed application and accompanying fees have been submitted, the secretary shall issue the license. If such lodging establishment is found not to be in compliance, the secretary shall deny such application after providing notice and opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(b) Each license shall designate whether the licensed lodging unit is a hotel, rooming house or boarding house. Any person obtaining a license to engage in the business of conducting a rooming house or boarding house shall not have the right to use the name “hotel” in connection with such business. Every license issued hereunder shall be displayed conspicuously in the lodging establishment for which it is issued, and no such license shall be transferable to any other person or location. Whenever any such license is lost, destroyed or mutilated, a duplicate license shall be issued to any otherwise qualified licensee upon application therefor and the payment of a fee in the amount of $5.

(c) The fee for a license to conduct a lodging establishment in this state for all or any part of any calendar year shall be $30, except that the fee for any lodging establishment containing 10 sleeping rooms shall be $40 and for every additional 10 rooms therein, an additional fee of $10 shall be charged. All lodging establishments which that are newly constructed, newly converted to use as a lodging establishment or have a change of ownership shall pay an application fee which that may be adjusted in accordance with the type of establishment or based on other criteria as determined by the secretary, but in no event shall any application fee exceed $200 in addition to the license fee.

(d) Any lodging establishment that also has a food establishment license shall have a fee set by rule and regulation of the secretary. Such fee shall not exceed the fees for lodging establishments as provided in subsection (c).

(e) A guest house shall not be required to have a lodging license, but such guest house shall be required to be inspected if the secretary receives a complaint concerning such guest house and shall be subject to the temporary closure provisions of subsection (b) of K.S.A. 36-515a(b), and amendments thereto.

(f) A lodging establishment operated in connection with any premises licensed, registered or permitted by the secretary of health and environment, the secretary of social and rehabilitation services for children and
families, the secretary of corrections or the secretary of aging, which and disability services that is inspected and regulated pursuant to the respective law or rule and regulation of such secretary, shall not require a license as provided in this section, and the secretary of agriculture shall not be authorized to inspect or cause such premises to be inspected. This subsection shall not apply to a lodging establishment whose primary function is not in connection with any premises licensed, registered or permitted pursuant to the respective law or rule and regulation of such secretary.

Sec. 34. K.S.A. 2017 Supp. 38-2006 is hereby amended to read as follows: 38-2006. The secretary of social and rehabilitation services for children and families shall advise and consult with the secretary of health and environment on issues relating to children’s health status.

Sec. 35. K.S.A. 2017 Supp. 38-2212 is hereby amended to read as follows: 38-2212. (a) Principle of appropriate access. Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) Free exchange of information. Pursuant to K.S.A. 2017 Supp. 38-2210, and amendments thereto, the secretary and juvenile intake and assessment agencies shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) Necessary access. The following persons or entities shall have access to information from agency records. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged to be in need of care. Information authorized to be disclosed pursuant to this subsection shall not contain information which identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) A child named in the report or records, a guardian ad litem appointed for the child and the child’s attorney.

(2) A parent or other person responsible for the welfare of a child, or such person’s legal representative.

(3) A court-appointed special advocate for a child, a citizen review board or other advocate which reports to the court.

(4) A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise: (A) A child whom such service provider reasonably suspects may be in need of care; (B) a member of the child’s family; or (C) a person who allegedly abused or neglected the child.
(5) A person or entity licensed or registered by the secretary of health and environment or approved by the secretary of social and rehabilitation services for children and families to care for, treat or supervise a child in need of care.

(6) A coroner or medical examiner when such person is determining the cause of death of a child.

(7) The state child death review board established under K.S.A. 22a-243, and amendments thereto.

(8) An attorney for a private party who files a petition pursuant to subsection (b) of K.S.A. 2017 Supp. 38-2233(b), and amendments thereto.

(9) A foster parent, prospective foster parent, permanent custodian, prospective permanent custodian, adoptive parent or prospective adoptive parent. In order to assist such persons in making an informed decision regarding acceptance of a particular child, to help the family anticipate problems which that may occur during the child’s placement, and to help the family meet the needs of the child in a constructive manner, the secretary shall seek and shall provide the following information to such person’s as the information becomes available to the secretary:

(A) Strengths, needs and general behavior of the child;
(B) circumstances which that necessitated placement;
(C) information about the child’s family and the child’s relationship to the family which that may affect the placement;
(D) important life experiences and relationships which that may affect the child’s feelings, behavior, attitudes or adjustment;
(E) medical history of the child, including third-party coverage which that may be available to the child; and
(F) education history, to include present grade placement, special strengths and weaknesses.

(10) The state protection and advocacy agency as provided by subsection (a)(10) of K.S.A. 65-5603(a)(10) or subsection (a)(2)(A) and (B) of K.S.A. 74-5515(a)(2)(A) and (B), and amendments thereto.

(11) Any educational institution to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees.

(12) Any educator to the extent necessary to enable the educator to protect the personal safety of the educator and the educator’s pupils.

(13) Any other federal, state or local government executive branch entity or any agent of such entity, having a need for such information in order to carry out such entity’s responsibilities under the law to protect children from abuse and neglect.

(d) Specified access. The following persons or entities shall have access to information contained in agency records as specified. Information authorized to be disclosed pursuant to this subsection shall not contain information which that identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.
(1) Information from confidential agency records of the Kansas department of social and rehabilitation services for children and families, a law enforcement agency or any juvenile intake and assessment worker of a child alleged or adjudicated to be in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on corrections and juvenile justice, house committee on appropriations, senate committee on ways and means, legislative post audit committee and any joint committee with authority to consider children’s and families’ issues, when carrying out such member’s or committee’s official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by ⅔ of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. The secretary of social and rehabilitation services for children and families shall not summarize the outcome of department actions regarding a child alleged to be a child in need of care in information available to members of such committees.

(2) The secretary of social and rehabilitation services for children and families may summarize the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.

(3) Information from confidential reports or records of a child alleged or adjudicated to be a child in need of care may be disclosed to the public when:

(A) The individuals involved or their representatives have given express written consent; or

(B) the investigation of the abuse or neglect of the child or the filing of a petition alleging a child to be in need of care has become public knowledge, provided, however, that the agency shall limit disclosure to confirmation of procedural details relating to the handling of the case by professionals.

e) Court order. Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential agency records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the reports or that the records are necessary for the proceedings of the court and otherwise admissible as evidence. The court shall specify the terms of disclosure and impose appropriate limitations.

(f) (1) Notwithstanding any other provision of law to the contrary, except as provided in paragraph (4), in the event that child abuse or neglect results in a child fatality or near fatality, reports or records of a child alleged or adjudicated to be in need of care received by the secretary, a law enforcement agency or any juvenile intake and assessment
worker shall become a public record and subject to disclosure pursuant to K.S.A. 45-215, and amendments thereto.

(2) Within seven days of receipt of a request in accordance with the procedures adopted under K.S.A. 45-220, and amendments thereto, the secretary shall notify any affected individual that an open records request has been made concerning such records. The secretary or any affected individual may file a motion requesting the court to prevent disclosure of such record or report, or any select portion thereof. If the affected individual does not file such motion within seven days of notification, and the secretary has not filed a motion, the secretary shall release the reports or records. If such motion is filed, the court shall consider the effect such disclosure may have upon an ongoing criminal investigation, a pending prosecution, or the privacy of the child, if living, or the child’s siblings, parents or guardians. The court shall make written findings on the record justifying the closing of the records and shall provide a copy of the journal entry to the affected parties and the individual requesting disclosure pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(3) For reports or records requested pursuant to this subsection, the time limitations specified in this subsection shall control to the extent of any inconsistency between this subsection and K.S.A. 45-218, and amendments thereto. As used in this section, “near fatality” means an act that, as certified by a person licensed to practice medicine and surgery, places the child in serious or critical condition.

(4) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child’s biological parents which that were created prior to such child’s adoption. Nothing herein is intended to require that an otherwise privileged communication lose its privileged character.

Sec. 36. K.S.A. 2017 Supp. 39-1702 is hereby amended to read as follows: 39-1702. As used in this act:

(a) “Children and adolescents who require multiple levels and kinds of specialized services which are beyond the capability of one agency” means children and adolescents who are residents of Kansas, and with respect to whom there is documentation that: (1) Various agencies have acknowledged the need for a certain type of service and have taken action to provide that level of care; (2) various agencies have collaborated to develop a program plan to meet the needs of the child or adolescent; and (3) various agencies have collaborated to develop programs and funding to meet the need of the child or adolescent, and that existing or alternative programs and funding have been exhausted or are insufficient or inappropriate in view of the distinctive nature of the situation of the child or adolescent.

(b) “Agency” means and includes county health departments, area
offices of the Kansas department of social and rehabilitation services for children and families or the Kansas department for aging and disability services, district offices of the department of health and environment, local offices of the department of labor, boards of education of public school districts, community mental health centers, community facilities for people with intellectual or developmental disabilities, or both, district courts, county commissions; and law enforcement agencies.

(c) “Authorized decision makers” means agency representatives who have the authority to commit the resources of the agency they represent in the provision of services to any child or adolescent whose needs are brought before a regional interagency council.

(d) “District court” means the chief judge for a judicial district.

(e) “Parent” means a natural parent, an adoptive parent, a stepparent, a foster care provider of a child or adolescent for whom services are needed from more than one agency; or a person acting as parent of a child or adolescent for whom services are needed from more than one agency.

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

Sec. 37. K.S.A. 2017 Supp. 40-4702 is hereby amended to read as follows: 40-4702. (a) The governor of the state of Kansas shall appoint a committee which shall be known as the Kansas business health policy committee, whose purpose is to explore opportunities and encourage employer participation in health plans developed by the committee for low and modest wage employees of small employers.

(b) The Kansas business health policy committee, hereinafter referred to as the health committee, shall consist of:

1. The secretary of the department of commerce or the secretary’s designee;
2. the secretary of the department of social and rehabilitation services for children and families or the secretary’s designee;
3. the secretary for aging and disability services or the secretary’s designee;
4. the commissioner of insurance or the commissioner’s designee;
5. one member appointed by the president of the senate;
6. one member appointed by the speaker of the house of representatives;
7. one member appointed by the minority leader of the senate;
8. one member appointed by the governor;
(7)/(8) one member appointed by the minority leader of the house of representatives; and
(8)/(9) three members at large from the private sector appointed by the governor.

The secretary of each state agency represented on this committee shall provide such staff and other resources as the health committee may require.

(c) (1) The initial meeting of the health committee shall be convened within 60 days after the effective date of this act by the governor at a time and place designated by the governor.

(2) Meetings of the health committee subsequent to its initial meeting shall be held and conducted in accordance with policies and procedures established by the health committee.

(3) Commencing at the time of the initial meeting of the health committee, the powers, authorities, duties and responsibilities conferred and imposed upon the health committee by this act shall be operative and effective.

(d) The health committee shall develop and approve a request for proposals for a qualified entity to serve as the Kansas business health partnership, hereinafter referred to as health partnership, which shall provide a mechanism to combine federal and state subsidies with contributions from small employers and eligible employees to purchase health insurance in accordance with guidelines developed by the health committee.

(e) The health committee shall evaluate responses to the request for proposals and select the qualified entity to serve as the health partnership.

(f) The health committee shall:

(1) Develop, approve and revise subsidy eligibility criteria provided that:

(A) Low wage and modest wage employees of small employers shall be eligible for subsidies if:

(i) The small employer has not previously offered health insurance coverage within the two years next preceding the date upon which health insurance is offered; or

(ii) the small employer has previously offered health insurance coverage and a majority of such small employer’s employees are low wage or modest wage employees as defined in K.S.A. 40-4701, and amendments thereto;

(B) any small employer’s eligible employee with a child who is eligible for coverage under the state children’s health insurance program established by K.S.A. 38-2001 et seq., and amendments thereto, or in the state medical assistance program shall be eligible automatically for a subsidy and shall be included in the determination of eligibility for the small employer and its low and modest wage employees; and

(C) at least 70% of the small employer’s eligible employees without
group health insurance coverage from another source are insured through the partnership; and

(2) determine and arrange for eligibility determination for subsidies of low wage or modest wage employees; and

(3) develop subsidy schedules based upon eligible employee wage levels and family income; and

(4) be responsible for arranging for the provision of affordable health care coverage for eligible employees of small employers and evaluating and creating the opportunity to improve health care provided by plans in the small group health insurance program.

(g) The health committee shall oversee and monitor the ongoing operation of any subsidy program and the financial accountability of all subsidy funds. If, in the judgment of the health committee, the entity selected to serve as the health partnership fails to perform as intended, the health committee may terminate its selection and designation of that entity as the health partnership and may issue a new request for proposal and select a different qualified entity to serve as the health partnership.

(h) The health committee is hereby authorized to accept funds from the federal government, or its agencies, or any other source whatsoever for research studies, investigation, planning and other purposes related to implementation of the objectives of this act. Any funds so received shall be deposited in the state treasury and shall be credited to a special revenue fund which that is hereby created and shall be known as the health committee insurance fund and used in accordance with or direction of the contributing federal agencies. Expenditures from such fund may be made for any purpose in keeping with the responsibilities, functions and authority of the department. Warrants on such fund shall be drawn in the same manner as required of other state agencies upon vouchers approved by the secretary of health and environment, or the secretary’s designee, upon receiving prior approval of the health committee.

(i) The health committee is authorized to develop policies for the administration of the subsidy program and for the use of additional federal or private funds to subsidize health insurance coverage for low and modest wage employees of predominantly low-wage small employers. The health committee shall be responsible for setting benefit levels and establishing performance measures for health plans providing health care coverage for this program that include quality, preventative health and other supplementary measures. The health committee shall limit access to the program subsidy to the projected annualized expenditure.

(j) The health committee is hereby authorized to organize, or cause to be organized, one or more advisory committees. No member of any advisory committee established under this subsection shall have previously received or currently receive any payment or other compensation from the health partnership. The membership of each advisory committee
established under this subsection shall contain at least one representative who is a small employer and one representative who is an eligible employee as defined in K.S.A. 40-4701, and amendments thereto, and one representative of the insurance industry.

(k) The health committee shall report on an annual basis on the following subjects:

(1) Quality assurance measures;
(2) disease prevention activities;
(3) disease management activities; and
(4) other activities or programs the committee decides to include.

Sec. 38. K.S.A. 2017 Supp. 65-689 is hereby amended to read as follows: 65-689. (a) It shall be unlawful for any person to engage in the business of conducting a food establishment or food processing plant unless such person shall have in effect a valid license therefor issued by the secretary.

(b) Applications for such licenses shall be made on forms prescribed by the secretary, and each such application shall be accompanied by an application fee and by a license fee. Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the food establishment or food processing plant designated in the application, to determine that it complies with rules and regulations adopted pursuant to the food, drug and cosmetic act, and amendments thereto. If the food establishment or food processing plant is found to be in compliance, and the completed application and accompanying fees have been submitted, the secretary shall issue the license. If the food establishment or food processing plant is found not to be in compliance, the secretary shall deny the application for a license after providing notice and opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(c) Every license issued hereunder shall be displayed conspicuously in the food establishment or food processing plant for which it is issued, and no such license shall be transferable to any other person or location. Whenever any such license is lost, destroyed or mutilated, a duplicate license shall be issued to any otherwise qualified licensee upon application therefor and the payment of a fee in the amount of $5.

(d) A license shall not be required by:

(1) A plant or facility registered or licensed by the department of agriculture pursuant to article 7 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or licensed or registered by the department of agriculture pursuant to article 6a of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall not be required to obtain a separate license pursuant to this section if the inspections conducted under the respective acts encompass all operations of the facility.
(2) A registered nonprofit organization that provides food without charge solely to people who are food insecure, including, but not limited to, soup kitchens and food pantries.

(3) A location where prepackaged individual meals are distributed to persons eligible under the federal older Americans act.

(4) A person who produces food for distribution directly to the end consumer, if such food does not require time and temperature control for safety or specialized processing, as determined by the secretary.

(5) A person who serves food exclusively on interstate conveyances or common carriers.

(6) A person operating a food establishment for less than seven days in any calendar year.

(7) A person who prepares, serves or sells food for the sole purpose of soliciting funds to be used for community or humanitarian purposes or educational or youth activities.

(8) A person operating a food vending machine, if the food vending machine company:
   (A) Is licensed as a food establishment, or if located in another state, licensed according to the laws of such state;
   (B) maintains, and makes available to the secretary, a current record of the location of each food vending machine it operates or services; and
   (C) conspicuously displays the company name, phone number and any additional information the secretary may require on each such vending machine.

(9) A person providing only complimentary coffee to its patrons whose primary business is unrelated to operating a food establishment or food processing plant.

(10) A person operating a farm winery, as defined in K.S.A. 41-102, and amendments thereto, who does not produce or offer any food products other than wine produced at such farm winery.

(11) A retailer, as defined in K.S.A. 41-102, and amendments thereto, that sells only alcoholic liquors and cereal malt beverages.

(12) A food establishment that sells or offers for sale only packaged foods that are non-hazardous and are received directly from a licensed food production facility in packaged form, if such food establishment contains less than 200 cubic feet as measured pursuant to subsection (e) of K.S.A. 65-688(e), and amendments thereto.

(13) A person who provides food samples, without charge, to promote, advertise or compliment the sale of food or associated food preparation equipment.

(14) A guest house, as defined in K.S.A. 36-501, and amendments thereto.

(e) The exemption provided to those entities provided in subsection (d) shall not be exempt from inspection or regulation when a violation is observed or reported to the secretary.
(f) A food establishment operated in connection with any premises licensed, registered or permitted by the secretary of health and environment, the secretary of social and rehabilitation services for children and families, the secretary of corrections or the secretary of aging, which and disability services that is inspected and regulated pursuant to the respective law or rule and regulation of such secretary, shall not require a license, and the secretary of agriculture shall not be authorized to inspect or cause such premises to be inspected. This subsection shall not apply to a food establishment whose primary function is not in connection with any premises licensed, registered or permitted pursuant to the respective law or rule and regulation of such secretary.

Sec. 39. K.S.A. 2017 Supp. 65-6610 is hereby amended to read as follows: 65-6610. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

1. Has attained the age of 21;
2. (A) has completed at least a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board; or
   (B) has completed at least a baccalaureate degree from a college or university approved by the board. As part of, or in addition to, the baccalaureate degree coursework, such applicant shall also complete a minimum number of semester hours of coursework on substance use disorders as approved by the board; or
   (C) is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; and
3. has passed an examination approved by the board;
4. has satisfied the board that the applicant is a person who merits the public trust; and
5. has paid the application fee established by the board under K.S.A. 2017 Supp. 65-6618, and amendments thereto.

(b) Applications for licensure as a master’s addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

1. (A) Has attained the age of 21;
   (B) (i) has completed at least a master’s degree from an addiction counseling program that is part of a college or university approved by the board;
   (ii) has completed at least a master’s degree from a college or university approved by the board. As part of or in addition to the master’s degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or
is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed master's level psychologist; and

(C) has passed an examination approved by the board;

(D) has satisfied the board that the applicant is a person who merits the public trust; and

(E) has paid the application fee fixed under K.S.A. 2017 Supp. 65-6618, and amendments thereto; or

(2) (A) has met the following requirements on or before July 1, 2016:

(i) Holds an active license by the board as an addiction counselor; and

(ii) has completed at least a master’s degree in a related field from a college or university approved by the board; and

(B) has completed six hours of continuing education in the diagnosis and treatment of substance use disorders during the three years immediately preceding the application date.

c) Applications for licensure as a clinical addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) Has attained the age of 21; and

(2) (A) (i) has completed at least a master’s degree from an addiction counseling program that is part of a college or university approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or
(B) (i) has completed at least a master’s degree from a college or university approved by the board. As part of or in addition to the master’s degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(C) (i) has completed a master’s degree from a college or university approved by the board and is licensed by the board as a licensed master’s addiction counselor; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association; or has completed not less than one year of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 2,000 hours of supervised professional experience including at least 750 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 75 hours of clinical supervision, including not less than 25 hours of
person-to-person individual supervision, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American Psychiatric Association, and such person has a doctoral degree in addiction counseling or a related field as approved by the board; or

(D) is currently licensed in Kansas as a licensed psychologist, licensed specialist clinical social worker, licensed clinical professional counselor, licensed clinical psychotherapist, or licensed clinical marriage and family therapist and provides to the board an attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat substance use disorders; and

(3) has passed an examination approved by the board; and

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) has paid the application fee fixed under K.S.A. 2017 Supp. 65-6618, and amendments thereto.

(d) Prior to July 1, 2017, a person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the Kansas Department for Aging and Disability Services as an alcohol and drug credentialed counselor or credentialed by the Kansas Association of Addiction Professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, who was registered in Kansas as an alcohol and other drug counselor, an alcohol and drug credentialed counselor or a credentialed alcohol and other drug abuse counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed addiction counselor by providing demonstration acceptable to the board of competence to perform the duties of an addiction counselor.

(e) Prior to July 1, 2017, any person who was registered by the behavioral sciences regulatory board as an alcohol and other drug counselor or credentialed by the department of social and rehabilitation services as an alcohol and drug credentialed counselor or credentialed by the Kansas Association of Addiction Professionals as an alcohol and other drug abuse counselor in Kansas at any time prior to the effective date of this act, and who is also licensed to practice independently as a mental health practitioner or person licensed to practice medicine and surgery, and who was registered or credentialed in Kansas as an alcohol and other drug counselor within three years prior to the effective date of this act and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment
of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

(f) Prior to July 1, 2017, any person who was credentialed by the department of social and rehabilitation services as an alcohol and drug counselor and has been actively engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four years and holds a master's degree in a related field from a college or university approved by the board and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

Sec. 40. K.S.A. 2017 Supp. 75-7d01 is hereby amended to read as follows: 75-7d01. (a) There is hereby created in the office of the attorney general a batterer intervention program certification unit.

(b) Except as otherwise provided by law, the books, documents, papers, records or other sources of information obtained and the investigations conducted by the unit shall be confidential as required by state or federal law.

(c) The purpose of the batterer intervention program certification unit is to certify and inspect batterer intervention programs in Kansas. To accomplish this purpose, upon request of the unit, the unit shall have access to all records of reports, investigation documents and written reports of findings related to confirmed cases of domestic violence or exploitation of persons or cases in which there is reasonable suspicion to believe domestic violence has occurred. Such reports are received or generated by the Kansas department of social and rehabilitation services for children and families, the Kansas department on aging and disability services, the department of health and environment or the Kansas bureau of investigation.

(d) The attorney general shall develop a set of tools, methodologies, requirements and forms for the domestic violence offender assessment required by subsection (p) of K.S.A. 2017 Supp. 21-6604(p), and amendments thereto. The batterer intervention program tools, methodologies, requirements and forms shall be developed in consultation with the agency certified by the centers for disease control and prevention and the
department of health and human services as the domestic violence coalition for the state and with local domestic violence victims’ services organizations.

(e) The attorney general may appoint a panel to assist the attorney general by making recommendations regarding the:

(1) Content and development of a batterer intervention certification program; and

(2) rules and regulations.

(f) The attorney general may appoint such advisory committees as the attorney general deems necessary to carry out the purposes of the batterer intervention program certification act. Except as provided in K.S.A. 75-3212, and amendments thereto, no member of any such advisory committee shall receive any compensation, subsistence, mileage or other allowance for serving on an advisory committee or attending any meeting thereof.

Sec. 41. K.S.A. 75-5309 is hereby amended to read as follows: 75-5309. Except as otherwise provided in this order, or in K.S.A. 75-5310, and amendments thereto, the secretary of social and rehabilitation services for children and families shall appoint, subject to the Kansas civil service act, all subordinate officers and employees of the Kansas department of social and rehabilitation services for children and families, and all such subordinate officers and employees shall be within the classified service.

Sec. 42. K.S.A. 2017 Supp. 75-5321a is hereby amended to read as follows: 75-5321a. The secretary of social and rehabilitation services for children and families shall take necessary actions to transfer the administration of certain long-term care programs and services to the secretary of for aging and disability services. The programs shall include the nursing facility services payment program, the home and community based services for the frail elderly waiver program, the case management for the frail elderly program and the income eligible (home care) program. Excluding nursing facility programs, the programs to be transferred shall not include long-term care programs for individuals under the age of 65 with mental illness, intellectual disability, other mental disabilities or physical disabilities. All such transfers shall be made only in accordance with federal grant requirements related to such programs.

Sec. 43. K.S.A. 75-5904 is hereby amended to read as follows: 75-5904. (a) On and after July 1, 1977, all the powers, duties, functions, records, property and personnel of the existing services to the aging section of the department of social and rehabilitation services are hereby transferred to and conferred and imposed upon the secretary of aging created by this act for aging and disability services, except as otherwise provided.

(b) The secretary of aging created by this act for aging and disability services shall be a continuation of the services to the aging section of the
department of social and rehabilitation services and shall be the successor in every way to the powers, duties and functions of the section, except as herein otherwise provided. On and after July 1, 1977, every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of aging for aging and disability services shall be deemed to have the same force and effect as if performed by the services for aging section of the department of social and rehabilitation services in which such functions were vested prior to July 1, 1977.

(c) On and after July 1, 1977, wherever the services to the aging section of the department of social and rehabilitation services, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of aging for aging and disability services.

(d) All orders and directives of the services to the aging section of the department of social and rehabilitation services in existence immediately prior to July 1, 1977, shall continue in force and effect and shall be deemed to be duly issued orders and directives of the secretary of aging for aging and disability services, until reissued, amended or nullified pursuant to law.

Sec. 44. K.S.A. 76-157 is hereby amended to read as follows: 76-157. Whenever a blind person has been an actual resident of the state for one year next preceding, and a student in actual attendance at a community junior college in the state or at a college, university, technical or professional school located in this state, and authorized by law to grant degrees, other than an institution established for the regular instruction of the blind, and such student shall be designated by the secretary of social and rehabilitation services for children and families as a fit person to receive and as one who ought to receive the aid hereinafter provided for, said the secretary shall employ persons to read to such student from textbooks and pamphlets used by such student in his or her studies at such college, university, or school.

Sec. 45. K.S.A. 76-158 is hereby amended to read as follows: 76-158. The secretary of social and rehabilitation services for children and families is hereby authorized and empowered to select such persons as are entitled to the benefits of this act in the several colleges, universities or schools. The secretary of social and rehabilitation services for children and families shall not furnish a reader to any blind person who is not regularly matriculated, who is not in good and regular standing, who is not working for a degree from the institution in which he or she is a candidate, and after making such selection the secretary of social and rehabilitation services for children and families is authorized to name and designate some suitable and capable person to read to such blind student from
textbooks and pamphlets used by him or her such person in studies in such college, university, or school and to fix the pay to be received by such reader for such services.

Sec. 46. K.S.A. 76-1238 is hereby amended to read as follows: 76-1238. This act is cumulative, and is intended to give authority to the Kansas department of social and rehabilitation for aging and disability services to enter into new contract with the city of Osawatomie, for such water supply, upon the termination of like contract about to expire.

Sec. 47. K.S.A. 76-14a04 is hereby amended to read as follows: 76-14a04. (a) The secretary of social and rehabilitation for aging and disability services is hereby authorized and empowered to execute any lease upon such terms and conditions deemed advisable by the secretary, for the exploration or production of any oil, gas or other minerals retained by the state of Kansas in and under the property in Ellsworth county described as the southwest quarter of section 29, township 15, range eight, except the portion thereof used for cemetery purposes, as provided in K.S.A. 76-14a03.

(b) The amount of money received from such lease including any money received for the production of any oil, gas or other minerals shall be credited to the state general fund.

(c) The property described in subsection (a) is deemed to be under the control of the secretary for purposes of executing such leases for the exploration or production of any oil, gas or other minerals.

Sec. 48. K.S.A. 76-1519a is hereby amended to read as follows: 76-1519a. The secretary of social and rehabilitation for aging and disability services is hereby authorized and empowered to lease, upon such terms and conditions as it shall deem advisable, any part of the property at the Norton state hospital, which is not now needed for the care and treatment of tuberculosis patients, for the purpose of providing a home for the aged or for the establishment of a school or home for retarded children and adults with intellectual or developmental disability or for the establishment of a public or private nonprofit alcoholic treatment center. Such lease shall not be made for a period of more than two (2) years, but may be renewed for like periods from time to time. All moneys received from any such lease shall be paid into the state treasury, and the state treasurer shall credit the same to the general fee fund of the state sanatorium of tuberculosis.

65-4921, 65-5601, 65-6610, 65-6805, 75-7d01, 75-5321a, 75-5923, 75-6102, 75-7033, 79-201b and 79-3606 are hereby repealed.

Sec. 50. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 8, 2018.

CHAPTER 72
Substitute for SENATE BILL No. 272

AN ACT regulating traffic; concerning passing on streets and highways; waste collectors; overtaking and passing of school buses; operation of golf carts, required equipment for night use; length of vehicles, certain vehicle combinations; gross weight limits, emergency vehicles; amending K.S.A. 2017 Supp. 8-15,108, 8-1904 and 8-2118 and repealing the existing sections.

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

New Section 1.  (a) The driver of a motor vehicle, upon approaching a stationary waste collection vehicle obviously and actually engaged in waste collection and displaying vehicular hazard warning signal lamps as required by K.S.A. 8-1722, and amendments thereto, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver’s motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary waste collection vehicle; or

(2) if the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.

(b) For purposes of this section, a waste collection vehicle is a vehicle specifically designed and equipped and used exclusively for garbage, refuse, recycling or solid waste collection or disposal operations.

(c) From and after the effective date of this act and prior to July 1, 2019, a law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (a).

(d) This section shall not operate to relieve the driver of a waste collection vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(e) This section shall be part of and supplemental to the uniform act regulating traffic on highways.
Sec. 2. K.S.A. 2017 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made in any manner accepted by the court. The traffic citation shall not have been complied with if the payment is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<table>
<thead>
<tr>
<th>Description of Offense</th>
<th>Statute</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refusal to submit to a preliminary breath test</td>
<td>8-1012</td>
<td>$105</td>
</tr>
<tr>
<td>Unsafe speed for prevailing conditions</td>
<td>8-1557</td>
<td>$75</td>
</tr>
<tr>
<td>Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone</td>
<td>8-1558 to 8-1560 or 8-1560a to 8-1560b</td>
<td>1-10 mph over the limit, $105 plus $6 per mph over 10 mph over the limit; $45 plus $6 per mph over 11-20 mph over the limit; $105 plus $9 per mph over 21-30 mph over the limit; $195 plus $15 per mph over 31 and more mph over the limit;</td>
</tr>
<tr>
<td>Disobeying traffic control device</td>
<td>8-1507</td>
<td>$75</td>
</tr>
<tr>
<td>Violating traffic control signal</td>
<td>8-1508</td>
<td>$75</td>
</tr>
<tr>
<td>Violating pedestrian control signal</td>
<td>8-1509</td>
<td>$45</td>
</tr>
<tr>
<td>Violating flashing traffic signals</td>
<td>8-1510</td>
<td>$75</td>
</tr>
<tr>
<td>Violating lane-control signal</td>
<td>8-1511</td>
<td>$75</td>
</tr>
<tr>
<td>Unauthorized sign, signal, marking or device</td>
<td>8-1512</td>
<td>$45</td>
</tr>
<tr>
<td>Driving on left side of roadway</td>
<td>8-1514</td>
<td>$75</td>
</tr>
<tr>
<td>Violation</td>
<td>Code</td>
<td>Fine</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>---------</td>
<td>--------</td>
</tr>
<tr>
<td>Failure to keep right to pass oncoming vehicle</td>
<td>8-1515</td>
<td>$75</td>
</tr>
<tr>
<td>Improper passing; increasing speed when passed</td>
<td>8-1516</td>
<td>$75</td>
</tr>
<tr>
<td>Improper passing on right</td>
<td>8-1517</td>
<td>$75</td>
</tr>
<tr>
<td>Passing on left with insufficient clearance</td>
<td>8-1518</td>
<td>$75</td>
</tr>
<tr>
<td>Driving on left side where curve, grade, intersection railroad crossing, or obstructed view</td>
<td>8-1519</td>
<td>$75</td>
</tr>
<tr>
<td>Driving on left in no-passing zone</td>
<td>8-1520</td>
<td>$75</td>
</tr>
<tr>
<td>Unlawful passing of stopped emergency vehicle</td>
<td>8-1520a</td>
<td>$75</td>
</tr>
<tr>
<td>Driving wrong direction on one-way road</td>
<td>8-1521</td>
<td>$75</td>
</tr>
<tr>
<td>Improper driving on laned roadway</td>
<td>8-1522</td>
<td>$75</td>
</tr>
<tr>
<td>Following too close</td>
<td>8-1523</td>
<td>$75</td>
</tr>
<tr>
<td>Improper crossover on divided highway</td>
<td>8-1524</td>
<td>$45</td>
</tr>
<tr>
<td>Failure to yield right-of-way at uncontrolled intersection</td>
<td>8-1526</td>
<td>$75</td>
</tr>
<tr>
<td>Failure to yield to approaching vehicle when turning left</td>
<td>8-1527</td>
<td>$75</td>
</tr>
<tr>
<td>Failure to yield at stop or yield sign</td>
<td>8-1528</td>
<td>$75</td>
</tr>
<tr>
<td>Failure to yield from private road or driveway</td>
<td>8-1529</td>
<td>$75</td>
</tr>
<tr>
<td>Failure to yield to emergency vehicle</td>
<td>8-1530</td>
<td>$195</td>
</tr>
<tr>
<td>Failure to yield to pedestrian or vehicle working on roadway</td>
<td>8-1531</td>
<td>$105</td>
</tr>
<tr>
<td>Failure to comply with restrictions in road construction zone</td>
<td>8-1531a</td>
<td>$45</td>
</tr>
<tr>
<td>Disobeying pedestrian traffic control device</td>
<td>8-1532</td>
<td>$45</td>
</tr>
<tr>
<td>Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk</td>
<td>8-1533</td>
<td>$75</td>
</tr>
<tr>
<td>Improper pedestrian crossing</td>
<td>8-1534</td>
<td>$45</td>
</tr>
<tr>
<td>Failure to exercise due care in regard to pedestrian</td>
<td>8-1535</td>
<td>$45</td>
</tr>
<tr>
<td>Improper pedestrian movement in crosswalk</td>
<td>8-1536</td>
<td>$45</td>
</tr>
<tr>
<td>Improper use of roadway by pedestrian</td>
<td>8-1537</td>
<td>$45</td>
</tr>
<tr>
<td>Soliciting ride or business on roadway</td>
<td>8-1538</td>
<td>$45</td>
</tr>
<tr>
<td>Driving through safety zone</td>
<td>8-1539</td>
<td>$45</td>
</tr>
<tr>
<td>Failure to yield to pedestrian on sidewalk</td>
<td>8-1540</td>
<td>$45</td>
</tr>
<tr>
<td>Failure of pedestrian to yield to emergency vehicle</td>
<td>8-1541</td>
<td>$45</td>
</tr>
<tr>
<td>Failure to yield to blind pedestrian</td>
<td>8-1542</td>
<td>$45</td>
</tr>
<tr>
<td>Pedestrian disobeying bridge or railroad signal</td>
<td>8-1544</td>
<td>$45</td>
</tr>
<tr>
<td>Improper turn or approach</td>
<td>8-1545</td>
<td>$75</td>
</tr>
<tr>
<td>Improper “U” turn</td>
<td>8-1546</td>
<td>$75</td>
</tr>
<tr>
<td>Unsafe starting of stopped vehicle</td>
<td>8-1547</td>
<td>$45</td>
</tr>
<tr>
<td>Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully</td>
<td>8-1548</td>
<td>$75</td>
</tr>
</tbody>
</table>
### Improper method of giving notice of intention to turn
- 8-1549: $45

### Improper hand signal
- 8-1550: $45

### Failure to stop or obey road crossing signal
- 8-1551: $195

### Failure to stop at railroad crossing stop sign
- 8-1552: $135

### Certain hazardous vehicles failure to stop at railroad crossing
- 8-1553: $195

### Improper moving of heavy equipment at railroad crossing
- 8-1554: $75

### Vehicle emerging from alley, private roadway, building or driveway
- 8-1555: $75

### Improper passing of school bus; improper use of school bus signals
- 8-1556: $315

### Improper passing of church or day-care bus; improper use of signals
- 8-1556a: $195

### Impeding normal traffic by slow speed
- 8-1561: $45

### Speeding on motor-driven cycle
- 8-1562: $75

### Speeding in certain vehicles or on posted bridge
- 8-1563: $45

### Improper stopping, standing or parking on roadway
- 8-1569: $45

### Parking, standing or stopping in prohibited area
- 8-1571: $45

### Improper parking
- 8-1572: $45

### Unattended vehicle
- 8-1573: $45

### Improper backing
- 8-1574: $45

### Driving on sidewalk
- 8-1575: $45

### Driving with view or driving mechanism obstructed
- 8-1576: $45

### Unsafe opening of vehicle door
- 8-1577: $45

### Riding in house trailer
- 8-1578: $45

### Unlawful riding on vehicle
- 8-1578a: $75

### Improper driving in defiles, canyons, or on grades
- 8-1579: $45

### Coasting
- 8-1580: $45

### Following fire apparatus too closely
- 8-1581: $75

### Driving over fire hose
- 8-1582: $45

### Putting glass, etc., on highway
- 8-1583: $105

### Driving into intersection, crosswalk, or crossing without sufficient space on other side
- 8-1584: $45

### Improper operation of snowmobile on highway
- 8-1585: $45

### Parental responsibility of child riding bicycle
- 8-1586: $45

### Not riding on bicycle seat; too many persons on bicycle
- 8-1588: $45

### Clinging to other vehicle
- 8-1589: $45

### Improper riding of bicycle on roadway
- 8-1590: $45

### Carrying articles on bicycle; one hand on handlebars
- 8-1591: $45

### Improper bicycle lamps, brakes or reflectors
- 8-1592: $45
### Improper operation of motorcycle; seats; passengers, bundles
- **8-1594** $45

### Improper operation of motorcycle on lanned roadway
- **8-1595** $75

### Motorcycle clinging to other vehicle
- **8-1596** $45

### Improper motorcycle handle-bars or passenger equipment
- **8-1597** $75

### Motorcycle helmet and eye-protection requirements
- **8-1598** $45

### Improper operation of all-terrain vehicle
- **8-15,100** $75

### Unlawful operation of low-speed vehicle
- **8-15,101** $75

### Littering
- **8-15,102** $115

### Disobeying school crossing guard
- **8-15,103** $75

### Unlawful operation of micro utility truck
- **8-15,106** $75

### Failure to remove vehicles in accidents
- **8-15,107** $75

### Unlawful operation of golf cart
- **8-15,108** $75

### Unlawful operation of worksite utility vehicle
- **8-15,109** $75

### Unlawful display of license plate
- **8-15,110** $60

### Unlawful text messaging
- **8-15,111** $60

### Unlawful passing of a waste collection vehicle section 1
- **8-15,111** $45

### Equipment offenses that are not misdemeanors
- **8-1701** $75

### Driving without lights when needed
- **8-1703** $45

### Defective headlamps
- **8-1705** $45

### Defective tail lamps
- **8-1706** $45

### Defective reflector
- **8-1707** $45

### Improper stop lamp or turn signal
- **8-1708** $45

### Improper lighting equipment on certain vehicles
- **8-1710** $45

### Improper lamp color on certain vehicles
- **8-1711** $45

### Improper mounting of reflectors and lamps on certain vehicles
- **8-1712** $45

### Improper visibility of reflectors and lamps on certain vehicles
- **8-1713** $45

### No lamp or flag on projecting load
- **8-1715** $75

### Improper lamps on parked vehicle
- **8-1716** $45

### Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles
- **8-1717** $45

### Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles
- **8-1718** $45

### Unlawful use of spot, fog, or auxiliary lamp
- **8-1719** $45

### Improper lamps or lights on emergency vehicle
- **8-1720** $45

### Improper stop or turn signal
- **8-1721** $45

### Improper vehicular hazard warning lamp equipment
- **8-1722** $45

### Unauthorized additional lighting equipment
- **8-1723** $45

### Improper multiple-beam lights
- **8-1724** $45

### Failure to dim headlights
- **8-1725** $75

### Improper single-beam headlights
- **8-1726** $45

### Improper speed with alternate lighting
- **8-1727** $45
Improper number of driving lamps 8-1728 $45
Unauthorized lights and signals 8-1729 $45
Improper school bus lighting equipment and warning devices 8-1730 $45
Unauthorized lights and devices on church or daycare bus 8-1730a $45
Improper lights on highway construction or maintenance vehicles 8-1731 $45
Defective brakes 8-1734 $45
Defective or improper use of horn or warning device 8-1738 $45
Defective muffler 8-1739 $45
Defective mirror 8-1740 $45
Defective wipers; obstructed windshield or windows 8-1741 $45
Improper tires 8-1742 $45
Improper flares or warning devices 8-1744 $45
Improper use of vehicular hazard warning lamps and devices 8-1745 $45
Improper air-conditioning equipment 8-1747 $45
Improper safety belt or shoulder harness 8-1749 $45
Improper wide-based single tires 8-1742b $75
Improper compression release engine braking system 8-1761 $75
Defective motorcycle headlamp 8-1801 $45
Defective motorcycle taillamp 8-1802 $45
Defective motorcycle reflector 8-1803 $45
Defective motorcycle stop lamps and turn signals 8-1804 $45
Defective multiple-beam lighting 8-1805 $45
Improper road-lighting equipment on motor-driven cycles 8-1806 $45
Defective motorcycle or motor-driven cycle brakes 8-1807 $45
Improper performance ability of brakes 8-1808 $45
Operating motorcycle with disapproved braking system 8-1809 $45
Defective horn, muffler, mirrors or tires 8-1810 $45
Unlawful statehouse parking 75-4510a $30
Exceeding gross weight of vehicle or combination 8-1909 $30
Exceeding gross weight on any axle or tandem, triple or quad axles 8-1908 $30

Pounds Overweight
up to 1000 ............$40
1001 to 2000 ...........3¢ per pound
2001 to 5000 ...........5¢ per pound
5001 to 7500 ...........7¢ per pound
7501 and over ...........10¢ per pound

Pounds Overweight
up to 1000 ............$40
1001 to 2000 ...........3¢ per pound
2001 to 5000 ...........5¢ per pound
(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school.
zone authorized under subsection (a)(4) of K.S.A. 8-1560(a)(4), and amendments thereto.

(h) For a second violation of K.S.A. 8-1556, and amendments thereto, within five years after a prior conviction of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined $750 for the second violation. For a third and each succeeding violation of K.S.A. 8-1556, and amendments thereto, within five years after two prior convictions of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined $1,000 for the third and each succeeding violation.

New Sec. 3. (a) Notwithstanding any other laws to the contrary, an emergency vehicle may operate at a gross weight not exceeding 86,000 pounds, subject to a maximum weight of:

(1) 24,000 pounds on a single steering axle;
(2) 33,500 pounds on a single drive axle;
(3) 62,000 pounds on a tandem axle;
(4) 52,000 pounds on a tandem rear drive steer axle.

(b) As used in this section, “emergency vehicle” means a vehicle designed to be used under emergency conditions to:

(1) Transport personnel and equipment; and
(2) support the suppression of fires and mitigation of other hazardous situations.

Sec. 4. K.S.A. 2017 Supp. 8-15,108 is hereby amended to read as follows: 8-15,108. (a) It shall be unlawful for any person to operate a golf cart: (1) On any interstate highway, federal highway or state highway; (2) on any public highway or street within the corporate limits of any city unless authorized by such city; or (3) on any street or highway with a posted speed limit greater than 30 miles per hour.

(b) The provisions of subsection (a) shall not prohibit a golf cart from crossing a federal or state highway or a street or highway with a posted speed limit in excess of 30 miles per hour.

(c) A golf cart shall be operated on any public street or highway only during the hours between sunrise and sunset, unless equipped with: (1) Lights as required by law for motorcycles; and (2) a properly mounted slow-moving vehicle emblem as required by K.S.A. 8-1717, and amendments thereto.

(d) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

Sec. 5. K.S.A. 2017 Supp. 8-1904 is hereby amended to read as follows: 8-1904. (a) No vehicle including any load thereon shall exceed a height of 14 feet, except that a vehicle transporting cylindrically shaped bales of hay as authorized by K.S.A. 8-1902(e), and amendments thereto, may be loaded with such bales secured to a height not exceeding 14½ feet. Should a vehicle so loaded with bales strike any overpass or other obstacle, the operator of the vehicle shall be liable for all damages re-
sulting therefrom. The secretary of transportation may adopt rules and regulations for the movement of such loads of cylindrically shaped bales of hay.

(b) No motor vehicle including the load thereon shall exceed a length of 45 feet extreme overall dimension, excluding the front and rear bumpers, except as provided in subsection (d).

(c) Except as otherwise provided in K.S.A. 8-1914 and 8-1915, and amendments thereto, and subsections (d), (e), (f), (g), (h) and (i), no combination of vehicles coupled together shall exceed a total length of 65 feet.

(d) The length limitations in subsection (b) shall not apply to a truck tractor. No semitrailer which is being operated in combination with a truck tractor shall exceed 59\(\frac{1}{2}\) feet in length. No semitrailer or trailer which is being operated in a combination consisting of a truck tractor, semitrailer and trailer shall exceed 28\(\frac{1}{2}\) feet in length.

(e) The limitations in this section governing maximum length of a semitrailer or trailer shall not apply to vehicles operating in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, except that it shall be unlawful to operate any such vehicle or combination of vehicles which exceeds a total length of 85 feet unless a special permit for such operation has been issued by the secretary of transportation or by an agent or designee of the secretary pursuant to K.S.A. 8-1911, and amendments thereto. For the purpose of authorizing the issuance of such special permits at motor carrier inspection stations, the secretary of transportation may contract with the superintendent of the Kansas highway patrol for such purpose, and in such event, the superintendent or any designee of the superintendent may issue such special permit pursuant to the terms and conditions of the contract. The limitations in this section shall not apply to vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in K.S.A. 8-1911, and amendments thereto, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

(f) The limitations of this section governing the maximum length of combinations of vehicles shall not apply to a combination of vehicles consisting of a truck tractor towing a house trailer, if such combination of vehicles does not exceed an overall length of 97 feet.

(g) The length limitations of this section shall not apply to stinger-steered automobile or boat transporters or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine, forage cutter or combine header to be engaged in farm custom harvesting
operations, as defined in K.S.A. 8-143j(d), and amendments thereto. A
stinger-steered boat transporter or one truck and one trailer vehicle com-
bination, loaded or unloaded, used in transporting a combine, forage cut-
ter or combine header to be engaged in farm custom harvesting opera-
tions, as defined in K.S.A. 8-143j(d), and amendments thereto, shall not
exceed an overall length limit of 75 feet, exclusive of front and rear over-
hang. A stinger-steered automobile transporter shall not exceed an overall
length limit of 80 feet, exclusive of front and rear overhang.

(h) The length limitations of this section shall not apply to drive-away
saddlemount or drive-away saddlemount with fullmount vehicle trans-
porter combination. A drive-away saddlemount or drive-away saddle-
mount with fullmount vehicle transporter combination shall not exceed
an extreme overall dimension of 97 feet.

(i) The length limitations of this section shall not apply to a one truck-
tractor two trailer combination or one truck-tractor semitrailer trailer
combination used in transporting equipment utilized by custom harvest-
ers under contract to agricultural producers to harvest wheat, soybeans
or milo, during the months of April through November, but the length
of the property-carrying units, excluding load, shall not exceed 81½ feet.

(j) The length limitations of this section shall not apply to a towaway
trailer transporter combination consisting of a trailer transporter towing
unit and two trailers or semitrailers with a total weight not exceeding
26,000 pounds and in which the trailers or semitrailers carry no property
and constitute inventory property of a manufacturer, distributor or dealer
of such trailers or semitrailers. Such towaway trailer transporter combi-
nation shall not exceed a length of 82 feet. As used in this subsection, “a
trailer transporting towing unit” means a power unit that is not used to
carry property when operating in a towaway trailer transporter combi-
nation.

Sec. 6. K.S.A. 2017 Supp. 8-15,108, 8-1904 and 8-2118 are hereby
repealed.

Sec. 7. This act shall take effect and be in force from and after its
publication in the statute book.

Approved May 8, 2018.
AN ACT concerning amusement rides; relating to the Kansas amusement ride act; relating to antique amusement ride, limited-use amusement rides and registered agritourism activities; amending K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611, 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 and repealing the existing sections.

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

New Section 1. (a) No antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless a valid permit for such ride has been issued by the department. The owner of any such ride shall make application for a permit for such ride to the secretary on such form and in such manner as prescribed by the secretary. The application for a permit shall include, but is not limited to, the following:

1. The name of the owner and operator of the antique amusement ride, limited-use amusement ride or registered agritourism activity;
2. the location of the ride, or the location where such ride is stored when not in use;
3. valid certificate of inspection; and
4. proof of insurance.

(b) Each applicant shall submit a permit fee of $50 along with the application.

(c) Upon approval of an application and receipt of the required fee, the secretary shall issue a permit for the antique amusement ride, limited-use amusement ride or registered agritourism activity. Such permit shall be valid for one year from the date of issuance. Any permit fee paid by an applicant shall be returned to the applicant if the application is denied.

(d) In addition to the permit fee required under subsection (b), no antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless the owner of such ride has registered as an antique amusement ride, limited-use amusement ride or registered agritourism activity owner with the department. Registration shall be valid for a period of one year. The owner of an antique amusement ride, limited-use amusement ride or registered agritourism activity shall register with the department in such form and in such manner as prescribed by the secretary and by paying a registration fee of $50. The fee required under this subsection shall be an annual fee paid by the owner, regardless of the number of rides owned by such owner.

(e) All fees received by the secretary pursuant to this section shall be remitted by the secretary 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 amusement ride safety fund.
Sec. 2. K.S.A. 2017 Supp. 40-4801 is hereby amended to read as follows: 40-4801. As used in K.S.A. 40-4802 and 40-4803, and amendments thereto, the terms “amusement ride,” “antique amusement ride,” “limited-use amusement ride,” “operator,” and “owner” and “registered agritourism activity” shall have the same meanings as those terms are defined in K.S.A. 2017 Supp. 44-1601, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 40-4802 is hereby amended to read as follows: 40-4802. No amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless at the time of operation the owner has in effect an insurance policy insuring the owner and operator against liability for bodily injury to persons arising out of the operation of the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity. The insurance policy shall be written by an insurance company doing business in Kansas, or by a surplus lines insurer. Such insurance policy shall:

(a) (1) For an owner or operator of an amusement ride, provide for coverage in an amount not less than $1,000,000 per occurrence with a $2,000,000 annual aggregate, except that this requirement shall be satisfied if the owner of such amusement ride is the state or any subdivision of the state and such owner self-insures, or participates in a public entity self-insurance pool in accordance with K.S.A. 75-6111, and amendments thereto; and or

(2) for an owner or operator of an antique amusement ride, limited-use amusement ride or registered agritourism activity, provide for coverage in an amount not less than $750,000 per occurrence with a $1,000,000 annual aggregate; and

(b) name as an additional insured any person contracting with the owner for the amusement ride’s operation of the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity.

Sec. 4. K.S.A. 2017 Supp. 44-1601 is hereby amended to read as follows: 44-1601. As used in this act:

(a) (1) “Amusement ride” means any mechanical or electrical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement and shall include all rides and devices included under ASTM international F24 committee standards, including, but not be limited to:

(A) Rides commonly known as ferris wheels, carousels, parachute towers, bungee jumping, reverse bungee jumping, tunnels of love, roller coasters, boat rides, water slides, inflatable devices, commercial zip lines, trampoline courts and go-karts;
(B) equipment generally associated with winter activities, such as ski lifts, ski tows, j-bars, t-bars, chair lifts and aerial tramways; and
(C) equipment not originally designed to be used as an amusement ride, such as cranes or other lifting devices, when used as part of an amusement ride.

(2) “Amusement ride” does not include:
(A) Games, concessions and associated structures;
(B) any single passenger coin-operated ride that: (i) Is manually, mechanically or electrically operated; (ii) is customarily placed in a public location; and (iii) does not normally require the supervision or services of an operator;
(C) nonmechanized playground equipment, including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and physical fitness devices;
(D) home-owned antique amusement rides;
(E) limited-use amusement rides;
(F) registered agritourism activities;
(G) any ride commonly known as a hayrack ride in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;
(H) any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle; or
(I) any amusement ride owned by an individual and operated solely within a single county for strictly private use.

(a) “Antique amusement ride” means an amusement ride, as defined in subsection (a)(1), manufactured prior to January 1, 1930.

(b) “Certificate of inspection” means a certificate, signed and dated by a qualified inspector, showing that an amusement ride has satisfactorily passed inspection by such inspector.

(c) “Class A amusement ride” means an amusement ride designed for use primarily by individuals aged 12 or less.

(d) “Class B amusement ride” means an amusement ride that is not classified as a class A amusement ride.

(e) “Department” means the department of labor.

(f) “Home-owned Limited-use amusement ride” means an amusement ride, as defined in subsection (a)(1), owned by an individual and operated solely within a single county for strictly private use and operated by a nonprofit, community-based organization that is operated for less than 20 days, or 160 hours, in a year and is operated at only one location each year.

(g) “Nondestructive testing” means the development and application of technical methods in accordance with ASTM F747 standards such as radiographic, magnetic particle, ultrasonic, liquid penetrant, elec-
tromagnetic, neutron radiographic, acoustic emission, visual and leak testing to:

1. Examine materials or components in ways that do not impair the future usefulness and serviceability in order to detect, locate, measure and evaluate discontinuities, defects and other imperfections;
2. assess integrity, properties and composition; and
3. measure geometrical characters.

(i) “Operator” means a person actually supervising, or engaged in or directly controlling the operations of an amusement ride.

(j) “Owner” means a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state.

(k) “Parent or guardian” means any parent, guardian or custodian responsible for the control, safety, training or education of a minor or an adult or minor with an impairment in need of a guardian or a conservator, or both, as those terms are defined by K.S.A. 59-3051, and amendments thereto.

(l) (1) “Patron” means any individual who is:
   A. Waiting in the immediate vicinity of an amusement ride to get on the ride;
   B. getting on an amusement ride;
   C. using an amusement ride;
   D. getting off an amusement ride; or
   E. leaving an amusement ride and still in the immediate vicinity of the ride.

   (2) “Patron” does not include employees, agents or servants of the owner while engaged in the duties of their employment.

(m) “Person” means any individual, association, partnership, corporation, limited liability company, government or other entity.

(n) “Qualified inspector” means a person who:

1. Is a licensed professional engineer, as defined in K.S.A. 74-7003, and amendments thereto, and has completed at least two years of experience in the amusement ride field, consisting of at least one year of actual inspection of amusement rides under a qualified inspector for a manufacturer, governmental agency, amusement park, carnival or insurance underwriter, and an additional year of practicing any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair or operation;

2. provides satisfactory evidence of completing a minimum of five years of experience in the amusement ride field, at least two years of which consisted of actual inspection of amusement rides under a qualified inspector for a manufacturer, governmental agency, amusement park, carnival or insurance underwriter, and the remaining experience consisting of any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair or operation;
(3) has received qualified training from a third party, such as attainment of level II certification from the national association of amusement ride safety officials (NAARSO), attainment of level II certification from the amusement industry manufacturers and suppliers international (AIMS), attainment of a qualified inspector certification from the association for challenge course technology (ACCT), Pennsylvania department of agriculture—general qualified inspector status, when applicable, or other similar qualification from another nationally recognized organization; or

(4) for purposes of inspecting inflatable devices that are rented on a regular basis and erected at temporary locations, provides satisfactory evidence of completing a minimum of five years of experience working with inflatable devices and has received qualified training from a third party, such as attainment of an advanced inflatable safety operations certification from the safe inflatable operators training organization or other nationally recognized organization.

(o) “Registered agritourism activity” means an amusement ride, as defined in subsection (a)(1), that is a registered agritourism activity, as defined in K.S.A. 2017 Supp. 32-1432, and amendments thereto.

(p) “Secretary” means the secretary of labor.

(q) “Sign” means any symbol or language reasonably calculated to communicate information to patrons or their parents or guardians, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, guide books, brochures, videos, verbal information and visual signals.

(r) “Water slide” means a slide that is at least 15 feet in height and that uses water to propel the patron through the ride.

Sec. 5. K.S.A. 2017 Supp. 44-1602 is hereby amended to read as follows: 44-1602. (a) No amusement ride shall be operated in this state unless such ride has a valid certificate of inspection. An amusement ride erected in this state shall be inspected by a qualified inspector at least every 12 months.

The certificate of an inspection required by this subsection shall be signed and dated by the inspector and shall be available to any person contracting with the owner for the amusement ride’s operation of such amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity. In addition, a visible inspection decal pro-
vided by the department or other evidence of inspection shall be posted in plain view on or near the amusement ride, *antique amusement ride, limited-use amusement ride or registered agritourism activity* in a location where it can easily be seen.

(b) Inspections performed pursuant to this section shall be paid for by the owner of the amusement ride, *antique amusement ride, limited-use amusement ride or registered agritourism activity*, or in the case of a state agency or political subdivision of the state, such governmental entity shall pay for the inspection.

(c) In addition to the annual inspection required by subsection (a), the operator of an amusement ride, *antique amusement ride, limited-use amusement ride or registered agritourism activity* shall perform and record daily inspections of the amusement ride. The daily inspection shall include an inspection of equipment identified for daily inspection in accordance with the applicable codes and the manufacturer’s recommendations.

(d) The secretary shall conduct random compliance audits of amusement rides erected both at permanent locations and at temporary locations. A warning citation for violation of this act shall be issued against any owner or operator for a first violation.

(e) The secretary shall develop an inspection checklist, which shall be posted on the department’s website.

Sec. 6. K.S.A. 2017 Supp. 44-1603 is hereby amended to read as follows: 44-1603. The owner of an amusement ride, *antique amusement ride, limited-use amusement ride or registered agritourism activity* shall retain at all times current records relating to the construction, repair and maintenance of its operation, including safety, inspection, maintenance records and ride operator training activities for such ride. Such records shall be available to any person contracting with the owner for the amusement ride’s operation of such ride, and shall be made available to the department at reasonable times, including during an inspection upon the department’s request. Records of daily inspections must be available for inspection at the location where the ride or device is operated. All records must be maintained for a period of three years.

Sec. 7. K.S.A. 2017 Supp. 44-1605 is hereby amended to read as follows: 44-1605. (a) No amusement ride shall be operated in this state unless the operator has satisfactorily completed training that includes, at a minimum:

(1) Instruction on operating procedures for the ride, the specific duties of the operator, general safety procedures and emergency procedures;

(2) demonstration of physical operation of the ride; and

(3) supervised observation of the operator’s physical operation of the ride.
(b) No amusement ride shall be operated in this state unless the name of each operator trained to operate the ride and the certificate of each such operator’s satisfactory completion of such training, signed and dated by the trainer, is available to any person contracting with the owner for the amusement ride’s operation on the premises where the amusement ride is operated, during the hours of operation of the ride.

(c) No inflatable device that is rented on a regular basis and erected at a temporary location shall be operated in this state unless the operator has been trained by a person who has attained a basic inflatable safety operations certification from the safe inflatable operators training organization or other nationally recognized organization.

(d) No slide that uses water to propel the patron through the ride and that is at least 15 feet in height shall be operated in this state unless there is an attendant stationed at such slide to ensure patrons are properly adhering to the safety standards in place.

Sec. 8. K.S.A. 2017 Supp. 44-1606 is hereby amended to read as follows: 44-1606. No amusement ride, limited-use amusement ride and registered agritourism activity shall be operated in this state unless there is posted in plain view on or near the ride, in a location where they can be easily read, all safety instructions for the ride.

Sec. 9. K.S.A. 2017 Supp. 44-1607 is hereby amended to read as follows: 44-1607. (a) Each patron of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity, by participation, accepts the risks inherent in such participation of which an ordinary prudent person is or should be aware.

(b) Each patron of an amusement ride has a duty to:

(1) Exercise the judgment and act in the manner of an ordinary prudent person while participating in an amusement ride;

(2) obey all instructions and warnings, written or oral, prior to and during participation in an amusement ride;

(3) refrain from participation in an amusement ride while under the influence of alcohol or drugs;

(4) engage all safety devices that are provided;

(5) refrain from disconnecting or disabling any safety device except at the express direction of the owner’s agent or employee; and

(6) refrain from extending arms and legs beyond the carrier or seating area except at the express direction of the owner’s agent or employee.

(c) Any parent or guardian of a patron shall have a duty to reasonably ensure that the patron complies with all provisions of this act.

Sec. 10. K.S.A. 2017 Supp. 44-1608 is hereby amended to read as follows: 44-1608. Any person contracting with an owner for the amusement ride’s operation of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall ensure that:
(a) Inspection certificates required by K.S.A. 2017 Supp. 44-1602, and amendments thereto, are available;
(b) maintenance and inspection records required by K.S.A. 2017 Supp. 44-1603, and amendments thereto, are available; and
(c) safety instructions for the ride are posted as required by K.S.A. 2017 Supp. 44-1606, and amendments thereto.

Sec. 11. K.S.A. 2017 Supp. 44-1609 is hereby amended to read as follows: 44-1609. Whenever a serious injury results from the operation of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity:
(a) Operation of the ride shall immediately be discontinued;
(b) operation of the ride shall not be resumed until it has been inspected and the qualified inspector has approved resumption of operation; and
(c) the owner, within 30 days after the injury, shall notify the manufacturer of the ride, if the manufacturer is known and in existence at the time of the injury.

Sec. 12. K.S.A. 2017 Supp. 44-1610 is hereby amended to read as follows: 44-1610. (a) It is a class B misdemeanor for an owner or operator of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity knowingly to operate, or cause or permit to be operated, any amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity without a valid permit issued by the secretary.
(b) A notice of violation may be issued by the department when an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity is found to be out of compliance with the provisions of this act, or any rules or regulations adopted pursuant thereto. The notice of violation may include an order to cease and desist operation of the specific amusement ride until all violations are satisfactorily corrected.
(c) Within 10 business days after a notice of violation has been issued, the person issued such notice may file a written request with the department for an informal conference regarding the notice. If the person issued the notice of violation does not request an informal conference within this time frame, all provisions of the notice shall become final. If the notice of violation is not resolved within the prescribed time frame, the department may seek judicial enforcement of the notice of violation, or an enforcement order may be issued.
(d) The secretary may impose a fine of not more than $1,000 for any violation of the provisions of this act, or any rules or regulations adopted pursuant thereto. All fines received by the secretary pursuant to this section shall be remitted by the secretary 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 amusement ride safety fund.

(e) Each day a violation continues shall constitute a separate offense.

(f) The provisions of this section shall be subject to the Kansas administrative procedure act.

(g) No prosecution for an offense described in subsection (a) shall be brought prior to January 1, 2018. The provisions of this subsection shall expire on June 30, 2018.

Sec. 13. K.S.A. 2017 Supp. 44-1611 is hereby amended to read as follows: 44-1611. The attorney general, or the county or district attorney in a county in which an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity is located or operated, may apply to the district court for an order enjoining operation of any amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity operated in violation of this act.

Sec. 14. K.S.A. 2017 Supp. 44-1612 is hereby amended to read as follows: 44-1612. The governing body of any city or county may establish and enforce safety standards for amusement rides, antique amusement ride, limited-use amusement rides or registered agritourism activities in addition to, but not in conflict with, the standards established by this act.

Sec. 15. K.S.A. 2017 Supp. 44-1613 is hereby amended to read as follows: 44-1613. The provisions of K.S.A. 2017 Supp. 44-1601 through 44-1619, and section 1, and amendments thereto, shall be known as the Kansas amusement ride act.

Sec. 16. K.S.A. 2017 Supp. 44-1614 is hereby amended to read as follows: 44-1614. (a) The secretary of labor shall adopt rules and regulations necessary to implement provisions of the Kansas amusement ride act, K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto.

(b) (1) On or before January 1, 2018, the secretary shall adopt rules and regulations necessary to implement the amendments made to the Kansas amusement ride act, K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto, and the amusement ride insurance act, K.S.A. 40-4801 et seq., and amendments thereto, by this act.

(2) The secretary shall adopt rules and regulations specifying nationally recognized organizations that issue certifications or other evidence of qualification to inspect amusement rides, and that require education, experience and training at least equivalent to that required for a level I certification from NAARSO as of July 1, 2017.

(3) All references to the American society for testing and materials (ASTM) standards shall be to those standards adopted developed by the ASTM international F24 committee, as published in ASTM international standards volume 15.07, or any later version adopted by the secretary in rules and regulations.
Sec. 17. K.S.A. 2017 Supp. 44-1616 is hereby amended to read as follows: 44-1616. (a) No amusement ride shall be operated in this state unless a valid permit for such ride has been issued by the department. The owner of an amusement ride shall make application for a permit for such amusement ride to the secretary on such form and in such manner as prescribed by the secretary. The application for a permit shall include, but is not limited to, the following:

1. The name of the owner and operator of the amusement ride;
2. the location of the amusement ride, or the location where such ride is stored when not in use;
3. valid certificate of inspection;
4. proof of insurance; and
5. (A) for amusement rides manufactured prior to July 1, 2018, certification that such ride qualifies as service proven, as that term is used in the applicable ASTM international F24 committee standards; and
   (B) for amusement rides manufactured on and after July 1, 2018, certification that such ride meets the applicable ASTM international F24 committee standards pertaining to ride maintenance and operation.

(b) Each applicant shall submit a permit fee along with the application in an amount as follows:

1. For amusement rides erected at a permanent location, $75 for a class A amusement ride, and $100 for a class B amusement ride;
2. for amusement rides erected at a temporary location, $30; and
3. for amusement rides owned or operated by a municipality or a nonprofit entity, whether erected at a permanent or temporary location, $10.

(c) Upon approval of an application and receipt of the required fee, the secretary shall issue a permit for the amusement ride. Such permit shall be valid for one year from the date of issuance. Any permit fee paid by an applicant shall be returned to the applicant if the application is denied.

(d) In addition to the permit fees required under subsection (a) (b), no amusement ride shall be operated in this state unless the owner of such ride has registered as an amusement ride owner with the department. Registration shall be valid for a period of one year. The owner of an amusement ride shall register with the department in such form and in such manner as prescribed by the secretary, and by paying a registration fee as follows:

1. For amusement rides erected at a permanent location, $500;
2. for amusement rides erected at a temporary location, $250; and
3. for amusement rides owned by a municipality or nonprofit entity, whether erected at a permanent or temporary location, $50.

The fee required under this subsection shall be an annual fee paid by the owner, regardless of the number of amusement rides owned by such owner.
(e) All fees received by the secretary pursuant to this section shall be remitted by the secretary 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 amusement ride safety fund.

Sec. 18. K.S.A. 2017 Supp. 44-1617 is hereby amended to read as follows: 44-1617. There is hereby established in the state treasury the amusement ride safety fund, which shall be administered by the department of labor. The amusement ride safety fund shall consist of those moneys credited to the amusement ride safety fund pursuant to K.S.A. 44-1610, and amendments thereto, and K.S.A. 2017 Supp. 44-1616 and section 1, and amendments thereto. All expenditures from the amusement ride safety fund shall be for the administration and enforcement of the Kansas amusement ride act, and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary, or the secretary’s designee.

Sec. 19. K.S.A. 2017 Supp. 44-1618 is hereby amended to read as follows: 44-1618. (a) (1) A patron, or a patron’s parent or guardian on a patron’s behalf, shall report in writing to the owner any injury sustained on an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity before leaving the premises. Such report shall include:
   (A) The name, address and phone number of the injured person;
   (B) a full description of the incident, the injuries claimed, any treatment received and the location, date and time of the injury;
   (C) the cause of the injury, if known; and
   (D) the names, addresses and phone numbers of any witnesses to the incident.
   (2) If a patron, or a patron’s parent or guardian, is unable to file a report because of the severity of the patron’s injuries, the patron or the patron’s parent or guardian shall file the report as soon as reasonably possible.
   (3) The owner shall prominently display signage at the point of admission or ticket sale and at least two other locations in close proximity to the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity explaining a patron’s duty to report injuries sustained on such amusement ride. Such signage shall include instructions on how to contact the owner’s representatives if immediate assistance is needed and how to make an injury report.
   (4) The failure of a patron, or the patron’s parent or guardian, to report an injury under this subsection shall have no effect on the patron’s right to commence a civil action.
   (b) The owner of an amusement ride, antique amusement ride, lim-
ited-use amusement ride or registered agritourism activity shall notify the department of any serious injury reported by a patron, or any injury caused by a malfunction or failure of an amusement ride or caused by an operator or patron error. Such notification shall be submitted to the department within 72 hours of the time that the operator becomes aware of the injury.

(c) If a serious injury occurs, the equipment or conditions that caused the injury shall be preserved for the purpose of an investigation by the department and such amusement ride shall be immediately removed from service until an investigation is completed or deemed unnecessary by the secretary. Except as provided in subsection (d), upon notification, the department shall acknowledge receipt of such notice and determine if an investigation of a serious injury is necessary. If an investigation is not commenced within 24 hours after the department receives notification of such injury, then an investigation shall be deemed unnecessary.

(d) If the serious injury results in the death of a patron, the owner shall notify the department of the injury as soon as possible. Such notification shall be by telephone initially with a written notification sent within 24 hours after the initial notice. If the patron’s death is related to a major malfunction of the amusement ride, an investigation shall be required and the department shall commence such investigation within 24 hours after receiving initial notice of the injury. No part of the amusement ride or the ride itself, shall be moved or repaired without the written approval of the secretary, or the secretary’s designee, except that nothing in this subsection shall be construed so as to hinder emergency response personnel from performing their duties, or to prevent the elimination of an obvious safety hazard. The owner shall provide the department with complete access to the amusement ride and all related premises for the purposes of the investigation and shall provide all information related to the cause of the injury to the department.

Sec. 20. K.S.A. 2017 Supp. 44-1619 is hereby amended to read as follows: 44-1619. The provisions of this act shall not be enforced by the secretary prior to the date of publication of the rules and regulations adopted by the secretary pursuant to K.S.A. 2017 Supp. 44-1614(b), and amendments thereto. Prior to taking any action pursuant to K.S.A. 2017 Supp. 44-1610, and amendments thereto, the secretary shall provide the owner or operator of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity a reasonable period of time to comply with the provisions of K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto, and K.S.A. 40-4801 et seq., and amendments thereto.

Sec. 21. K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611,
44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 are hereby repealed.

Sec. 22. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 8, 2018.

CHAPTER 74
SENATE BILL No. 331

AN ACT concerning the department of wildlife, parks and tourism; relating to state parks; the exemption of state park property from property and ad valorem taxes; establishing the Flint Hills advisory council; designating Flint Hills trail state park and Little Jerusalem Badlands state park; amending K.S.A. 2017 Supp. 32-837 and 79-201a and repealing the existing sections.

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

New Section 1. (a) There is hereby established the Flint Hills advisory council. The council shall study and assess the development, staffing, maintenance and promotion of the Flint Hills nature trail. The council shall report its findings and recommendations to the Kansas department of wildlife, parks and tourism on a quarterly basis.

(b) The Flint Hills advisory council shall consist of the following members:

(1) Two members of the Kansas legislature who reside in a district adjoining the Flint Hills nature trail, or the members’ designees, one to be appointed by the president of the senate and one to be appointed by the speaker of the house of representatives;

(2) one county commissioner of Miami county, or the commissioner’s designee, to be appointed by the board of county commissioners of Miami county;

(3) one resident of Miami county to be appointed by the governing body of the county seat;

(4) one county commissioner of Franklin county, or the commissioner’s designee, to be appointed by the board of county commissioners of Franklin county;

(5) one resident of Franklin county to be appointed by the governing body of the county seat;

(6) one county commissioner of Osage county, or the commissioner’s designee, to be appointed by the board of county commissioners of Osage county;

(7) one resident of Osage county to be appointed by the governing body of the county seat;

(8) one county commissioner of Lyon county, or the commissioner’s
designee, to be appointed by the board of county commissioners of Lyon county;
(9) one resident of Lyon county to be appointed by the governing body of the county seat;
(10) one county commissioner of Morris county, or the commissioner’s designee, to be appointed by the board of county commissioners of Morris county;
(11) one resident of Morris county to be appointed by the governing body of the county seat;
(12) one county commissioner of Dickinson county, or the commissioner’s designee, to be appointed by the board of county commissioners of Dickinson county; and
(13) one resident of Dickinson county to be appointed by the governing body of the county seat.

(c) The appointing authorities listed in subsection (b)(2) through (13) shall give consideration to individuals who own land that is adjacent to the Flint Hills nature trail when appointing members to the Flint Hills advisory council.

(d) The member appointed in subsection (b)(1) by the speaker of the house of representatives shall serve as the first chairperson of the Flint Hills advisory council and the member appointed in subsection (b)(1) by the president of the senate shall serve as the first vice-chairperson of the council. The position of chairperson and vice-chairperson shall alternate annually upon the first meeting of the council in each calendar year.

(e) (1) Members of the Flint Hills advisory council shall be appointed no later than August 1, 2018. Any vacancy in the membership of the council shall be filled by appointment in the same manner prescribed in this section for the original appointment.
(2) The council shall meet quarterly and at the call of the chairperson or upon the request of a majority of the council.

(f) The members of the Flint Hills advisory council shall be appointed for terms not to exceed three years and, with the exception of the chairperson and vice-chairperson, shall serve no more than two consecutive terms. The initial terms for the members will be staggered as follows:
(1) Members appointed in subsection (b)(2), (7), (8) and (13) shall serve for an initial term of one year;
(2) members appointed in subsection (b)(3), (4), (9) and (10) shall serve for an initial term of two years; and
(3) members appointed in subsection (b)(5), (6), (11) and (12) shall serve for an initial term of three years.

(g) Subject to approval by the legislative coordinating council, legislative members of the Flint Hills advisory council shall receive amounts provided in K.S.A. 75-3223(e), and amendments thereto.

(h) The provisions of this section shall expire on July 1, 2021.
Sec. 2. K.S.A. 2017 Supp. 32-837 is hereby amended to read as follows: 32-837. (a) The following parks have been designated as a part of the state park system: (1) Kanopolis-Mushroom Rock state park in Ellsworth county; (2) Cross Timbers state park at Toronto Lake in Woodson county; (3) Fall River state park in Greenwood county; (4) Cedar Bluff state park in Trego county; (5) Tuttle Creek state park in Pottawatomie and Riley counties; (6) Pomona state park in Osage county; (7) Cheney state park in Kingman and Reno counties; (8) Lake Crawford state park in Crawford county; (9) Lovewell state park in Jewell county; (10) Lake Meade state park in Meade county; (11) Prairie Dog state park in Norton county; (12) Webster state park in Rooks county; (13) Wilson state park in Russell county; (14) Milford state park in Geary county; (15) Historic Lake Scott state park in Scott county; (16) Elk City state park in Montgomery county; (17) Perry state park in Jefferson county; (18) Glen Elder state park in Mitchell county; (19) El Dorado state park in Butler county; (20) Eisenhower state park in Osage county; (21) Clinton state park in Douglas and Shawnee counties; (22) Sand Hills state park in Reno county; (23) Hillsdale state park in Miami county; (24) Kaw River state park in Shawnee county; and (25) Prairie Spirit rail trail state park in Franklin, Anderson and Allen counties; (26) Flint Hills trail state park in Miami, Franklin, Osage, Lyon, Morris and Dickinson counties; and (27) Little Jerusalem Badlands state park in Logan county.

(b) No state park named in subsection (a) shall be removed from the state park system without legislative approval.

(c) The hours that Kaw River state park in Shawnee county is open to the public may be limited to those hours that parks of the city of Topeka are open, except that such state park shall be open at all hours for prescheduled events.

(d) The requirements found in K.S.A. 65-171d(j)(2), and amendments thereto, shall not apply to subsection (a)(25) or (a)(26).

(e) For any state park listed in subsection (a) containing a recreational trail created pursuant to 16 U.S.C.§ 1247(d), the Kansas department of wildlife, parks and tourism shall carry out the duties listed in K.S.A. 58-3212(a)(1) through (a)(11), and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 79-201a is hereby amended to read as follows: 79-201a. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All property belonging exclusively to the United States, except property which congress has expressly declared to be subject to state and local taxation.

Second. All property used exclusively by the state or any municipality or political subdivision of the state. All property owned, being acquired pursuant to a lease-purchase agreement or operated by the state or any
municipality or political subdivision of the state, including property which is vacant or lying dormant, which is used or is to be used for any governmental or proprietary function and for which bonds may be issued or taxes levied to finance the same, shall be considered to be used exclusively by the state, municipality or political subdivision for the purposes of this section. The lease by a municipality or political subdivision of the state of any real property owned or being acquired pursuant to a lease-purchase agreement for the purpose of providing office space necessary for the performance of medical services by a person licensed to practice medicine and surgery or osteopathic medicine by the board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto, dentistry services by a person licensed by the Kansas dental board pursuant to K.S.A. 65-1401 et seq., and amendments thereto, optometry services by a person licensed by the board of examiners in optometry pursuant to K.S.A. 65-1501 et seq., and amendments thereto, podiatry services by a person licensed by the board of healing arts pursuant to K.S.A. 65-2001 et seq., and amendments thereto, or the practice of psychology by a person licensed by the behavioral sciences regulatory board pursuant to K.S.A. 74-5301 et seq., and amendments thereto, shall be construed to be a governmental function, and such property actually and regularly used for such purpose shall be deemed to be used exclusively for the purposes of this paragraph. The lease by a municipality or political subdivision of the state of any real property, or portion thereof, owned or being acquired pursuant to a lease-purchase agreement to any entity for the exclusive use by it for an exempt purpose, including the purpose of displaying or exhibiting personal property by a museum or historical society, if no portion of the lease payments include compensation for return on the investment in such leased property shall be deemed to be used exclusively for the purposes of this paragraph. All property leased, other than motor vehicles leased for a period of at least one year and property being acquired pursuant to a lease-purchase agreement, to the state or any municipality or political subdivision of the state by any private entity shall not be considered to be used exclusively by the state or any municipality or political subdivision of the state for the purposes of this section except that the provisions of this sentence shall not apply to any such property subject to lease on the effective date of this act until the term of such lease expires but property taxes levied upon any such property prior to tax year 1989, shall not be abated or refunded. Any property constructed or purchased with the proceeds of industrial revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 12-1740 through 12-1749, and amendments thereto, or purchased with proceeds of improvement district bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, and amendments thereto, or with proceeds of bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-3815a and 19-3815b, and amendments thereto, or any property
improved, purchased, constructed, reconstructed or repaired with the proceeds of revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 13-1238 to through 13-1245, inclusive, and amendments thereto, or any property improved, reimproved, reconstructed or repaired with the proceeds of revenue bonds issued after July 1, 1963, under the authority of K.S.A. 13-1238 to through 13-1245, inclusive, and amendments thereto, which had previously been improved, reconstructed or repaired with the proceeds of revenue bonds issued under such act on or before July 1, 1963, shall be exempt from taxation for so long as any of the revenue bonds issued to finance such construction, reconstruction, improvement, repair or purchase shall be outstanding and unpaid. Any property constructed or purchased with the proceeds of any revenue bonds authorized by K.S.A. 13-1238 to through 13-1245, inclusive, and amendments thereto, 19-2776, 19-3815a and 19-3815b, and amendments thereto, issued on or after July 1, 1963, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Any property, all or any portion of which is constructed or purchased with the proceeds of revenue bonds authorized by K.S.A. 12-1740 to through 12-1749, inclusive, and amendments thereto, issued on or after July 1, 1963 and prior to July 1, 1981, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased wholly with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 to through 12-1749, inclusive, and amendments thereto, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 to through 12-1749, inclusive, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision “NAICS” means
the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. “Headquarters or back office operations” means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Third. All works, machinery and fixtures used exclusively by any rural water district or township water district for conveying or production of potable water in such rural water district or township water district, and all works, machinery and fixtures used exclusively by any entity which performed the functions of a rural water district on and after January 1, 1990, and the works, machinery and equipment of which were exempted hereunder on March 13, 1995.

Fourth. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safekeeping thereof, and for the meeting of fire companies, whether belonging to any rural fire district, township fire district, town, city or village, or to any fire company organized therein or therefor.

Fifth. All property, real and personal, owned by county fair associations organized and operating under the provisions of K.S.A. 2-125 et seq., and amendments thereto.

Sixth. Property acquired and held by any municipality under the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto, except that such exemption shall not apply to any portion of the project used by a nondwelling facility for profit making enterprise.
Seventh. All property of a municipality, acquired or held under and for the purposes of the urban renewal law, K.S.A. 17-4742 et seq., and amendments thereto, except that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

Eighth. All property acquired and held by the Kansas armory board for armory purposes under the provisions of K.S.A. 48-317, and amendments thereto.

Ninth. All property acquired and used by the Kansas turnpike authority under the authority of K.S.A. 68-2001 et seq., and amendments thereto, K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq., and amendments thereto, and K.S.A. 68-2070 et seq., and amendments thereto.

Tenth. All property acquired and used for state park purposes by the Kansas department of wildlife, parks and tourism. Property that is part of a state park listed in K.S.A. 32-837(a)(25) or (a)(26), and amendments thereto, and that is contained within or encumbered by any railroad rights-of-way that have been transferred or conveyed to the Kansas department of wildlife, parks and tourism for interim use, pursuant to 16 U.S.C. § 1247(d), shall be deemed to be acquired and used for state park purposes by the Kansas department of wildlife, parks and tourism for the purposes of this subsection.

Eleventh. The state office building constructed under authority of K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which such building is located.

Twelfth. All buildings erected under the authority of K.S.A. 76-6a01 et seq., and amendments thereto, and all other student union buildings and student dormitories erected upon the campus of any institution mentioned in K.S.A. 76-6a01, and amendments thereto, by any other non-profit corporation.

Thirteenth. All buildings, as the same is defined in subsection (c) of K.S.A. 76-6a13(c), and amendments thereto, which are erected, constructed or acquired under the authority of K.S.A. 76-6a13 et seq., and amendments thereto, and building sites acquired therefor.

Fourteenth. All that portion of the waterworks plant and system of the city of Kansas City, Missouri, now or hereafter located within the territory of the state of Kansas pursuant to the compact and agreement adopted by K.S.A. 79-205, and amendments thereto.

Fifteenth. All property, real and personal, owned by a groundwater management district organized and operating pursuant to K.S.A. 82a-1020, and amendments thereto.

Sixteenth. All property, real and personal, owned by the joint water district organized and operating pursuant to K.S.A. 80-1616 et seq., and amendments thereto.
Seventeenth. All property, including interests less than fee ownership, acquired for the state of Kansas by the secretary of transportation or a predecessor in interest which is used in the administration, construction, maintenance or operation of the state system of highways, regardless of how or when acquired.

Eighteenth. Any building used primarily as an industrial training center for academic or vocational education programs designed for and operated under contract with private industry, and located upon a site owned, leased or being acquired by or for an area vocational school, an area vocational-technical school, a technical college, or a community college, as defined by K.S.A. 2017 Supp. 74-34,407, and amendments thereto, and the site upon which any such building is located.

Nineteenth. For all taxable years commencing after December 31, 1997, all buildings of an area vocational school, an area vocational-technical school, a technical college or a community college, as defined by K.S.A. 2017 Supp. 74-32,407, and amendments thereto, which are owned and operated by any such school or college as a student union or dormitory and the site upon which any such building is located.

Twentieth. For all taxable years commencing after December 31, 1997, all personal property which is contained within a dormitory that is exempt from property taxation and which is necessary for the accommodation of the students residing therein.

Twenty-First. All real property from and after the date of its transfer by the city of Olathe, Kansas, to the Kansas state university foundation, all buildings and improvements thereafter erected and located on such property, and all tangible personal property, which is held, used or operated for educational and research purposes at the Kansas state university Olathe innovation campus located in the city of Olathe, Kansas.

Twenty-Second. All real property, and all tangible personal property, owned by postsecondary educational institutions, as that term is defined in K.S.A. 74-3201b, and amendments thereto, or by the board of regents on behalf of the postsecondary educational institutions, which is leased by a for profit company and is actually and regularly used exclusively for research and development purposes so long as any rental income received by such postsecondary educational institution or the board of regents from such a company is used exclusively for educational or scientific purposes. Any such lease or occupancy described in this section shall be for a term of no more than five years.

Twenty-Third. For all taxable years commencing after December 31, 2005, any and all housing developments and related improvements located on United States department of defense military installations in the state of Kansas, which are developed pursuant to the military housing privatization initiative, 10 U.S.C. § 2871 et seq., or any successor thereto, and which are provided exclusively or primarily for use by military personnel of the United States and their families.
Twenty-Fourth. For all taxable years commencing after December 31, 2012, except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 2013, under the authority of K.S.A. 12-1740 to through 12-1749a, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 to through 12-1749a, inclusive, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision “NAICS” means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. “Headquarters or back office operations” means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to through 12-1749a, inclusive, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to through 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.
Twenty-Fifth. For all taxable years commencing after December 31, 2013, any and all utility systems and appurtenances located on United States department of defense military installations in the state of Kansas, which have been acquired after December 31, 2013, pursuant to the military utilities privatization initiative, 10 U.S.C. § 2688 et seq., or any successor thereto, or which have been installed after December 31, 2013, and which are provided exclusively or primarily for use by the military of the United States.

Twenty-Sixth. All land owned by a municipality that is a part of a public levee that is leased pursuant to K.S.A. 13-1243, and amendments thereto. Except as otherwise specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 2010.

Sec. 4. K.S.A. 2017 Supp. 32-837 and 79-201a are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 8, 2018.

CHAPTER 75
SENATE BILL No. 335

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

New Section 1. (a) Subject to the terms of its articles of incorporation and bylaws, and rules and regulations of the commissioner, a mutual bank may:

(1) Raise funds through deposit, share or other accounts, including demand deposit accounts, hereafter referred to as “accounts”; and

(2) issue passbooks, certificates or other evidence of accounts.

(b) No mutual bank shall permit any overdraft, including an intra-day overdraft, on behalf of an affiliate, or incur any overdraft in its account at a federal reserve bank or federal home loan bank on behalf of an affiliate.

(c) A mutual bank may require no less than a 14-day notice prior to payment of savings accounts, if the articles of incorporation or bylaws of the bank or the rules and regulations of the commissioner so provide.

(d) If a mutual bank does not pay all withdrawals in full, subject to the right of the bank, where applicable, to require notice, the payment of withdrawals from accounts shall be subject to the provisions prescribed by the bank’s articles of incorporation or bylaws or the rules and regulations of the commissioner. Except as authorized in writing by the commissioner, any mutual bank that fails to make full payment of any withdrawal when due shall be deemed to be in an unsafe or unsound condition.

(e) A depositor of a mutual bank shall be a voting member and shall have such ownership interest in the bank as may be provided in the articles of incorporation and bylaws of the bank.

(f) The articles of incorporation and the bylaws of a mutual bank may provide that all borrowers from the bank are members and, if so, shall provide for their rights and privileges.

(g) All savings accounts and demand accounts shall have the same priority upon liquidation.

(h) This section shall be a part of and supplemental to the state banking code.

New Sec. 2. (a) No savings and loan association or savings bank may make any investment under this section if the association’s aggregate outstanding investment in a service corporation would exceed 3% of the association’s assets. Not less than ⅔ of the investment permitted under this section that exceeds 1% of the association’s assets shall be used primarily for community, inner city, and community-development purposes.
(b) This section shall be a part of and supplemental to the state banking code.

New Sec. 3. (a) A savings and loan association shall apply to the commissioner for approval at least 30 days prior to acquiring, establishing or commencing new activity with an existing service corporation and shall not engage in activity with the service corporation without the commissioner’s approval. The application shall include:
(1) A complete description of the saving and loan association’s investment in the service corporation;
(2) the proposed activities of the service corporation;
(3) the organizational structure and management of the service corporation;
(4) the relationship between the savings and loan association and the service corporation; and
(5) any other information that the commissioner deems necessary to describe the proposal.

(b) A service corporation shall:
(1) Be operated in a manner that demonstrates to the public that it maintains a separate corporate identity from the applicant; and
(2) not commingle business transactions, accounts and records with a savings and loan association.

(c) In considering an application, the commissioner may:
(1) Limit a savings and loan association’s investment in a service corporation; or
(2) refuse to permit any activity of a service corporation for supervisory, legal or safety and soundness reasons.

(d) This section shall be a part of and supplemental to the state banking code.

New Sec. 4. (a) A service corporation may engage in any activity that a savings and loan association may conduct directly.

(b) A service corporation shall be subject to the commissioner’s supervision as the savings and loan association would be if it had conducted the activity itself.

(c) If a service corporation fails to meet any of the requirements of this section, the savings and loan association shall notify the commissioner. If the service corporation is unable to comply with the requirements of this section within 90 days of its initial failure to meet such requirements, the savings and loan association shall dispose of its investment in the service corporation.

(d) After a savings and loan association has received approval from the commissioner, a service corporation may engage in the following:
(1) Business activities, when such activities are limited to financial documents, financial clients or are generally financially related to:
(A) Accounting or internal or other auditing;
(B) advertising, market research and other marketing;
(C) clerical;
(D) consulting;
(E) courier;
(F) data processing;
(G) data storage facilities operation and related services;
(H) personnel benefit program development or administration;
(I) printing and selling forms that require magnetic ink character recognition (MICR) encoding;
(J) purchasing and distribution of office supplies, furniture and equipment;
(K) relocation of personnel;
(L) research studies and surveys;
(M) software development and systems integration; and
(N) remote service unit operation, leasing, ownership or establishment;
(2) credit-related activities:
(A) Abstracting;
(B) acquiring and leasing personal property;
(C) appraising;
(D) collections;
(E) credit analysis;
(F) check or credit card guaranty and verification;
(G) acting as an escrow agent or trustee, under deeds of trust, including executing and delivery of conveyances, reconveyances and transfers of title; and
(H) loan inspection;
(3) consumer services activities:
(A) Financial advice or consulting;
(B) foreign currency exchange;
(C) home ownership counseling;
(D) income tax return preparation;
(E) providing postal services;
(F) sales of stored value instruments;
(G) welfare benefit distribution;
(H) check printing and related services; and
(I) remote service unit operation, leasing, ownership or establishment;
(4) real estate-related service activities:
(A) Acquiring real estate for:
(i) Prompt development or subdivision;
(ii) construction of improvements;
(iii) resale or leasing to others for such construction of improvements; or
(iv) use as manufactured home sites, in accordance with a prudent program of property development;

(B) acquiring improved real estate or manufactured homes to be held for:

(i) Rental or resale;

(ii) remodeling, renovating or demolishing and rebuilding for resale or rental; or

(iii) offices and related facilities of a stockholder of the service corporation;

(C) maintaining and managing real estate; and

(D) real estate brokerage for property owned by a savings and loan association or savings bank that owns capital stock of the service corporation or in which the service corporation otherwise invests;

(5) securities, liquidity management and coin purchase activities:

(A) Execution of transactions in securities on an agency or riskless principal basis solely upon the order and for the account of customers or the provision of investment advice. The service corporation must register with the securities and exchange commission and office of the securities commissioner, as required by applicable state and federal law and rules and regulations;

(B) liquidity management;

(C) issuing notes, bonds, debentures or other obligations of securities; and

(D) purchase or sale of coins issued by the United States treasury;

(6) investments in:

(A) Tax-exempt bonds used to finance residential real property for family units;

(B) tax-exempt obligations of public housing agencies used to finance housing projects with rental assistance subsidies;

(C) small business investment companies and new market venture capital companies licensed by the United States small business administration;

(D) rural business investment companies licensed by the U.S. department of agriculture; and

(E) savings accounts of an investing savings and loan association;

(7) community and economic development or public welfare investment activities that are permissible under federal law;

(8) establishing or acquiring a corporation that is recognized by the internal revenue service as organized for charitable purposes under 26 U.S.C. § 501(c)(3) of the internal revenue code and making a reasonable contribution to capitalize it, provided that the corporation engages exclusively in activities designed to promote the well-being of communities in which the owners of the service corporation operate;

(9) acting as an agent for or engaging in activities conducted on behalf of a customer, other than on an as principal basis; and
any activity reasonably incident to those listed in this subsection if the service corporation engages in those activities.

(e) This section shall be a part of and supplemental to the state banking code.

New Sec. 5. As used in sections 2 through 5, and amendments thereto:

(a) “Invest” means any investment in the capital stock, obligations or other securities, and any advance of funds to a service corporation, including the purchase of stock, the making of a loan or other such advance of funds. “Invest” does not include a payment for rent earned, goods sold and delivered or services rendered prior to the making of such payment.

(b) “Savings and loan service corporation” or “service corporation” means a corporation or limited liability company organized under the laws of Kansas. The entirety of the capital stock of a savings and loan service corporation shall be available for purchase only by Kansas-chartered savings and loan associations, Kansas chartered savings banks and federally chartered savings banks and loan associations with home offices in Kansas. Kansas-chartered and federally chartered savings and loan associations and Kansas-chartered and federally chartered savings banks investing in a savings and loan service corporation shall designate the savings and loan service corporation as a service corporation.

(c) This section shall be a part of and supplemental to the state banking code.

New Sec. 6. (a) For any deposit account, loan account or other banking relationship hereinafter referred to as “account,” that is opened by one or more persons acting or purporting to act for or on behalf of an entity with any financial institution transacting business in this state, such person may provide the financial institution with a certificate to provide evidence of the existence of the entity and the authority of the person to act for or on behalf of the entity with respect to the account.

(b) The certificate of existence and authority shall be an affidavit executed by such person and shall include the following, as applicable:

(1) The name and mailing address of the entity;

(2) the type of entity and the state, country or other governmental authority, under which laws, the entity was formed;

(3) the organization date of the entity;

(4) the name, mailing address and office or other position held by the person executing the certificate; and

(5) a statement that the board of directors, managers, members, general partners or other governing body of the entity opening the account has duly taken all action legally required to open the account in the name of the entity and the name, office or other position of the person who has been duly authorized to engage in transactions with respect to the account, including any limitation that may exist upon the authority of such
person to bind the entity and any other matters concerning the manner in which such person may deal with the account.

(c) If a financial institution accepts a certificate of existence and authority pursuant to this section, the financial institution may open and administer the account in accordance with the information set forth therein and shall not be liable for so doing, even if any such information is inaccurate, unless the financial institution has actual knowledge of such inaccuracy or knowledge sufficient to cause a reasonably prudent person to doubt the accuracy of such information.

(d) Nothing in this section shall be construed to prohibit a financial institution from requesting additional information or requiring other agreements in order to establish an account for an entity, including, without limitation, a resolution, certificate of good standing, request for a taxpayer identification number, entity agreements or documents or parts thereof evidencing the existence of the entity or the authority of the person executing the certificate, and an indemnification that is acceptable to the financial institution.

(e) As used in this section:

(1) “Entity” means any government or governmental subdivision or agency, any domestic or foreign corporation, limited liability company, general partnership, limited liability partnership, joint venture, cooperative, association or other legal entity, whether operated for profit or not-for-profit; and

(2) “financial institution” means any federal- or state-chartered commercial bank, savings and loan association or savings bank.

(f) This section shall be a part of and supplemental to the state banking code.

Sec. 7. K.S.A. 2017 Supp. 9-701 is hereby amended to read as follows: 9-701. Unless otherwise clearly indicated by the context, the following words when used in the state banking code, for the purposes of the state banking code, shall have the meanings respectively ascribed to them in this section:

(a) “Bank or state bank” means a state bank, savings and loan association or savings bank incorporated under the laws of Kansas.

(b) “Business of banking” means receiving or accepting money on deposit, and may include the performance of related activities that are not exclusive to banks, including paying drafts or checks, lending money or any other activity authorized by applicable law. “Business of banking” shall not include any activity conducted by a student bank.

(c) “Trust company” means a trust company incorporated under the laws of Kansas which does not accept deposits.

(d) “Commissioner” means the Kansas state bank commissioner.

(e) “Executive officer” means a person who participates or has authority to participate, other than in the capacity of a director, in major
policymaking functions of the bank or trust company, whether or not the 
officer has an official title, the title designates the officer as an assistant 
or the officer is serving without salary or other compensation. The chair-
person of the board, the president, every vice president, the cashier, the 
secretary and the treasurer of a company or bank are considered executive 
officers.

(1) A bank may, by resolution of the board of directors or by the 
bylaws of the bank or trust company, exempt an officer from participation, 
other than in the capacity of a director, in major policymaking functions 
of the bank or trust company if the officer does not actually participate 
therein.

(2) The commissioner may make the determination that a person is 
an executive officer if the commissioner determines that the criteria are 
met despite the existence of a resolution allowed pursuant to this sub-
section.

(f) “Demand deposit” means a deposit that: (1) (A) Is payable on 
demand;
(2) is issued with an original maturity or required notice period of 
less than seven days;
(C) represents funds for which the depository institution does not 
reserve the right to require at least seven days’ written notice of an in-
tended withdrawal; or
(D) represents funds for which the depository institution does reserve 
the right to require at least seven days’ written notice of an intended 
withdrawal; and
(3) is not also a negotiable order of withdraw account.
(3) “Demand deposit” does not include “time deposits” or “savings 
deposits” as defined in this section.

(g) “Time deposit,” also known as a certificate of deposit, means a 
deposit that the depositor does not have a right and is not permitted to 
make withdrawals from within six days after the date of deposit unless 
the deposit is subject to an early withdrawal penalty of at least seven days’ 
simple interest on amounts withdrawn within the first six days after de-
posit. A time deposit from which partial early withdrawals are permitted 
must impose additional early withdrawal penalties for at least seven days’ 
simple interest on amounts withdrawn within six days after each partial 
withdrawal. If such additional early withdrawal penalties are not contrac-
tually imposed, the account ceases to be a time deposit, but may become 
a savings deposit if the account meets the requirements for a savings 
deposit.

(h) “Savings deposit” means a deposit or account with respect to 
which the depositor is not required by the deposit contract, but may at 
any time, be required by the depository institution to give written notice 
of an intended withdrawal not less than seven days before such withdrawal
is made and that is not payable on a specified date or at the expiration of a specified time after the date of deposit.

(i) “Public moneys” means all moneys coming into the custody of the United States government or any board, commission or agency thereof, and also shall mean all moneys coming into the custody of any officer of any municipal or quasi-municipal or public corporation, the state or any political subdivision thereof, pursuant to any provision of law authorizing any such official to collect or receive the same.

(j) “Municipal corporation” means any city incorporated under the laws of Kansas.

(k) “Quasi-municipal corporation” means any county, township, school district, drainage district, rural water district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(l) “Certificate of authority” means a certificate signed and sealed by the commissioner evidencing the authority of a bank or trust company to transact a general banking or trust business as provided by law.

(m) “Trust business” means engaging in, or holding out to the public as willing to engage in, the business of acting as a fiduciary for hire, except that no accountant, attorney, credit union, insurance broker, insurance company, investment adviser, real estate broker or sales agent, savings and loan association, savings bank, securities broker or dealer, real estate title insurance company or real estate escrow company shall be deemed to be engaged in a trust company business with respect to fiduciary services customarily performed by those persons or entities for compensation as a traditional incident to their regular business activities.

(n) “Community and economic development entity” means an entity that makes investments or conducts activities that primarily benefit low-income and moderate-income individuals, low-income and moderate-income areas, or other areas targeted by a governmental entity for redevelopment, or would receive consideration as “qualified investments” under the community reinvestment act pub. L. 95-128, title VIII, 91 stat. 1147, 12 U.S.C. § 2901 et seq., and any state tax credit equity fund established pursuant to K.S.A. 74-8904, and amendments thereto.

(o) “Depository institution” means any state bank, national banking association, state savings and loan or federal savings association, without regard to the state where the institution is chartered or the state in which the institution’s main office is located.

(p) “Student bank” means any nonprofit program offered by a high school accredited by the state board of education, where deposits are received, checks are paid or money is lent for limited in-school purposes.

(q) “Stock bank” means a bank that has an ownership structure represented by stock.

(r) “Mutual bank” means a bank that does not have an ownership structure represented by stock.
“Savings and loan association” or “savings bank” means a bank that is required to have qualified thrift investments that equal or exceed 65% of its portfolio assets, and its qualified thrift investments are required to equal or exceed 65% of its assets on a monthly average basis in nine out of every 12 months. For purposes of this subsection, “portfolio assets” and “qualified thrift investments” have the same meanings as in 12 U.S.C. § 1467a, as amended.

Sec. 8. K.S.A. 2017 Supp. 9-808 is hereby amended to read as follows:

9-808. (a) Any national bank, federal savings association or federal savings bank organized under the laws of the United States and located in this state may become a state bank upon the affirmative vote of not less than \( \frac{2}{3} \) of the institution’s outstanding voting stock or members. Any national bank, federal savings association or federal savings bank desiring to become a state bank shall apply to the commissioner for permission to convert to a state bank and:

(1) Shall submit a transcript of the minutes of the meeting of the institution’s stockholders or members showing approval of the proposed conversion;

(2) the name selected for the bank shall not be the name of any other bank: (A) doing business in the same city or town; or (B) within a 15-mile radius of the location of the converted institution. The name shall be accepted or rejected by the commissioner, although any bank may request exemption from the commissioner from this paragraph; and

(3) provide any other information required in the application form prescribed by the commissioner.

(b) A federal savings association or federal savings bank operating in a mutual form and which seeks to become a stock bank must also convert to a stock form prior to converting to a state bank and shall submit appropriate documentation to the commissioner to show that the appropriate federal regulator has approved such mutual to stock conversion.

(c) Upon receipt of each of the items required by this section the commissioner shall make or cause to be made such investigation as the commissioner deems necessary to determine whether:

(1) All state and federal requirements for a conversion have been satisfied;

(2) the conversion or the financial condition of the bank will not adversely affect the interests of the depositors;

(3) the resulting state bank will have an adequate capital structure in accordance with K.S.A. 9-901a et seq., and amendments thereto; and

(4) the competence, experience or integrity of the proposed management personnel indicates that approving the conversion would be in the interest of the depositors of the bank and in the interest of the public.

(d) If the commissioner determines each of the matters in subsection
(c) favorably, the conversion shall be approved, and the commissioner shall issue a certificate of authority. Upon issuance of a certificate of authority, the articles of incorporation, duly executed as required by the Kansas corporate code, shall be filed with the Kansas secretary of state’s office.

(e) In any conversion authorized by this section, the resulting state bank by operation of law shall continue all trust functions being exercised by the national bank, federal savings association or federal savings bank and shall be substituted for the national bank, federal savings association or federal savings bank and shall have the right to exercise trust or fiduciary powers created by any instrument designating the national bank, federal savings association or federal savings bank, even though such instruments are not yet effective.

(f) In any conversion authorized by this section, the resulting state bank shall succeed by operation of law without any conveyance or transfer by the act of the national bank, federal savings association or federal savings bank to all the actual or potential assets, real property, tangible personal property, intangible personal property, rights, franchises and interests, including those in a fiduciary capacity of the national bank, federal savings association or federal savings bank and shall be subject to all of the liabilities of the national bank, federal savings association or federal savings bank.

(g) In any conversion authorized by this section the corporate existence of the national bank, federal savings association or federal savings bank shall be continued in the resulting state bank, and the resulting state bank shall be deemed to be the identical corporate entity as the national bank, federal savings association or federal savings bank.

(h) Within a reasonable time after the effective date of the conversion, the resulting state bank shall divest all assets and liabilities that do not conform to state banking laws and rules and regulations. The length of this transition period shall be determined by the commissioner.

Sec. 9. K.S.A. 2017 Supp. 9-809 is hereby amended to read as follows:

9-809. (a) Any state bank may convert to a national bank, federal savings and loan association or federal savings bank upon the affirmative vote of not less than $\frac{2}{3}$ of the bank’s outstanding voting stock or members.

(b) The state bank shall provide a copy of the application submitted to the comptroller of currency to the commissioner within 10 days after the date the state bank applies for approval to convert to a national banking association, federal savings and loan association or federal savings bank from the office of the comptroller of the currency.

(c) The state bank shall provide to the commissioner written notice of approval by the comptroller of currency to convert to a national bank, federal savings and loan association or federal savings bank within 10 days of receiving the approval.
(d) Within 15 days following the issuance of a charter certificate to the bank by the comptroller, the bank shall surrender its state certificate of authority or charter and shall certify in writing that notice of the conversion has been given to the Kansas secretary of state’s office.

Sec. 10. K.S.A. 2017 Supp. 9-901a is hereby amended to read as follows: 9-901a. (a) For purposes of this section: (1) “Capital” means: (A) For a stock bank or trust company, the total of the aggregate par value of a bank’s or trust company’s outstanding shares of capital stock, its surplus and its undivided profits; and (B) for a mutual bank, the total of the funds pledged by its members and its undivided profits;

(2) “equity capital” means the total of common stock, preferred stock, surplus and undivided profits less intangibles; and

(3) “total assets” means the total of all tangible bank assets as reported on the daily balance sheet of the bank.

(b) (1) For stock banks organized on or after July 1, 2015, the minimum capital of a stock bank at the time of organization shall be the greater of $3,000,000 or an amount equal to 8% of the proposed bank’s estimated deposits five years after its organization. The capital shall be divided with 60% of the amount as the aggregate par value of outstanding shares of capital stock, 30% as surplus and 10% as undivided profits.

(2) For trust companies organized on or after July 1, 2015, the minimum capital shall at all times be $500,000. The capital shall be divided with 60% of the amount as the aggregate par value of outstanding shares of capital stock, 30% as surplus and 10% as undivided profits.

(3) For mutual banks organized on or after July 1, 2018, the founding members of the bank must pledge funds at the time of organization the greater of $3,000,000 or an amount equal to 8% of the proposed bank’s estimated deposits five years after its organization.

(4) The state banking board may require that a bank or trust company have capital in excess of the amounts specified in this subsection if the state banking board determines that excess capital is necessary based on the character and qualifications of the proposed board of directors and the nature of the business of the bank or trust company.

(c) The minimum capital of a bank or trust company organized pursuant to K.S.A. 9-801(j), and amendments thereto, shall be determined by the commissioner, provided that the successor bank has obtained deposit insurance from the federal deposit insurance corporation or any successor.

(d) All banks shall maintain a capital ratio of at least 5% of equity capital to total assets at all times.

(e) Any bank that relocates its main office from one city to another pursuant to K.S.A. 2017 Supp. 9-814, and amendments thereto, shall have equity capital equal to the greater of $3,000,000 or 8% of its estimated deposits five years after the relocation.
(1) The commissioner, in the commissioner’s discretion, may approve a relocation with a smaller equity capital amount if the bank can show that the circumstances surrounding the relocation warrant consideration of a lesser amount and the safety of depositors would not be impacted by requiring a lesser amount.

(2) If the main office relocation is part of an interchange of the main office with a branch location that has been in operation for at least one year, this equity capital requirement shall not apply.

(f) Any national bank, federal savings association or federal savings bank which converts its charter to a state bank pursuant to K.S.A. 9-808, and amendments thereto, shall have a minimum capital ratio of 5% of equity capital to total assets at the time of its conversion. The capital division requirements of subsection (b) shall not apply.

(g) The commissioner may require that a bank or trust company have capital in excess of the amounts specified in subsections (b) through (d) if the commissioner determines that excess capital is necessary based on the character and qualifications of the proposed board of directors and nature of the business of the bank or trust company.

(h) Any bank that fails to meet the minimum capital ratio of 5% of equity capital to total assets required by this section shall notify the commissioner within three business days. Upon notice, the commissioner may require the bank to submit a written plan for restoring capital approved by the commissioner.

Sec. 11. K.S.A. 2017 Supp. 9-902 is hereby amended to read as follows: 9-902. (a) The common and preferred stock of any stock bank or trust company hereafter created shall be divided into shares of $1 each, or any whole number multiple thereof. All subscriptions to such stock shall be paid in cash and any bank or trust company may change the par value of its shares to conform with this section.

(b) Any stock bank or trust company may reduce the number of shares of common stock and replace the shares of common stock with a like amount of shares of preferred stock, as long as the total dollar amount of capital stock is not changed. In lieu of reducing the number of shares of common stock, the stock bank may reduce the par value of the common stock and issue preferred stock with a par value that is equal to the amount of the reduction in the par value of the common stock. When the preferred stock is retired, the par value of the common shares shall be restored.

(c) The requirements for a capital reduction pursuant to K.S.A. 9-904, and amendments thereto, and the requirements for new issue of preferred stock pursuant to K.S.A. 9-908, and amendments thereto, shall not apply to the circumstance described in this section.

Sec. 12. K.S.A. 2017 Supp. 9-903 is hereby amended to read as follows: 9-903. (a) The shares of stock of any stock bank or trust company
shall be deemed personal property and shall be transferred on the books of the bank or trust company in such manner as the bylaws thereof may direct.

(b) No transfer of stock shall be valid against the issuing stock bank or trust company so long as the registered owner thereof shall be liable as principal debtor, surety or otherwise to the stock bank or trust company on a matured, charged off or forgiven obligation. No dividend, interest or profit shall be paid on such stock so long as the registered owner thereof is indebted to the bank or trust company on a matured, charged off or forgiven obligation. All such dividends or profits shall be retained by the stock bank or trust company and applied to the discharge of any such obligations.

(c) No stock shall be transferred on the books of any bank or trust company when the bank or trust company is in a failing condition, or when its capital stock is impaired, except upon approval of the commissioner.

(d) The president or other chief executive officer of a bank or trust company shall report to the commissioner within 10 days of the transfer of shares of stock on the books of the bank or trust company if there is a transfer of:

1. Shares of stock that results in the direct or indirect ownership by a stockholder or an affiliated group of stockholders of 10% or more of the outstanding stock of the bank or trust company; or

2. Additional shares of stock to stockholders or an affiliated group of stockholders who own 10% or more of the outstanding stock of a bank or trust company.

(e) If there is a transfer of shares of stock that results in the direct or indirect ownership by a stockholder or an affiliate group of stockholders of 25% or more of the outstanding stock of the bank or trust company, a change of control shall be filed pursuant to K.S.A. 9-1719 et seq., and amendments thereto.

Sec. 13. K.S.A. 2017 Supp. 9-904 is hereby amended to read as follows: 9-904. (a) With prior approval of the commissioner, a stock bank or trust company may reduce the amount of its capital stock account. No such reduction shall be approved unless the commissioner finds that:

1. The proposed reduction is necessary to provide greater operational flexibility to an adequately capitalized, well-managed institution;

2. the proposed reduction does not result in or is not in furtherance of a reduction in the institution’s capital to an amount below the amount required by K.S.A. 9-901(a), and amendments thereto;

3. the proposed reduction is not intended to delay, prevent or be in lieu of capital stock impairment or a stockholder’s assessment pursuant to K.S.A. 9-906, and amendments thereto;
(4) the proposed reduction poses no significant risk to the financial stability, safety or soundness of the institution;
(5) the bank’s or trust company’s surplus account will be increased in an amount equal to the amount of the proposed reduction in the capital stock account, unless a waiver is granted by the commissioner; and
(6) a resolution approving the reduction has been adopted by the stockholders representing 2/3 of the voting stock of the bank or trust company.

(b) Upon completion of the reduction, the stock bank or trust company shall file with the commissioner a list of its stockholders and the amount of stock held by each.

(c) Whenever the capital stock of any stock bank or trust company shall be reduced as herein provided, every stockholder, owner or holder of any stock certificate shall surrender the same for cancellation and shall be entitled to receive a new certificate for such person’s proportion of the new stock. No dividends shall be paid to any such stockholder until the old certificate is surrendered.

Sec. 14. K.S.A. 2017 Supp. 9-905 is hereby amended to read as follows: 9-905. The capital stock of any stock bank or trust company may be increased. The president and cashier shall forward a verified statement to the commissioner showing the amount of the increase, paid in full, the names and addresses of the subscribers and the amount subscribed by each.

Sec. 15. K.S.A. 2017 Supp. 9-906 is hereby amended to read as follows: 9-906. (a) Whenever it shall appear that the capital stock of any stock bank or trust company is impaired, the commissioner shall notify the stock bank or trust company to restore the capital stock within 90 days of receipt of such notice.
(b) For purposes of this section, “impairment” means that charges or losses to the bank or trust company’s capital accounts have been sufficient to eliminate all of the bank or trust company’s allowance for loan and lease loss, undivided profits, surplus fund and any other capital reserves and has brought the book amount of the capital stock below the par value of the capital stock.
(c) Within 15 days of receipt of the impairment notice from the commissioner, the board of directors of the bank or trust company shall levy an assessment on the common stockholders sufficient to restore the capital stock.
(d) A bank or trust company may reduce its capital stock to the extent of the impairment, if such reduction is conducted pursuant to the requirements of K.S.A. 9-904, and amendments thereto.

Sec. 16. K.S.A. 2017 Supp. 9-907 is hereby amended to read as follows: 9-907. (a) Whenever any stockholder of a stock bank or trust company or an assignee of such stockholder, fails to pay any assessment as
required by K.S.A. 9-906, and amendments thereto, the directors of the bank or trust company may sell the stock of such delinquent stockholder, or so much of the stock as necessary, to satisfy the assessment and any related incidental expenses within 120 days of the bank or trust company’s receipt of impairment notice.

(b) The sale of stock of a delinquent stockholder may be either public or private. The bank or trust company may sell the stock to any person paying the highest price, however, the price shall not be less than the amount due upon the stock, including any incidental expenses. If the stock is sold at private sale and the price offered by any non-stockholder does not exceed the highest bid of any stockholder, then such stock shall be sold to the stockholder. If the stock is sold at a public sale, then notice of the public sale shall be published on the same day for two consecutive weeks, in a newspaper of general circulation in the city or county where the bank or trust company is located.

(c) Any excess moneys realized from the sale of the stock shall be paid to the delinquent stockholder, unless the stockholder is indebted to the bank or trust company. If the stockholder has debt, then the excess may be retained by the bank or trust company as an offset against the debt.

(d) If no purchaser can be found for the stock at the public or private sale, the stock shall be forfeited to the bank or trust company to be disposed of as the board of directors shall determine within six months from the date of the public or private sale. If the stock cannot be disposed of within six months, the bank or trust company may request permission from the commissioner for additional time to dispose of the stock.

Sec. 17. K.S.A. 2017 Supp. 9-908 is hereby amended to read as follows: 9-908. (a) Upon the affirmative vote of 2⁄3 of the voting shares of the common stock of a stock bank or trust company, and with the prior approval of the commissioner, a stock bank or trust company may issue preferred stock of one or more classes. The stockholders shall have a meeting to vote on the issuance of preferred stock. Notice of this meeting shall be given to all stockholders at least five days in advance of the date of the meeting by registered mail.

(b) No preferred stock shall be retired unless the common stock shall be increased in an amount equal to the amount of the preferred stock retired. All preferred stock shall be retired consistent with safety to the depositors.

Sec. 18. K.S.A. 2017 Supp. 9-910 is hereby amended to read as follows: 9-910. No dividends shall be paid from the capital stock account of a stock bank or trust company. The current dividends of any stock bank or trust company or of any mutual bank shall be paid from undivided profits after deducting losses. These losses are determined by using generally accepted accounting principles at the time of making the dividend.
Sec. 19. K.S.A. 2017 Supp. 9-911 is hereby amended to read as follows: 9-911. (a) The directors of any stock bank or trust company or of any mutual bank may declare cash dividends only from undivided profits. For a stock bank, before paying this dividend, the directors shall ensure that the surplus fund equals or exceeds the capital stock account. If the surplus fund is less than the capital stock account, the directors shall transfer 25% of the net profits of the bank or trust company, since the last preceding dividend from undivided profits to the surplus fund, except no additional transfers shall be required once the surplus fund equals the capital stock account.

(b) The directors of any bank or trust company may not declare or pay an asset dividend, other than cash dividends allowed pursuant to subsection (a), without prior approval from the commissioner.

Sec. 20. K.S.A. 2017 Supp. 9-912 is hereby amended to read as follows: 9-912. (a) Any losses sustained by a bank or trust company in excess of its undivided profits may be charged to its surplus fund.

(b) Any stock bank or trust company, after receiving approval from the commissioner, may declare a stock dividend from its surplus fund, but no dividend shall reduce the surplus fund to an amount less than 30% of the resulting total capital.

(c) Any bank or trust company may reduce its surplus account with permission of the commissioner.

Sec. 21. K.S.A. 2017 Supp. 9-1101 is hereby amended to read as follows: 9-1101. (a) Any bank hereby is authorized to exercise by its board of directors or duly authorized officers or agents, subject to law, the following powers:

1) To receive and to pay interest on deposits. The commissioner, with approval of the state banking board, may by rules and regulations fix maximum rates of interest to be paid on deposit accounts other than accounts for public moneys;

2) to buy, sell, discount or negotiate domestic currency, gold, silver, foreign currency, bullion, commercial paper, bills of exchange, notes and bonds. Foreign currency shall not be bought, sold, discounted or negotiated for investment purposes;

3) to make all types of loans, subject to the loan limitations contained in the state banking code;

4) (A) to buy and sell:
   (i) Bonds, securities or other evidences of indebtedness, including temporary notes, of the United States of America;
   (ii) bonds, securities or other evidences of indebtedness, including temporary notes, fully guaranteed, directly or indirectly, by the United States of America; or
   (iii) general obligation bonds of any state of the United States of America or any municipality or quasi-municipality thereof.
(B) No bank shall invest in bonds, securities or other evidences of indebtedness in excess of 15% of capital stock paid in and unimpaired and the unimpaired surplus fund of such bank if:

(i) The direct and overlapping indebtedness of such municipality or quasi-municipality is in excess of 10% of its assessed valuation market value, excluding therefrom all valuations on intangibles and homestead exemption valuation; or

(ii) any bond, security, or evidence of indebtedness of any such municipality or quasi-municipality that has been in default in the payment of principal or interest within 10 years prior to the time that any bank acquires any such bonds, security or evidence of indebtedness;

(5) to buy and sell investment securities which are evidences of indebtedness limited to buying and selling without recourse marketable obligations evidencing indebtedness of any state or federal agency, including revenue bonds issued pursuant to K.S.A. 76-6a15, and amendments thereto, or the state armory board in the form of bonds, notes or debentures or both. The total amount of such investment securities of any one obligor or maker held by such bank shall at no time exceed 25% of the capital stock, surplus, undivided profits, 100% of the allowance for loan and lease loss, capital notes and debentures and reserve for contingencies of such bank, except that this limit shall not apply to obligations of the United States government or any agency thereof;

(6) to buy and sell investment securities which are evidences of indebtedness limited to buying and selling without recourse marketable obligations evidencing indebtedness of any person, copartnership, association or corporation. The total amount of such investment securities of any one obligor or maker held by such bank shall at no time exceed 25% of the capital stock surplus, undivided profits, 100% of the allowance for loan and lease loss, capital notes and debentures and reserve for contingencies of such bank;

(7) to subscribe to, buy, hold and sell stock of:

(A) The federal national mortgage association in accordance with the national housing act;

(B) the federal home loan mortgage corporation in accordance with the federal home loan mortgage corporation act;

(C) the federal agricultural mortgage corporation, provided no bank’s investment in such corporation shall exceed 5% of the bank’s capital stock, surplus and undivided profits; and

(D) a federal home loan bank. Any bank may also become a member of a federal home loan bank;

(8) to subscribe to, buy and own stock in one or more small business investment companies in Kansas as otherwise authorized by federal law, except that in no event shall any bank acquire shares in any small business investment company if, upon the acquisition, the aggregate amount of
shares in small business investment companies then held by the bank would exceed 5% of the bank’s capital and surplus;

(9) to subscribe to, buy and own stock in any agricultural credit corporation or livestock loan company, or its affiliate, organized pursuant to the provisions of the laws of the United States providing for the information and operation of agricultural credit corporations and livestock loan companies, in an amount not exceeding either the undivided profits or 10% of the capital stock and surplus and undivided profits from such bank, whichever is greater;

(10) to buy, hold and sell any type of investment securities not enumerated in this section with approval of the commissioner and upon such conditions and under such regulations as are prescribed by the state banking board;

(11) to act as escrow agent;

(12) to subscribe to, acquire, hold and dispose of stock of a corporation the purpose of which is to acquire, hold and dispose of loans secured by real estate mortgages, and to acquire, hold and dispose of the debentures and capital notes of such corporation. No bank’s investment in such stock, debentures and capital notes shall exceed 2% of its capital stock, surplus and undivided profits;

(13) to purchase and sell securities and stock without recourse solely upon the order, and for the account, of customers;

(14) to subscribe to, acquire, hold and dispose of any class of stock, debentures and capital notes of MABSCO agricultural services, inc. or any similar corporation the purpose of which is to acquire, hold and dispose of agricultural loans originated by Kansas banks. No bank’s investment in such stock, debentures and capital notes shall exceed 2% of its capital stock, surplus and undivided profits;

(15) to engage in financial future contracts on United States government and agency securities subject to such rules and regulations as the commissioner may prescribe pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound banking practices;

(16) to subscribe to, buy and own stock in a bankers’ bank organized under the laws of the United States, this state or any other state, or a one bank holding company which owns or controls such a bankers’ bank, except no bank’s investment in such stock shall exceed 10% of its capital stock, surplus and undivided profits;

(17) to buy, hold and sell shares of an open-end investment company in a manner consistent with the parameters outlined by the office of the comptroller of the currency in banking circular 220, as such circular was issued on November 21, 1986;

(18) subject to the prior approval of the commissioner and subject to such rules and regulations as are adopted by the commissioner pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound
banking practices, a bank may establish a subsidiary which engages in the following securities activities:

(A) Selling or distributing stocks, bonds, debentures, notes, mutual funds and other securities;
(B) issuing and underwriting municipal bonds;
(C) organizing, sponsoring and operating mutual funds; or
(D) acting as a securities broker-dealer;
(19) to subscribe to, buy and own stock in an insurance company incorporated prior to 1910, under the laws of Kansas, with corporate headquarters in this state, which only provides insurance to financial institutions. The investment in such stock shall not exceed 2% of the bank’s capital stock, surplus and undivided profits;
(20) to purchase and hold an interest in life insurance policies and, to the extent applicable, to purchase and hold an annuity in a manner consistent with the parameters outlined in the interagency statement of the purchase and risk management of life insurance, issued by the office of the comptroller of the currency, the board of governors of the federal reserve system, the federal deposit insurance corporation and the office of the thrift supervision on December 7, 2004; and set out in the respective agencies’ issuances, including the federal deposit insurance corporation financial institution letter 127-2004, effective December 7, 2004, subject to the following limitations:
(A) The cash surrender value of any life insurance policy or policies underwritten by any one life insurance company shall not at any time exceed 15% of the total of the bank’s capital stock, surplus, undivided profits, 100% of the allowance for loan and lease losses, capital notes and debentures and reserve for contingencies, unless the bank has obtained the prior approval of the commissioner;
(B) the cash surrender value of life insurance policies, in the aggregate from all companies, cannot at any time exceed 25% of the total of the bank’s capital stock, surplus, undivided profits, 100% of the allowance for loan and lease losses, capital notes and debentures and reserve for contingencies, unless the bank has obtained the prior approval of the state bank commissioner;
(C) the limitations set forth in subparagraphs (A) and (B) shall not apply to any life insurance policy in place prior to July 1, 1993; and
(D) for the purposes of subsections (a)(20)(A) and (a)(20)(B), intangibles, such as goodwill, shall not be included in the calculation of capital;
(21) act as an agent and receive deposits, renew time deposits, close loans, service loans and receive payments on loans and other obligations for any company which is a subsidiary, as defined in K.S.A. 9-519, and amendments thereto, of the bank holding company which owns the bank. Nothing in this subsection shall authorize a bank to conduct activities as an agent which the bank or the subsidiary would be prohibited from conducting as a principal under any applicable federal or state law. Any
bank which enters or terminates any agreement pursuant to this subsection shall within 30 days of the effective date of the agreement or termination provide written notification to the commissioner which details all parties involved and services to be performed or terminated;

(22) to make loans to the bank’s stockholders or the bank’s controlling holding company stockholders on the security of the shares of the bank or the bank’s controlling bank holding company, but loans on the security of the shares of the bank may occur only if the bank would have extended credit to such stockholder on exactly the same terms without the bank shares pledged as collateral;

(23) to make investments in and loans to community and economic development entities as defined in K.S.A. 9-701, and amendments thereto, subject to the limitations prescribed by community reinvestment act pub. l. 95-128, title VIII, 91 Stat. 1147, 12 U.S.C. § 2901 et seq.;

(24) to participate in a school savings deposit program authorized under K.S.A. 9-1138, and amendments thereto;

(25) with prior approval of the commissioner, to control or hold an interest in a financial subsidiary.

(A) The financial subsidiary may engage in one or more of the following activities:

(i) Lending, exchanging, transferring, investing for others or safeguarding money or securities;

(ii) acting as agent or broker for purposes of insuring, guaranteeing or indemnifying against loss, harm, damage, illness, disability, death or providing annuities as agent or broker subject to the requirements of chapter 40 of the Kansas Statutes Annotated, and amendments thereto;

(iii) issuing or selling instruments representing interests in pools or assets permissible for a bank to hold directly;

(iv) operating a travel agency; and

(v) activities that are financial in nature as determined by the commissioner.

(B) Such activities do not include:

(i) Insuring, guaranteeing or indemnifying against loss, harm, damage, illness, disability, death or providing or issuing annuities the income of which is subject to tax treatment under 26 U.S.C. § 72;

(ii) real estate development or real estate investment, except as otherwise expressly authorized by Kansas law; or

(iii) any activity permitted for financial holding companies under 12 U.S.C. § 1843(k)(4)(H) and (I).

(C) As used in subsection (a)(25), “control” means:

(i) Directly or indirectly owning, controlling or having power to vote 25% or more of any class of the voting shares of a financial subsidiary;

(ii) controlling in any manner the election of a majority of the directors or trustees of the financial subsidiary; or

(iii) otherwise directly or indirectly exercising a controlling influence
over the management or policies of the financial subsidiary, as determined by the commissioner;

(26) to maintain and operate a postal substation on banking premises, in accordance with the rules and regulations of the United States postal service. The bank may advertise the services of the substation for the purpose of attracting customers to the bank and receive income therefrom. The bank shall keep the books and records of the substation separate from the records of other banking operations;

(27) with prior approval of the commissioner, to invest in foreign bonds an amount not to exceed 1% of the bank’s capital stock and surplus as long as such bonds comply with the form and definition of investment securities;

(28) to act as an agent for any credit life, health and accident insurance, sometimes referred to as credit life and disability insurance, and mortgage life and disability insurance in connection with extensions of credit and only as a source of protection for such extension of credit;

(29) to act as agent for any fire, life or other insurance company authorized to do business in this state at any approved office of the bank which is located in any place the population does not exceed 5,000 inhabitants. Such insurance may be sold to existing and potential customers of the bank regardless of the geographic location of the customers;

(30) to become a stockholder and member of the federal reserve bank of the federal reserve district where such bank is located;

(31) with prior approval of the commissioner, to acquire the stock of, or establish and operate a subsidiary to acquire the stock of, another insured depository institution or the holding company of the insured depository institution provided such acquisition is incidental to a reorganization otherwise authorized by the law of this state and which occurs nearly simultaneously with such acquisition;

(32) with prior approval of the commissioner, to establish and operate a subsidiary for the purpose of owning, holding and managing all or part of the bank’s securities portfolio provided the parent bank owns 100% of the stock of the subsidiary and the subsidiary shall not own, hold or manage securities for any party other than the parent bank. The subsidiary shall be subject to:

(A) All banking laws and rules and regulations applicable to the parent bank unless otherwise provided;

(B) consolidation with the parent bank of pertinent book figures for the purpose of applying all applicable statutory limitations including, but not limited to, capital requirements, owning and holding real estate and legal lending limitations;

(C) examination and supervision by the commissioner, the cost and responsibility of which will be attributable to the parent bank; and

(D) any additional terms or conditions required by the commissioner to address any legal or safety and soundness concerns;
(33) with prior approval of the commissioner, to establish or acquire operating subsidiaries for the purpose of engaging in any activity which is part or incidental to the business of banking as long as the parent bank owns at least 50% of the stock of the subsidiary. The subsidiary shall be subject to:
   (A) All banking laws and regulations applicable to the parent bank unless otherwise provided;
   (B) consolidation with the parent bank of pertinent book figures for the purpose of applying all applicable statutory limitations including, but not limited to, capital requirements, owning and holding real estate and legal lending limitations;
   (C) examination and supervision by the commissioner the cost and responsibility of which will be attributable to the parent bank; and
   (D) any additional terms or conditions required by the commissioner to address any legal or safety and soundness concerns;
(34) to invest in, without limitation, obligations of or obligations which are insured as to principal and interest by or evidences of indebtedness that are fully collateralized by obligations of the federal home loan banks, the federal national mortgage association, the government national mortgage association, the federal home loan mortgage corporation, the student loan marketing association and the federal farm credit banks;
(35) any bank or trust company may invest in bonds or notes secured by mortgages which in turn are insured or upon which there is a commitment to insure by the federal housing administration, or any successor thereto, in debentures issued by the federal housing administration or any successor, and in obligations of national mortgage associations; and
(36) to buy tax credits for certain historic structure rehabilitation expenditures pursuant to K.S.A. 2017 Supp. 79-32,211, and amendments thereto. The total amount of such tax credits held by a bank shall at no time exceed 25% of the capital stock, surplus, undivided profits, 100% of the allowance for loan and lease loss, capital notes and debentures and reserve for contingencies of such bank.
(b) Any bank hereby is authorized to exercise by the bank’s board of directors or duly authorized officers or agents, subject to approval by the commissioner, any incidental power necessary to carry on the business of banking.

Sec. 22. K.S.A. 2017 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) General eligibility requirements for assistance for which federal moneys are expended. Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:
   (1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife or cohabiting partners are living together, the combined income or re-
sources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual’s spouse, cohabiting partner or such individual’s minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility for temporary assistance for needy families, for food assistance and for any other assistance provided through the Kansas department for children and families under which federal moneys are expended, the secretary for children and families shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any boat, personal water craft, recreational vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance except that any additional motor vehicle used by the applicant, the applicant’s spouse or the applicant’s cohabiting partner for the primary purpose of earning income may be considered as exempt personal property in the secretary’s discretion.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas.

(b) Temporary assistance for needy families. Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as temporary assistance for needy families. Where the husband and wife or cohabiting partners are living together, both shall register for work under the program requirements for temporary assistance for needy families in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

(1) As used in this subsection, “family group” or “household” means the applicant or recipient for TANF, child care subsidy or employment services and all individuals living together in which there is a relationship of legal responsibility or a qualifying caretaker relationship. This will include a cohabiting boyfriend or girlfriend living with the person legally responsible for the child. The family group shall not be eligible for TANF if the family group contains at least one adult member who has received TANF, including the federal TANF assistance received in any other state, for 24 calendar months beginning on and after October 1, 1996, unless the secretary determines a hardship exists and grants an extension allow-
ing receipt of TANF until the 36-month limit is reached. No extension beyond 36 months shall be granted. Hardship provisions for a recipient include:

(A) Is a caretaker of a disabled family member living in the household;
(B) has a disability which precludes employment on a long-term basis or requires substantial rehabilitation;
(C) needs a time limit extension to overcome the effects of domestic violence/sexual assault;
(D) is involved with prevention and protection services (PPS) and has an open social service plan; or
(E) is determined by the 24th month to have an extreme hardship other than what is designated in criteria listed in subparagraphs (A) through (D). This determination will be made by the executive review team.

(2) All adults applying for TANF shall be required to complete a work program assessment as specified by the Kansas department for children and families, including those who have been disqualified for or denied TANF due to non-cooperation, drug testing requirements or fraud. Adults who are not otherwise eligible for TANF, such as ineligible aliens, relative/non-relative caretakers and adults receiving supplemental security income are not required to complete the assessment process. During the application processing period, applicants must complete at least one module or its equivalent of the work program assessment to be considered eligible for TANF benefits, unless good cause is found to be exempt from the requirements. Good cause exemptions shall only include:

(A) The applicant can document an existing certification verifying completion of the work program assessment;
(B) the applicant has a valid offer of employment or is employed a minimum of 20 hours a week;
(C) the applicant is a parenting teen without a GED or high school diploma;
(D) the applicant is enrolled in job corps;
(E) the applicant is working with a refugee social services agency; or
(F) the applicant has completed the work program assessment within the last 12 months.

(3) The department for children and families shall maintain a sufficient level of dedicated work program staff to enable the agency to conduct work program case management services to TANF recipients in a timely manner and in full accordance with state law and agency policy.

(4) TANF mandatory work program applicants and recipients shall participate in work components that lead to competitive, integrated employment. Components are defined by the federal government as being either primary or secondary. In order to meet federal work participation requirements, households need to meet at least 30 hours of participation
per week, at least 20 hours of which need to be primary and at least 10 hours may be secondary components in one parent households where the youngest child is six years of age or older. Participation hours shall be 55 hours in two parent households (35 hours per week if child care is not used). The maximum assignment is 40 hours per week per individual. For two parent families to meet the federal work participation rate both parents must participate in a combined total of 55 hours per week, 50 hours of which must be in primary components, or one or both parents could be assigned a combined total of 35 hours per week (30 hours of which must be primary components) if department for children and families paid child care is not received by the family. Single parent families with a child under age six meet the federal participation requirement if the parent is engaged in work or work activities for at least 20 hours per week in a primary work component. The following components meet federal definitions of primary hours of participation: Full or part-time employment, apprenticeship, work study, self-employment, job corps, subsidized employment, work experience sites, on-the-job training, supervised community service, vocational education, job search and job readiness. Secondary components include: Job skills training, education directly related to employment such as adult basic education and English as a second language, and completion of a high school diploma or GED.

(5) A parent or other adult caretaker personally providing care for a child under the age of three months in their TANF household is exempt from work participation activities until the month the child turns three months of age. Such three-month limitation shall not apply to a parent or other adult caretaker who is personally providing care for a child born significantly premature, with serious medical conditions or with a disability as defined by the secretary, in consultation with the secretary of health and environment, and adopted in the rules and regulations. The three-month period is defined as two consecutive months starting with the month after childbirth. The exemption for caring for a child under three months cannot be claimed:

(A) By either parent when two parents are in the home and the household meets the two-parent definition for federal reporting purposes;

(B) by one parent or caretaker when the other parent or caretaker is in the home, and available, capable and suitable to provide care and the household does not meet the two-parent definition for federal reporting purposes;

(C) by a person age 19 or younger when such person is pregnant or a parent of a child in the home and the person does not possess a high school diploma or its equivalent. Such person shall become exempt the month such person turns age 20; or

(D) by any person assigned to a work participation activity for substance use disorders.

(6) TANF work experience placements shall be reviewed after 90
days and are limited to six months per 24-month lifetime limit. A client’s progress shall be reviewed prior to each new placement regardless of the length of time they are at the work experience site.

(7) TANF participants with disabilities shall engage in required employment activities to the maximum extent consistent with their abilities. TANF participants shall provide current documentation by a qualified medical practitioner that details the abilities to engage in employment and any limitations in work activities along with the expected duration of such limitations. Disability is defined as a physical or mental impairment constituting or resulting in a substantial impediment to employment for such individual.

(8) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy. The period of ineligibility for TANF benefits based on non-cooperation with work programs shall be as follows:

(A) For a first penalty, three months and full cooperation with work program activities;
(B) for a second penalty, six months and full cooperation with work program activities;
(C) for a third penalty, one year and full cooperation with work program activities; and
(D) for a fourth or subsequent penalty, 10 years.

(9) Individuals that have not cooperated with TANF work programs shall be ineligible to participate in the food assistance program. The comparable penalty shall be applied to only the individual in the food assistance program who failed to comply with the TANF work requirement. The agency shall impose the same penalty to the member of the household who failed to comply with TANF requirements. The penalty periods are three months, six months, one year, or 10 years.

(10) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy. The period of ineligibility for child care subsidy or TANF benefits based on parents’ non-cooperation with child support services shall be as follows:

(A) For the first penalty, three months and cooperation with child support services prior to regaining eligibility;
(B) for a second penalty, six months and cooperation with child support services prior to regaining eligibility;
(C) for a third penalty, one year and cooperation with child support services prior to regaining eligibility; and
(D) for a fourth penalty, 10 years.

(11) Individuals that have not cooperated without good cause with child support services shall be ineligible to participate in the food assis-
tance program. The period of disqualification ends once it has been determined that such individual is cooperating with child support services.

(12) (A) Any individual who is found to have committed fraud or is found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2017 Supp. 21-5801, and amendments thereto, in either the TANF or child care program shall render all adults in the family unit ineligible for TANF assistance. Adults in the household who were determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2017 Supp. 21-5801, and amendments thereto, shall render themselves and all adult household members ineligible for their lifetime for TANF, even if fraud was committed in only one program. Households who have been determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2017 Supp. 21-5801, and amendments thereto, shall be required to name a protective payee as approved by the secretary or the secretary’s designee to administer TANF benefits or food assistance on behalf of the children. No adult in a household may have access to the TANF cash assistance benefit.

(B) Any individual that has failed to cooperate with a fraud investigation shall be ineligible to participate in the TANF cash assistance program and the child care subsidy program until the department for children and families determines that such individual is cooperating with the fraud investigation. The department for children and families shall maintain a sufficient level of fraud investigative staff to enable the department to conduct fraud investigations in a timely manner and in full accordance with state law and department rules and regulations or policies.

(13) (A) Food assistance shall not be provided to any person convicted of a felony offense occurring on or after July 1, 2015, which includes as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog. For food assistance, the individual shall be permanently disqualified if they have been convicted of a state or federal felony offense occurring on or after July 1, 2015, involving possession or use of a controlled substance or controlled substance analog.

(B) Notwithstanding the provisions of subparagraph (A), an individual shall be eligible for food assistance if the individual enrolls in and participates in a drug treatment program approved by the secretary, submits to and passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

An individual’s failure to submit to testing or failure to successfully pass a drug test shall result in ineligibility for food assistance until a drug test is successfully passed. Failure to successfully complete a drug treatment program shall result in ineligibility for food assistance until a drug treatment plan approved by the secretary is successfully completed, the in-
individual passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

(C) The provisions of subparagraph (B) shall not apply to any individual who has been convicted for a second or subsequent felony offense as provided in subparagraph (A).

(14) No TANF cash assistance shall be used to purchase alcohol, cigarettes, tobacco products, lottery tickets, concert tickets, professional or collegiate sporting event tickets or tickets for other entertainment events intended for the general public or sexually oriented adult materials. No TANF cash assistance shall be used in any retail liquor store, casino, gaming establishment, jewelry store, tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, parimutuel facility, or sexually oriented business or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any business or retail establishment where minors under age 18 are not permitted. No TANF cash assistance shall be used for purchases at points of sale outside the state of Kansas.

(15) (A) The secretary for children and families shall place a photograph of the recipient, if agreed to by such recipient of public assistance, on any Kansas benefits card issued by the Kansas department for children and families that the recipient uses in obtaining food, cash or any other services. When a recipient of public assistance is a minor or otherwise incapacitated individual, a parent or legal guardian of such recipient may have a photograph of such parent or legal guardian placed on the card.

(B) Any Kansas benefits card with a photograph of a recipient shall be valid for voting purposes as a public assistance identification card in accordance with the provisions of K.S.A. 25-2908, and amendments thereto.

(C) As used in this paragraph and its subparagraphs, “Kansas benefits card” means any card issued to provide food assistance, cash assistance or child care assistance, including, but not limited to, the vision card, EBT card and Kansas benefits card.

(D) The Kansas department for children and families shall monitor all recipient requests for a Kansas benefits card replacement and, upon the fourth such request in a 12-month period, send a notice alerting the recipient that the recipient’s account is being monitored for potential suspicious activity. If a recipient makes an additional request for replacement subsequent to such notice, the department shall refer the investigation to the department’s fraud investigation unit.

(16) The secretary for children and families shall adopt rules and regulations:
(A) In determining eligibility for the child care subsidy program, including an income of a cohabiting partner in a child care household; and

(B) in determining and maintaining eligibility for non-TANF child care, requiring that all included adults shall be employed a minimum of 20 hours per week or more as defined by the secretary or meet the following specific qualifying exemptions:

   (i) Adults who are not capable of meeting the requirement due to a documented physical or mental condition;

   (ii) adults who are former TANF recipients who need child care for employment after their TANF case has closed and earned income is a factor in the closure in the two months immediately following TANF closure;

   (iii) adult parents included in a case in which the only child receiving benefits is the child of a minor parent who is working on completion of high school or obtaining a GED;

   (iv) adults who are participants in a food assistance employment and training program; or

   (v) adults who are participants in an early head start child care partnership program and are working in school or training.

The department for children and families shall provide child care for the pursuit of any degree or certification if the occupation has at least an average job outlook listed in the occupational outlook of the U.S. department of labor, bureau of labor statistics. For occupations with less than an average job outlook, educational plans shall require approval of the secretary or secretary's designee. Child care may also be approved if the student provides verification of a specific job offer that will be available to such student upon completion of the program. Child care for post-secondary education shall be allowed for a lifetime maximum of 24 months per adult. The 24 months may not have to be consecutive. Students shall be engaged in paid employment for a minimum of 15 hours per week. In a two-parent adult household, child care would not be allowed if both parents are adults and attending a formal education or training program at the same time. The household may choose which one of the parents is participating as a post-secondary student. The other parent shall meet another approvable criteria for child care subsidy.

(17) (A) The secretary for children and families is prohibited from requesting or implementing a waiver or program from the U.S. department of agriculture for the time limited assistance provisions for able-bodied adults aged 18 through 49 without dependents in a household under the food assistance program. The time on food assistance for able-bodied adults aged 18 through 49 without dependents in the household shall be limited to three months in a 36-month period if such adults are not meeting the requirements imposed by the U.S. department of agriculture that they must work for at least 20 hours per week or participate in a federally approved work program or its equivalent.
(B) Each food assistance household member who is not otherwise exempt from the following work requirements shall: Register for work; participate in an employment and training program, if assigned to such a program by the department; accept a suitable employment offer; and not voluntarily quit a job of at least 30 hours per week.

(C) Any recipient who has not complied with the work requirements under subparagraph (B) shall be ineligible to participate in the food assistance program for the following time period and until the recipient complies with such work requirements:

(i) For a first penalty, three months;
(ii) for a second penalty, six months; and
(iii) for a third penalty and any subsequent penalty, one year.

(18) Eligibility for the food assistance program shall be limited to those individuals who are citizens or who meet qualified non-citizen status as determined by U.S. department of agriculture. Non-citizen individuals who are unable or unwilling to provide qualifying immigrant documentation, as defined by the U.S. department of agriculture, residing within a household shall not be included when determining the household’s size for the purposes of assigning a benefit level to the household for food assistance or comparing the household’s monthly income with the income eligibility standards. The gross non-exempt earned and unearned income and resources of disqualified individuals shall be counted in its entirety as available to the remaining household members.

(19) The secretary for children and families shall not enact the state option from the U.S. department of agriculture for broad-based categorical eligibility for households applying for food assistance according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

(20) No federal or state funds shall be used for television, radio or billboard advertisements that are designed to promote food assistance benefits and enrollment. No federal or state funding shall be used for any agreements with foreign governments designed to promote food assistance.

(21) (A) The secretary for children and families shall not apply gross income standards for food assistance higher than the standards specified in 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical eligibility exempting households from such gross income standards requirements shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(B) The secretary for children and families shall not apply resource limits standards for food assistance that are higher than the standards specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal law. Categorical eligibility exempting households from such resource limits shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(c) (1) On and after January 1, 2017, the department for children and
families shall conduct an electronic check for any false information provided on an application for TANF and other benefits programs administered by the department. For TANF cash assistance, food assistance and the child care subsidy program, the department shall verify the identity of all adults in the assistance household.

(2) The department of administration shall provide monthly to the Kansas department for children and families the social security numbers or alternate taxpayer identification numbers of all persons who claim a Kansas lottery prize in excess of $5,000 during the reported month. The Kansas department for children and families shall verify if individuals with such winnings are receiving TANF cash assistance, food assistance or assistance under the child care subsidy program and take appropriate action. The Kansas department for children and families shall use data received under this subsection solely, and for no other purpose, to determine if any recipient’s eligibility for benefits has been affected by lottery prize winnings. The Kansas department for children and families shall not publicly disclose the identity of any lottery prize winner, including recipients who are determined to have illegally received benefits.

(d) Temporary assistance for needy families; assignment of support rights and limited power of attorney. By applying for or receiving temporary assistance for needy families such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person’s own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child’s support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving temporary assistance for needy families, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child’s behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary’s designee, as an attorney-in-fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This
limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

(c) Requirements for medical assistance for which federal moneys or state moneys or both are expended. (1) When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. Resources from inheritance shall be counted. A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall constitute a transfer of resources. The secretary shall exempt principal and interest held in irrevocable trust pursuant to K.S.A. 16-303(c), and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient. Medical assistance eligibility for receipt of benefits under the title XIX of the social security act, commonly known as medicaid, shall not be expanded, as provided for in the patient protection and affordable care act, public law 111-148, 124 stat. 119, and the health care and education reconciliation act of 2010, public law 111-152, 124 stat. 1029, unless the legislature expressly consents to, and approves of, the expansion of medicaid services by an act of the legislature.

(3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.

(B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such discretionary trust shall be considered an available resource unless: (i) At the time of creation or amendment of the trust, the trust states a clear intent that the trust is supplemental to public assistance; and (ii) the trust: (a) Is funded from resources of a person who, at the time of such funding, owed no duty of
support to the applicant or recipient of medical assistance; or (b) is funded not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, “public assistance” includes, but is not limited to, medicaid, medical assistance or title XIX of the social security act.

(4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met: (i) The contract, agreement or accord must be in writing and executed prior to any services being provided; (ii) the moneys paid are in direct relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals; (iii) if no similarly situated nonlicensed individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards; (iv) such individual providing the services will report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies; (v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered; (vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and (vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.

(B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.

(5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.

(f) Eligibility for medical assistance of resident receiving medical care outside state. A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not
return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

(g) Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients. (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary’s designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in on behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to K.S.A. 39-756(d), and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(B) Notwithstanding the provisions of subparagraph (A), the secretary of health and environment, or the secretary’s designee, is hereby authorized to and shall exercise any of the powers specified in subparagraph (A) in relation to performance of such secretary’s duties pertaining
to medical subrogation, estate recovery or any other duties assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection (e) is: (A) A claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both; and (B) a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 17-2263, 17-2264, 17-5828 or 17-5829 or 17-2264, and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection (e) except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection (e) is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227, and amendments thereto, shall be a credit against the amount of the claim provided for such medical assistance under this subsection. The secretary of health and environment is authorized to enforce each claim provided for under this subsection. The secretary of health and environment shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary of health and environment from claims under this subsection shall be deposited in the social welfare fund. The secretary of health and environment may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection.

(3) By applying for or receiving medical assistance under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, such individual or such individual’s agent, fiduciary, guardian, conservator, representative payee or other person acting on behalf of the individual consents to the following definitions of estate and the results therefrom:

(A) If an individual receives any medical assistance before July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under paragraph (2), such claim is limited to the individual’s probatable estate as defined by applicable law; and

(B) if an individual receives any medical assistance on or after July 1,
2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under paragraph (2), such claim shall apply to the individual’s medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes, without limitation assets conveyed to a survivor, heir or assign of the deceased recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

(4) The secretary of health and environment or the secretary’s designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record and transfers for value to a bona fide purchaser of record. The lien must be filed in the office of the register of deeds of the county where the real property is located within one year from the date of death of the recipient and must contain the legal description of all real property in the county subject to the lien.

(A) After the death of a recipient of medical assistance, the secretary of health and environment or the secretary’s designee may place a lien on any interest in real property owned by such recipient.

(B) The secretary of health and environment or the secretary’s designee may place a lien on any interest in real property owned by a recipient of medical assistance during the lifetime of such recipient. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home or other medical institution shall constitute a determination by the department of health and environment that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of health and environment until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient. After the lien is filed against any real property owned by the recipient, such lien will be dissolved if the recipient is discharged, returns home and resides upon the real property to which the lien is attached for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. If the recipient is readmitted as an inpatient to a nursing or medical facility for a continuous period of less than 90 days, another continuous
period of at least 90 days shall be completed prior to dissolution of the lien.

(5) The lien filed by the secretary of health and environment or the secretary’s designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:

(A) after the death of the surviving spouse of the recipient;
(B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;
(C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or
(D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient’s admission to the nursing or medical facility, and has resided there on a continuous basis since that time.

(6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:

(A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary of health and environment or the secretary’s designee;
(B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure; or
(C) the value of the real property is consumed by the lien, at which time the secretary of health and environment or the secretary’s designee may force the sale for the real property to satisfy the lien.

(7) If the secretary for aging and disability services or the secretary of health and environment, or both, or such secretary’s designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease to operate as a lien on the real estate of the recipient. Such dormant lien may be revived in the same manner as a dormant judgment lien is revived under K.S.A. 60-2403 et seq., and amendments thereto.

(8) Within seven days of receipt of notice by the secretary for children and families or the secretary’s designee of the death of a recipient of medical assistance under this subsection, the secretary for children and families or the secretary’s designee shall give notice of such recipient’s death to the secretary of health and environment or the secretary’s designee.

(9) All rules and regulations adopted on and after July 1, 2013, and prior to July 1, 2014, to implement this subsection shall continue to be
effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

(h) Placement under the revised Kansas code for care of children or revised Kansas juvenile justice code; assignment of support rights and limited power of attorney. In any case in which the secretary for children and families pays for the expenses of care and custody of a child pursuant to K.S.A. 2017 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary’s designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.

(i) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge or violation of a condition of probation or parole imposed under federal or state law shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.

(j) If the applicant or recipient of temporary assistance for needy families is a mother of the dependent child, as a condition of the mother’s eligibility for temporary assistance for needy families the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of temporary assistance for needy families who fails to cooperate with requirements relating to child support services under criteria and
guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary.

(k) By applying for or receiving child care benefits or food assistance, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the state only accrued, present or future rights to support from any other person such applicant may have in such person’s own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care benefits or food assistance, the applicant or recipient is also deemed to have appointed the secretary, or the secretary’s designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing support obligations to the same extent required of applicants for or recipients of temporary assistance for needy families.

(l) (1) A program of drug screening for applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall be established, subject to applicable federal law, by the secretary for children and families on and before January 1, 2014. Under such program of drug screening, the secretary for children and families shall order a drug screening of an applicant for or a recipient of cash assistance at any time when reasonable suspicion exists that such applicant for or recipient of cash assistance is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, an applicant’s or recipient’s demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.

(2) Any applicant for or recipient of cash assistance whose drug screening results in a positive test may request that the drug screening
specimen be sent to a different drug testing facility for an additional drug screening. Any applicant for or recipient of cash assistance who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such applicant or recipient who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(3) Any applicant for or recipient of cash assistance who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary for children and families, secretary of labor or secretary of commerce, and a job skills program approved by the secretary for children and families, secretary of labor or secretary of commerce. Subject to applicable federal laws, any applicant for or recipient of cash assistance who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive cash assistance until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of cash assistance may be subject to periodic drug screening, as determined by the secretary for children and families. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from cash assistance for a period of 12 months, or until such recipient of cash assistance completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be terminated from cash assistance, subject to applicable federal law.

(4) If an applicant for or recipient of cash assistance is ineligible for or terminated from cash assistance as a result of a positive test for unlawful use of a controlled substance or controlled substance analog, and such applicant for or recipient of cash assistance is the parent or legal guardian of a minor child, an appropriate protective payee shall be designated to receive cash assistance on behalf of such child. Such parent or legal guardian of the minor child may choose to designate an individual to receive cash assistance for such parent’s or legal guardian’s minor child, as approved by the secretary for children and families. Prior to the designated individual receiving any cash assistance, the secretary for children and families shall review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog.

(A) In addition, any individual designated to receive cash assistance on behalf of an eligible minor child shall be subject to drug screening at
any time when reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, the designated individual’s demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the designated individual indicating unlawful use of a controlled substance or controlled substance analog.

(B) Any designated individual whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any designated individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such designated individual who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(C) Upon any positive test for unlawful use of a controlled substance or controlled substance analog, the designated individual shall not receive cash assistance on behalf of the parent’s or legal guardian’s minor child, and another designated individual shall be selected by the secretary for children and families to receive cash assistance on behalf of such parent’s or legal guardian’s minor child.

(5) If a person has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall thereby become forever ineligible to receive any cash assistance under this subsection unless such conviction is the person’s first conviction. First-time offenders convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall become ineligible to receive cash assistance for five years from the date of conviction.

(6) Except for hearings before the Kansas department for children and families or, the results of any drug screening administered as part of the drug screening program authorized by this subsection shall be confidential and shall not be disclosed publicly.
(7) The secretary for children and families may adopt such rules and regulations as are necessary to carry out the provisions of this subsection.

(8) Any authority granted to the secretary for children and families under this subsection shall be in addition to any other penalties prescribed by law.

(9) As used in this subsection:

(A) "Cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant to such statutes.

(B) "Controlled substance" means the same as in K.S.A. 2017 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802.

(C) "Controlled substance analog" means the same as in K.S.A. 2017 Supp. 21-5701, and amendments thereto.

Sec. 23. K.S.A. 2017 Supp. 58-3974 is hereby amended to read as follows: 58-3974. (a) The provisions of this act shall not apply to any tangible or intangible personal property which is subject to the provisions of K.S.A. 8-1101, 8-1102, 9-1918, 10-815, 17-2206, 17-5504, 19-320, 47-229, 47-230, 47-232, 47-236 to through 47-239, inclusive, 59-514, 59-901 to through 59-905, inclusive, 70-101, 70-102, 70-103 and through 70-104, and amendments thereto.

(b) This act shall not apply to any personal property which is being administered or has been distributed under the provisions of K.S.A. 59-2701 to through 59-2707, inclusive, and amendments thereto.

(c) This act shall not apply to any patronage dividend or capital credit held or owing by any cooperative association, society or corporation organized under the provisions of K.S.A. 17-1501 et seq., 17-1601 et seq. or 17-4601 et seq., and amendments thereto.

(d) This act shall not apply to any patronage dividend or any capital credit held or owing by any public utility which is a member-owned non-profit corporation organized under the provisions of K.S.A. 17-6001 et seq., and amendments thereto.

Sec. 24. K.S.A. 2017 Supp. 75-3036 is hereby amended to read as follows: 75-3036. (a) The state general fund is exclusively defined as the fund into which shall be placed all public moneys and revenue coming into the state treasury not specifically authorized by the constitution or by statute to be placed in a separate fund, and not given or paid over to the state treasurer in trust for a particular purpose, which unallocated public moneys and revenue shall constitute the general fund of the state. Moneys received or to be used under constitutional or statutory provisions or under the terms of a gift or payment for a particular and specific purpose are to be kept as separate funds and shall not be placed in the general fund or ever become a part of it.

(b) The following funds shall be used for the purposes set forth in
the statutes concerning such funds and for no other governmental purposes. It is the intent of the legislature that the following funds and the moneys deposited in such funds shall remain intact and inviolate for the purposes set forth in the statutes concerning such funds: Board of accountancy fee fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special litigation reserve fund of the board of accountancy; bank commissioner fee fund, K.S.A. 9-1703, 16a-2-302, 17-5610, 17-5701 and 75-1308, and amendments thereto, bank investigation fund, K.S.A. 9-1111b, and amendments thereto, consumer education settlement fund and litigation expense fund of the state bank commissioner; securities act fee fund and investor education and protection fund, K.S.A. 17-12a601, and amendments thereto, of the office of the securities commissioner of Kansas; credit union fee fund, K.S.A. 17-2236, and amendments thereto, of the state department of credit unions; court reporters fee fund, K.S.A. 20-1a02, and amendments thereto, and bar admission fee fund, K.S.A. 20-1a03, and amendments thereto, of the judicial branch; fire marshal fee fund, K.S.A. 31-133a and 31-134, and amendments thereto, and boiler inspection fee fund, K.S.A. 44-926, and amendments thereto, of the state fire marshal; food service inspection reimbursement fund, K.S.A. 36-512, and amendments thereto, of the Kansas department of agriculture; wage claims assignment fee fund, K.S.A. 44-324, and amendments thereto, and workmen’s compensation fee fund, K.S.A. 74-715, and amendments thereto, of the department of labor; veterinary examiners fee fund, K.S.A. 47-820, and amendments thereto, of the state board of veterinary examiners; mined-land reclamation fund, K.S.A. 49-420, and amendments thereto, of the department of health and environment; conservation fee fund and well plugging assurance fund, K.S.A. 55-155, 55-176, 55-609, 55-711 and 55-901, and amendments thereto, gas pipeline inspection fee fund, K.S.A. 66-1,155, and amendments thereto, and public service regulation fund, K.S.A. 66-1503, and amendments thereto, of the state corporation commission; land survey fee fund, K.S.A. 58-2011, and amendments thereto, of the state historical society; real estate recovery revolving fund, K.S.A. 58-3074, and amendments thereto, of the Kansas real estate commission; appraiser fee fund, K.S.A. 58-4107, and amendments thereto, and appraisal management companies fee fund of the real estate appraisal board; amygdalin (laetrile) enforcement fee fund, K.S.A. 65-6b10, and amendments thereto; mortuary arts fee fund, K.S.A. 65-1718, and amendments thereto, of the state board of mortuary arts; board of barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of the Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and 74-2704, and amendments thereto, of the Kansas board of cosmetology; healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-5413, 65-5513, 65-6910, 65-7210 and 65-7309, and amendments thereto, and medical records maintenance trust fund, of the state board of healing arts; other state fees fund, K.S.A. 2017 Supp. 65-4024b, and amendments
thereto, of the Kansas department for aging and disability services; board of nursing fee fund, K.S.A. 74-1108, and amendments thereto, of the board of nursing; dental board fee fund, K.S.A. 74-1405, and amendments thereto, and special litigation reserve fund, of the Kansas dental board; optometry fee fund, K.S.A. 74-1503, and amendments thereto, and optometry litigation fund, of the board of examiners in optometry; state board of pharmacy fee fund, K.S.A. 74-1609, and amendments thereto, and state board of pharmacy litigation fund, of the state board of pharmacy; abstracters’ fee fund, K.S.A. 74-3903, and amendments thereto, of the abstracters’ board of examiners; athletic fee fund, K.S.A. 2017 Supp. 74-50,188, and amendments thereto, of the department of commerce; hearing instrument board fee fund, K.S.A. 74-5805, and amendments thereto, and hearing instrument litigation fund of the Kansas board of examiners in fitting and dispensing of hearing instruments; commission on disability concerns fee fund, K.S.A. 74-6708, and amendments thereto, of the governor’s department; technical professions fee fund, K.S.A. 74-7009, and amendments thereto, and special litigation reserve fund of the state board of technical professions; behavioral sciences regulatory board fee fund, K.S.A. 74-7506, and amendments thereto, of the behavioral sciences regulatory board; governmental ethics commission fee fund, K.S.A. 25-4119e, and amendments thereto, of the governmental ethics commission; emergency medical services board operating fund, K.S.A. 75-1514, and amendments thereto, of the emergency medical services board; fire service training program fund, K.S.A. 75-1514, and amendments thereto, of the university of Kansas; uniform commercial code fee fund, K.S.A. 2017 Supp. 75-448, and amendments thereto, of the secretary of state; prairie spirit rails-to-trails fee fund of the Kansas department of wildlife, parks and tourism; water marketing fund, K.S.A. 82a-1315c, and amendments thereto, of the Kansas water office; insurance department service regulation fund, K.S.A. 40-112, and amendments thereto, of the insurance department; state fair special cash fund, K.S.A. 2-220, and amendments thereto, of the state fair board; scrap metal theft reduction fee fund, K.S.A. 2017 Supp. 50-6,109a, and amendments thereto; and any other fund in which fees are deposited for licensing, regulating or certifying a person, profession, commodity or product.

(c) If moneys received pursuant to statutory provisions for a specific purpose by a fee agency are proposed to be transferred to the state general fund or a special revenue fund to be expended for general government services and purposes in the governor’s budget report submitted pursuant to K.S.A. 75-3721, and amendments thereto, or any introduced house or senate bill, the person or business entity who paid such moneys within the preceding 24-month period shall be notified by the fee agency within 30 days of such submission or introduction:

1. By electronic means, if the fee agency has an electronic address
on record for such person or business entity. If no such electronic address is available, the fee agency shall send written notice by first class mail; or
(2) any agency that receives fees from a tax, fee, charge or levy paid to the commissioner of insurance shall post the notification required by this subsection on such agency’s website.

(d) Any such moneys which are wrongfully or by mistake placed in the general fund shall constitute a proper charge against such general fund. All legislative appropriations which do not designate a specific fund from which they are to be paid shall be considered to be proper charges against the general fund of the state. All revenues received by the state of Kansas or any department, board, commission, or institution of the state of Kansas, and required to be paid into the state treasury shall be placed in and become a part of the state general fund, except as otherwise provided by law.

(e) The provisions of this section shall not apply to the 10% credited to the state general fund to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel, and purchasing services, and any and all other state governmental services, as provided in K.S.A. 75-3170a, and amendments thereto.

(f) Beginning on January 8, 2018, the director of the budget shall prepare a report listing the unencumbered balance of each fund in subsection (b) on June 30 of the previous fiscal year and January 1 of the current fiscal year. Such report shall be delivered to the secretary of the senate and the chief clerk of the house of representatives on or before the first day of the regular legislative session each year.

(g) As used in this section, “fee agency” shall include the state agencies specified in K.S.A. 75-3717(f), and amendments thereto, and any other state agency that collects fees for licensing, regulating or certifying a person, profession, commodity or product.

(b) Nothing in this act or in the sections amended by this act or referred to in subsection (a), shall be deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215, and amendments thereto.

(c) Notwithstanding any provision of any statute referred to in or amended by this act or referred to in subsection (a), whenever in any fiscal year such 10% credit to the state general fund in relation to any particular fee fund is $100,000, in that fiscal year the 10% credit no longer shall apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full 100% so received shall be credited to such fee fund.

Sec. 26. K.S.A. 2017 Supp. 9-512 is hereby amended to read as follows: 9-512. (a) The commissioner, after notice and an opportunity for hearing, may issue an order to address any violation of this act or rules and regulations adopted pursuant thereto:

1. Assessing a fine against any person who violates this act, or rules and regulations adopted thereto, in an amount not to exceed $5,000 per violation;
2. Assessing the agency’s operating costs and expenses for investigating and enforcing this act;
3. Requiring the person to pay restitution for any loss arising from the violation or requiring the person to disgorge any profits arising from the violation;
4. Barring the person from future application for licensure pursuant to the act; and
5. Requiring such affirmative action as in the judgment of the commissioner which will carry out the purposes of this act.

(b) The commissioner may enter into a consent order at any time with a person to resolve a matter arising under this act, rules and regulations adopted thereto, or an order issued pursuant to this act.

(c) The commissioner may enter into an informal agreement at any time with a person to resolve a matter arising under this act, rules and regulations adopted pursuant thereto, or an order issued pursuant to this act. The adoption of an informal agreement authorized by this subsection shall not be subject to the provisions of K.S.A. 77-501 et seq., and amendments thereto, or K.S.A. 77-601 et seq., and amendments thereto. Any informal agreement authorized by this subsection shall not be considered an order or other agency action, and shall be considered confidential examination material pursuant to K.S.A. 9-513c, and amendments thereto. All such examination material shall also be confidential by law and privileged, shall not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto, shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action. The provisions of this subsection shall expire on July 1, 2023, unless
the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.

(c) Any person who knowingly violates any provision of this act shall be guilty of a severity level 9, nonperson felony. Each transaction in violation of this act and each day that a violation continues shall be a separate offense. Whenever a corporation violates any provision of this act, such violation shall be attributed to individual directors, officers and agents who have authorized, ordered or performed any of the acts constituting such violation.

(d) A corporation and its directors, officers and agents may each be prosecuted separately for violations of this act and the acquittal or conviction of one such director, officer or agent shall not abate the prosecution of the others.

(e) Whenever it appears that a person has violated, or is likely to violate, this act, rules and regulations adopted thereunder, or an order issued pursuant to this act, then the commissioner may bring an action for injunctive relief to enjoin the violation or enforce compliance, regardless of whether or not criminal proceedings have been instituted. Any person who engages in activities that are regulated and require a license under this act shall be considered to have consented to the jurisdiction of the courts of this state for all actions arising under this act.

Sec. 27. K.S.A. 2017 Supp. 9-513 is hereby amended to read as follows: 9-513. The commissioner and the commissioner’s designees shall rely on the deputy commissioner of the banking division established pursuant to K.S.A. 75-3135, and amendments thereto, and such deputy’s staff to administer, interpret and enforce this act for the purpose of protecting the citizens of this state, against financial loss, who purchase payment instruments or who give money or control of their funds or credit into the custody of another person for transmission, regardless of whether the transmitter has any office, facility, agent or other physical presence in the state.

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

Section 1. K.S.A. 2017 Supp. 40-5802 is hereby amended to read as follows: 40-5802. (a) This act allows the use of electronic notices and documents in lieu of any other provision of law for the sending of insurance notices and documents. Except as provided in subsection (b), in order to send electronic notices and documents to another party the insurer must obtain the consent of the other party as provided in this act.

(b) (1) Notwithstanding any other provision of law, a health benefit
plan may utilize electronic delivery as its standard method to send the explanation of benefits and policy, including federally required summary of benefit and coverage documents, to a party only if: (A) Paper documents are readily available; and (B) notification has been provided to the party explaining the party’s option to receive paper documents via U.S. mail.

(2) If a party notifies a health benefit plan that the party wishes to receive paper documents via U.S. mail, the health benefit plan shall comply.

Sec. 2. K.S.A. 2017 Supp. 40-5803 is hereby amended to read as follows: 40-5803. For the purposes of this act:

(a) “Delivered by electronic means” includes:

(1) Delivery to an electronic mail address at which a party has consented to receive notices or documents; or

(2) posting on an electronic network or site accessible via the internet, mobile application, computer, mobile device, tablet or any other electronic device, together with separate notice of the posting, which shall be provided by electronic mail to the address at which the party has consented to receive notice or by any other delivery method that has been consented to by the party.

(b) “Party” means any recipient of any notice or document required as part of an insurance transaction, including, but not limited to, an applicant, an insured, a policyholder or an annuity contract holder.

(c) “Health benefit plan” means the same as in K.S.A. 40-4602, and amendments thereto. “Health benefit plan” shall also include any: (1) Individual health insurance policy; (2) individual or group dental insurance policy; or (3) nonprofit dental services corporation.

(d) “Nonprofit dental services corporation” means a nonprofit corporation organized pursuant to the nonprofit dental service corporation act, K.S.A. 40-19a01 et seq., and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 40-5804 is hereby amended to read as follows: 40-5804. (a) Subject to subsection (c), any notice to a party or any other document required under applicable law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored and presented by electronic means so long as it meets the requirements of this act.

(b) Delivery of a notice or document in accordance with this section shall be considered equivalent to any delivery method required under applicable law, including delivery by first class mail; first class mail, postage prepaid; certified mail; certificate of mail; or certificate of mailing.

(c) A notice or document may be delivered by electronic means by an insurer to a party under this section if:

(1) The party has affirmatively consented to that method of delivery and has not withdrawn the consent;

(2) the party, before giving consent, is provided with a clear and conspicuous statement informing the party of:
(A) Any right or option of the party to have the notice or document provided or made available in paper or another non-electronic form;

(B) the right of the party to withdraw consent to have a notice or document delivered by electronic means and any fees, conditions or consequences imposed in the event consent is withdrawn;

(C) whether the party’s consent applies: (i) Only to the particular transaction as to which the notice or document must be given; or (ii) to identified categories of notices or documents that may be delivered by electronic means during the course of the parties’ relationship;

(D) (i) the means, after consent is given, by which a party may obtain a paper copy of a notice or document delivered by electronic means; and (ii) the fee, if any, for the paper copy; and

(E) the procedure a party must follow to withdraw consent to have a notice or document delivered by electronic means and to update information needed to contact the party electronically;

(3) the party, before giving consent, is provided with a statement of the hardware and software requirements for access to and retention of a notice or document delivered by electronic means; and consents electronically, or confirms consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means as to which the party has given consent; and

(4) after consent of the party is given, the insurer, in the event a change in the hardware or software requirements needed to access or retain a notice or document delivered by electronic means creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies, provides the party with a statement of: (A) The revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means; and (B) the right of the party to withdraw consent without the imposition of any fee, condition, or consequence that was not disclosed under subsection (c)(2).

(d) This act does not affect requirements related to content or timing of any notice or document required under applicable law.

(e) If a provision of this act or applicable law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt.

(f) The legal effectiveness, validity, or enforceability of any contract or policy of insurance executed by a party may not be denied solely because of the failure to obtain electronic consent or confirmation of consent of the party in accordance with subsection (e)(3).

(g) A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a notice or document delivered
by electronic means to the party before the withdrawal of consent is effective. A withdrawal of consent by a party is effective within a reasonable period of time after receipt of the withdrawal by the insurer. Failure by an insurer to comply with subsection (c)(4) may be treated, at the election of the party, as a withdrawal of consent for purposes of this section.

(h) This section does not apply to a notice or document delivered by an insurer in an electronic form before the effective date of this act to a party who, before that date, has consented to receive a notice or document in an electronic form otherwise allowed by law.

(i) If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before the effective date of this act, and pursuant to this section, an insurer intends to deliver additional notices or documents to such party in an electronic form, then prior to delivering such additional notices or documents electronically, the insurer shall notify the party of the notices or documents that may be delivered by electronic means under this section that were not previously delivered electronically and the party’s right to withdraw consent to have notices or documents delivered by electronic means.

(j) Notwithstanding any other provisions of this section, insurance policies and endorsements that do not contain personally identifiable information may be mailed, delivered or posted on the insurer’s website. If the insurer elects to post insurance policies and endorsements on its website in lieu of mailing or delivering such policies and endorsements to the insured, such insurer shall comply with all of the following conditions:

(1) The policy and endorsements shall be easily accessible and remain that way for as long as the policy is in force;

(2) after the expiration of the policy, the insurer shall archive its expired policies and endorsements for five years and make them available upon request;

(3) the policies and endorsements shall be posted in a manner that enables the insured to print and save the policy and endorsements using programs or applications that are widely available on the internet and free to use;

(4) the insurer shall provide notice, at the time of issuance of the initial policy forms and any renewal forms, of a method by which insureds may obtain, upon request and without charge, a paper or electronic copy of their policy or endorsements;

(5) on each declarations page issued to an insured, the insurer shall clearly identify the exact policy and endorsement forms purchased by the insured; and

(6) the insurer shall provide notice of any changes to the forms or endorsements, and of the insured’s right to obtain, upon request and without charge, a paper or electronic copy of such forms or endorsements.
(k) Except as otherwise provided by law, if an oral communication or a recording of an oral communication from a party can be reliably stored and reproduced by an insurer, the oral communication or recording may qualify as a notice or document delivered by electronic means for purposes of this section. If a provision of this title or applicable law requires a signature or notice or document to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by the provision, is attached to or logically associated with the signature, notice or document.

(l) This section shall not affect any obligation of the insurer to provide notice to any person other than the insured of any notice provided to the insured.

(m) This section shall not be construed to modify, limit or supersede the provisions of the federal electronic signatures in global and national commerce act, public law 106-229, or the provisions of the uniform electronic transactions act, K.S.A. 16-1601 et seq., and amendments thereto.

(n) The provisions of this act the electronic notice and document act shall not apply to any mutual insurance company organized pursuant to article 12a of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(o) The provisions of this section shall not apply to the electronic delivery of explanation of benefits and policies, including federally required summary of benefit and coverage documents, to a party by a health benefit plan.

New Sec. 4. (a) In the coverage for the next health plan coverage year commencing on January 1, 2019, the state employees health care commission shall provide for the coverage for amino acid-based elemental formula, regardless of delivery method, for the diagnosis or treatment of food protein-induced enterocolitis syndrome, eosinophilic disorders or short bowel syndrome, if prescribed by a prescriber, as defined by K.S.A. 65-1626, and amendments thereto, authorized by the pharmacy act of the state of Kansas and the applicable medical professional licensure entity in the state of Kansas.

(b) (1) Pursuant to the provisions of K.S.A. 40-2249a, and amendments thereto, on or before March 1, 2020, the state employees health care commission shall submit to the president of the senate and to the speaker of the house of representatives a report including the following information pertaining to the mandated coverage for amino acid-based elemental formula provided during the plan year commencing on January 1, 2019, and ending on December 31, 2019:

(A) The impact that the mandated coverage for amino acid-based elemental formula required by subsection (a) has had on the state health care benefits program;
(B) data on the utilization of coverage for amino acid-based elemental formula by covered individuals and the cost of providing such coverage for amino acid-based elemental formula; and

(C) a recommendation whether such mandated coverage for amino acid-based elemental formula should continue for the state health care benefits program or whether additional utilization and cost data is required.

(2) At the next legislative session following receipt of the report required in paragraph (1), the legislature may consider whether or not to require the coverage for amino acid-based elemental formula required by subsection (a) to be included in any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed in this state on or after July 1, 2021.

Sec. 5. K.S.A. 2017 Supp. 40-5802, 40-5803 and 40-5804 are hereby repealed.

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

Approved May 8, 2018.
Published in the Kansas Register May 17, 2018.

CHAPTER 77

HOUSE BILL No. 2583

AN ACT concerning agriculture; relating to the control and eradication of noxious weeds in the state of Kansas; amending K.S.A. 2-1314b, 2-1320, 2-1323, 2-1330 and 2-1332 and K.S.A. 2017 Supp. 2-1314, 2-1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322 and 2-1331 and repealing the existing sections; also repealing K.S.A. 2-1316a and K.S.A. 2017 Supp. 2-1334.

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

New Section 1. (a) The provisions of article 13 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto, and sections 1 through 4, and amendments thereto, shall be known and may be cited as the noxious weed act.

(b) For the purposes of this act:

(1) “Act” means the noxious weed act;

(2) “certified weed free” means any unprocessed plant product that has been inspected by authorized state officials and found to be free of the reproductive parts of noxious and invasive weeds according to stan-
standards set forth by the North American invasive species management association;

(3) “control” means the removal or destruction of the reproductive parts of any noxious weeds before such weeds propagate and spread or whenever required by the secretary or the weed supervisor;

(4) “governing body” means the board, body or persons in which the powers of a political subdivision as a corporate body are vested;

(5) “governmental agency” means the state or any agency or political subdivision thereof or the government of the United States or any agency or instrumentality thereof;

(6) “noxious weed” means any species of plant that the secretary shall declare to be a noxious weed in rules and regulations adopted and promulgated pursuant to this act;

(7) “noxious weed plant material” means any noxious weed plant or plant part that is capable of reproducing sexually or asexually;

(8) “person” means an individual, associations of persons, companies, corporations, the secretary of transportation, boards of county commissioners, township boards, school boards, drainage boards, governing bodies of cities, railroad companies and other transportation companies or corporations or their authorized agents and those supervising state-owned lands;

(9) “political subdivision” means any agency or unit of the state authorized to levy taxes or empowered to cause taxes to be levied;

(10) “secretary” means the secretary of agriculture or the secretary’s designated representative;

(11) “state advisory committee” means the state noxious weed advisory committee consisting of 13 voting members and the secretary; and

(12) “weed supervisor” means a person hired by a county, township, city or district and approved by the secretary to enforce the noxious weed act and to control and manage noxious weeds within the supervisor’s jurisdiction.

New Sec. 2. (a) The secretary may, by order, make an emergency declaration of noxious weeds if:

(1) A new and potentially harmful species of plant is discovered growing in the state and is verified by the secretary; or

(2) the state is facing a potential influx of harmful species of plant as the result of a natural disaster.

(b) Once a species of plant has been declared a noxious weed under this section, the secretary shall consider such species of plant noxious as provided in K.S.A. 2-1314, and amendments thereto, and take every action and use any means available to control or eradicate such noxious weed as authorized in this act.

(c) The secretary shall not make an emergency declaration for the
same species of plant more than once in a five-year period without the recommendation of the state advisory committee.

(d) The emergency declaration of a noxious weed shall remain in effect for the earlier of 18 months, until action can be taken by the secretary to declare the species of plant a noxious weed by rules and regulations, or until the secretary rescinds the emergency declaration.

New Sec. 3. (a) There is hereby created the state noxious weed advisory committee, referred to in this act as the state advisory committee. The state advisory committee shall consist of 13 voting members and the secretary as a non-voting ex officio member. The state advisory committee membership shall reflect the different geographic areas of the state equally to the greatest extent possible. Members of the state advisory committee shall receive no compensation for serving on the state advisory committee, but shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, from moneys appropriated therefor to the Kansas department of agriculture. The 13 voting members shall be appointed by the secretary as follows:

1) One member shall be a natural resource management professional from the Kansas department of wildlife, parks and tourism;
2) two members shall be weed specialists from Kansas state university college of agriculture or Kansas state research and extension, with one such member having knowledge of non-chemical methods of weed control, and shall be appointed upon the recommendation of the dean of the college of agriculture and the director of Kansas state research and extension;
3) one member shall be a county commissioner and shall be appointed upon the recommendation of the Kansas association of counties;
4) four members shall be private landowners involved in agricultural production, one of whom shall be a Kansas producer who grows traditional Kansas crops, which, for the purposes of this paragraph, means wheat, corn, soybeans, milo, peanuts, cotton, hay or oats, one of whom shall be a Kansas producer who grows non-traditional Kansas crops, and one of whom shall be a certified organic producer;
5) two members shall be weed supervisors and shall be appointed upon the recommendation of the board of directors of the county weed director's association of Kansas;
6) one member shall represent the agricultural industries in the state and shall be appointed upon the recommendation of the board of directors of the Kansas agribusiness retailers association;
7) one member shall be appointed upon the recommendation of the Kansas biological survey; and
8) one member shall be appointed upon the recommendation of the board of directors of the Kansas cooperative council.

(b) (1) Except as provided in this section, the term of office of each
member of the committee shall be four years. The initial appointments to the committee shall be as follows:

(A) Six members shall be appointed for a term of two years;
(B) four members shall be appointed for a term of three years; and
(C) three members shall be appointed for a term of four years.

(2) The secretary shall designate the initial term of office for each member appointed to the first committee.

(3) Each member shall be limited to serving a total of two full terms and shall hold office until the expiration of the term for which such member is appointed or until a successor has been duly appointed.

(4) In the event of a vacancy on the state advisory committee, the recommending body of the vacating member shall make a recommendation to the secretary as prescribed in this section. The secretary shall, as soon as is reasonably possible, appoint a member to fill such vacancy for the remainder of the unexpired term.

(5) The secretary may remove any member of the state advisory committee for misconduct, incompetence or neglect of duty.

(c) (1) A quorum of the state advisory committee shall be a majority of the members duly appointed to the state advisory committee.

(2) A quorum of the state advisory committee shall elect or appoint annually a chairperson and a vice-chairperson.

(d) The state advisory committee shall meet at least once per year, but not more than four times per year.

(e) The state advisory committee shall, among other duties assigned by the secretary:

(1) Review the state weed management plan every five years and recommend changes and updates to the secretary;

(2) recommend the designation and classification of noxious weeds in the state through the use of a risk assessment designated by the secretary;

(3) review the noxious weed act and the rules and regulations of the secretary declaring species of plants to be noxious weeds at least every four years and recommend changes to the secretary;

(4) review the official methods for the control and eradication for each species of plant declared a noxious weed and recommend changes to the secretary that include both chemical and non-chemical options for such control and eradication; and

(5) before January 1 of each odd-numbered year, report to the secretary on: (A) The expenditure of state funds on noxious weed control and how such funds were spent; (B) the status of the state and county noxious weed control programs; (C) recommendations for the continued best use of state funds for noxious weed control; and (D) recommendations on long-term noxious weed control needs.

(f) The state advisory committee shall only make recommendations approved by a majority vote of the members.
New Sec. 4. Any and all alfalfa, grass, hay or other forage, straw or mulch carried onto or used for any purpose within the boundaries of any lands owned or managed by the state and its agencies must be certified weed free.

Sec. 5. K.S.A. 2017 Supp. 2-1314 is hereby amended to read as follows: 2-1314. (a) The secretary shall adopt rules and regulations to declare species of plants as noxious weeds in the state. Once a species of plant has been declared to be a noxious weed, it shall be considered a noxious weed in every county of the state. The secretary shall not declare any species of plant to be a noxious weed without the recommendation of the state advisory committee, except under an emergency declaration as provided in section 2, and amendments thereto. It shall be the duty of persons, associations of persons, the secretary of transportation, the boards of county commissioners, the township boards, school boards, drainage boards, the governing body of incorporated cities, railroad companies and other transportation companies or corporations or their authorized agents and those supervising state owned lands to control the spread of and to eradicate all weeds species of plants declared by legislative action to be noxious weeds on all lands owned or supervised by them and to use such official methods for that purpose. The term noxious weeds shall mean secretary.

(b) The following species of plants shall be considered noxious weeds: Kudzu (Pueraria lobata), field bindweed (Convolvulus arvensis), Russian knapweed (Centaurea repens), hoary cress (Cardaria draba), Canada thistle (Cirsium arvense), quackgrass (Agropyron repens), leafy spurge (Euphorbia esula), bur ragweed (Ambrosia grayii), pignut (Hoffmannseggia densiflora), musk (nodding) thistle (Carduus nutans L.), Johnson grass (Sorghum halepense) and sericea lespedeza (Lespedeza cuneata). The provisions of this subsection shall expire on December 31, 2020.

(c) Prior to adopting rules and regulations declaring species of plants noxious weeds in the state, the secretary shall prepare a report discussing the proposed changes to the official list of noxious weeds promulgated by the secretary. The report shall include information regarding the secretary’s proposed addition of any noxious weeds to the official list and the secretary’s proposed removal of any noxious weeds from the official list. The secretary shall submit such report to the legislature prior to adopting rules and regulations declaring species of plants noxious weeds in the state.

(d) (1) In addition to those species of plants declared as noxious weeds pursuant to this act, a board of county commissioners may, with the approval of the secretary, publish a list of the species of plants to be controlled in the county. Any species of plant so listed shall be considered a noxious weed within the boundaries of that county.
(2) The board of county commissioners shall, for any species of plant to be listed as provided in this section that previously has not been listed by another county, submit to the secretary for approval official methods for the control and eradication of such species of plant. Any county subsequently listing the same species of plant shall adopt the official methods for the control and eradication of that species of plant as approved by the secretary or submit additional control methods to the secretary for approval. If the secretary approves the additional control methods, such methods shall be made part of the official control methods available to all counties.

(3) If any species of plant listed by a board of county commissioners of any county is later declared a noxious weed by rules and regulations adopted by the secretary, the official methods for the control and eradication adopted by the secretary for the control and eradication of such species of plant pursuant to K.S.A. 2-1315, and amendments thereto, shall control over any methods previously adopted by the board of county commissioners.

(4) Chemical materials shall be made available in accordance with K.S.A. 2-1322, and amendments thereto, for the control and eradication of any species of plant listed by a board of county commissioners and approved by the secretary pursuant to this subsection.

Sec. 6. K.S.A. 2-1314b is hereby amended to read as follows: 2-1314b.

(a) The board of county commissioners of any county may declare the multiflora rose (Rosa multiflora) or the bull thistle (Cirsium vulgare), or both, to be a noxious weed within the boundaries of such county. In such event, all of the provisions of article 13 of chapter 2 of the Kansas Statutes Annotated which, and amendments thereto, that pertain to the control and eradication of noxious weeds shall apply to the control and eradication of the multiflora rose or the bull thistle, or both, within any such county.

(b) If the board of county commissioners of any county does not declare the multiflora rose or the bull thistle, or both, to be a noxious weed within the boundaries of such county, a petition requesting the secretary of agriculture to declare the multiflora rose or the bull thistle, or both, to be a noxious weed within the boundaries of such county, signed by not less than 5% of the qualified electors of the county, may be filed with the county election officer of the county. Upon receipt of any such petition, the county election officer shall certify the sufficiency of the petition and submit it to the secretary of agriculture. Thereupon, the secretary of agriculture may declare the multiflora rose or the bull thistle, or both, to be a noxious weed within the boundaries of such county. In such event, all of the provisions of article 13 of chapter 2 of the Kansas Statutes Annotated which, and amendments thereto, that pertain to the control and eradication of noxious weeds shall apply to the control and eradication of the multiflora rose or the bull thistle, or both, within any such county.
(c) The provisions of this section shall expire on December 1, 2020.

Sec. 7. K.S.A. 2017 Supp. 2-1315 is hereby amended to read as follows: 2-1315. (a) The secretary of agriculture is hereby empowered to decide: (1) Establish and adopt official methods as official for the control and eradication of noxious weeds and to publish such methods, and to make and publish; (2) adopt such rules and regulations as in the secretary’s judgment are necessary to carry into effect the provisions of this act; and to (3) alter or suspend such rules and regulations when necessary.

(b) The secretary of agriculture may establish not to exceed five noxious weed control districts within this state and define the boundaries of such districts. Such districts shall be established to provide for the most efficient control and eradication of noxious weeds and for the most economical supervision by the state. The secretary may designate any county as a sericea lespedeza disaster area to provide for the control and eradication of sericea lespedeza within such county. The secretary shall consult with the board of county commissioners of any county prior to designation of such county as a sericea lespedeza disaster area pursuant to this subsection.

(c) The secretary may consult, advise or render assistance to county and city weed supervisors as to the best and most practical methods of noxious weed control and eradication. It shall be the duty of the county agricultural agent to cooperate with and assist the county weed supervisors in an intensive educational program on weed control. The secretary of agriculture is hereby authorized to enter into agreements with any agencies of the federal government for cooperation in the control and eradication of noxious weeds in Kansas in keeping with the provisions of this act.

Sec. 8. K.S.A. 2017 Supp. 2-1316 is hereby amended to read as follows: 2-1316. (a) The responsibility for the enforcement of the provisions of this act shall be vested in the board of county commissioners as to all lands within the boundaries of such county, unless otherwise provided for. Cities and townships may enter into an agreement with the board of county commissioners to take upon themselves the responsibility of the enforcement of the provisions of this act. If, at any time, a board of county commissioners determines that a city or township within the boundaries of the county that has taken upon itself the responsibility of the enforcement of the provisions of this act is unable or unwilling to fulfill those responsibilities, the board of county commissioners may revoke the agreement and resume the responsibility for the enforcement of the provisions of this act.

(b) The board of county commissioners of each county shall, and the governing body of any incorporated city, township board, or any group of counties or cities may, employ for a stated time each year, with the
approval of the secretary of agriculture, a competent person as county, township, city or district weed supervisor.

(b)(c) The weed supervisor shall: (1) Consult and cooperate with the state division of noxious weeds and with the assistant weed control director appointed for the supervisor's district, make annual surveys of infestations (compile data on areas eradicated and under treatment), and submit an annual report to the county commissioners and to the state division of noxious weeds, to consult and advise upon secretary in all matters pertaining to the best and most practical methods for noxious weed control and eradication and to: (2) render every possible assistance and direction for the most effective control and eradication of noxious weeds within the weed supervisor's district jurisdiction; (3) investigate or aid in the investigation and prosecution of any violation of this act and report violations of which the weed supervisor has knowledge to the county attorney; and (4) before applying any chemical control of noxious weeds to any public or private lands, determine if such lands or adjacent lands are registered on the registry or registries identified by the secretary to provide location information about organic, sensitive or specialty crops.

(e)(d) The salary of the county weed supervisor shall be borne as follows: The Kansas department of agriculture to pay not more than one-fourth thereof from any funds available, not less than three-fourths thereof to be paid out of the county noxious weed fund or, if the noxious weed program is funded primarily through county general funds, the salary shall be paid from the county general funds, prorated as may be decided at the time of such employment by the governing body or bodies employing such supervisor. If the noxious weed program is funded from more than one source, the salary shall be paid from each source in proportion to its contribution to the noxious weed program.

(d)(e) The boards of county commissioners, governing bodies of cities and township boards, with the aid of their weed supervisors, shall make by February 15th each year an annual weed eradication progress report to the secretary of agriculture for the preceding calendar year, on a form supplied by the secretary, and such other weed reports as established by rules and regulations of the secretary of agriculture. The weed supervisor shall make annual surveys of noxious weed infestations and ascertain the approximate amount of land and highway or any kind of right-of-way infested with each kind of noxious weed and its location in the county not later than October 31 of each year. The weed supervisor shall compile data on areas eradicated and under treatment and any other data the secretary may deem necessary and submit, by March 15 of each year, an annual weed eradication progress report for the preceding calendar year to the board of county commissioners for their approval and then to the secretary for review. By March 15 of each year, the weed supervisor shall prepare and submit a management plan for the coming year to the board of county commissioners for approval and to the secretary for review.
Sec. 9. K.S.A. 2017 Supp. 2-1317 is hereby amended to read as follows: 2-1317. The secretary of agriculture or the secretary’s duly authorized representative and the local district or county weed supervisor shall confer, at such time or times as seems necessary and advisable, with persons and associations of persons, the secretary of transportation, the board of county commissioners, the township boards or other boards and the school boards, drainage boards, governing bodies of cities, railroad companies and other transportation companies or other corporations, or their authorized agents, and those supervising state-owned lands, as to the extent of noxious weed infestation on their lands, and the control methods deemed best suited to the control and eradication of each kind of noxious weeds within their respective jurisdictions. The county commissioners and the governing body of cities, shall report to the secretary of agriculture as to the extent and the official methods of control and eradication of noxious weeds to be undertaken in any one season in their jurisdiction, subject to the approval of the secretary.

Sec. 10. K.S.A. 2017 Supp. 2-1318 is hereby amended to read as follows: 2-1318. The county weed supervisor of each county is hereby directed and it shall be the duty of the county weed supervisor to ascertain each year the approximate amount of land and highways infested with each kind of noxious weeds and its location in the county, and transmit such information tabulated by cities and townships not later than June 1 of each year, to the secretary of agriculture, board of county commissioners, and to the governing body of each city and township in the district pertaining to such noxious weed infestation in their respective jurisdiction. (a) On the basis of such information the annual surveys of infestation required by K.S.A. 2-1316, and amendments thereto, the tax levying body of each county, township or incorporated city shall either make a tax levy each year for the purpose of paying their part of the cost of control and eradication thereof as provided in this act and, or set aside a portion of the county general fund equivalent to the budget of the noxious weed program. In the case of cities and counties, a portion of the tax levy may be used to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. Each county, city, and township, separately, shall make a levy each year for such purpose. Any township or city may budget expenditures for noxious weed control within its general operating fund in lieu of levying a special tax therefor or maintaining a separate noxious weed eradication fund. Moneys collected from such levy, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be set apart as a noxious weed eradication fund and warrants duly verified by the county weed supervisor or city supervisor, if such be is employed, or, if no such supervisor be is em-
ployed, then by the county, township or city clerk, as the case may be, may be drawn against this fund for all items of expense incident to control of noxious weeds in such district jurisdiction respectively. Any moneys remaining in the noxious weed eradication fund at the end of any year for which a levy is made under this section may be transferred to the noxious weed capital outlay fund for making of capital expenditures incident to the control of noxious weeds or remain in the noxious weed eradication fund for use in the next year.

(b) All records relating to funds received into and spent from both the noxious weed eradication fund and the noxious weed capital outlay fund shall be retained by the county for at least five years and shall be made available to the secretary upon request.

Sec. 11. K.S.A. 2017 Supp. 2-1319 is hereby amended to read as follows: 2-1319. (a) (1) The cost of controlling and eradicating noxious weeds on all lands or highways right-of-ways owned or supervised by a state agency, department or commission shall be paid by the state agency, department or commission supervising such lands or highways right-of-ways from funds appropriated to its use; on county lands and county roads right-of-ways, on township lands and township roads right-of-ways, on city lands, streets and alleys right-of-ways by the county, township or city in which such lands, roads, streets and alleys right-of-ways are located, and from funds made available for that purpose; on drainage districts, irrigation districts, cemetery associations and other political subdivisions of the state, the costs shall be paid from their respective funds made available for the purpose.

(2) If the governing body of any political subdivision owning or supervising lands infested with noxious weeds within their jurisdiction fails to control such noxious weeds after 15 days’ notice directing any such body to do so, the county shall provide 15 days’ notice to the political subdivision directing such political subdivision to submit a plan and timeline for controlling such noxious weeds to the board of county commissioners or control such noxious weeds. If the plan and timeline is deemed unacceptable, the board of county commissioners shall notify the political subdivision of requested changes to its plan and timeline required for the board of county commissioners to approve such plan and timeline. If the political subdivision fails to control such noxious weeds or fails to submit an accepted plan and timeline within such 15 days’ notice, the board of county commissioners shall proceed to have proper official methods for the control and eradication methods used upon such lands, and shall notify the governing body of the political subdivision by certified mail of the costs of such operations, with a demand for payment. The governing body of the political subdivision shall pay such costs from its noxious weed fund, or if no such fund is available, from its general fund or from any other funds available for such purpose. A copy of the statement, together with
proof of notification, shall at the same time be filed with the county clerk, and if the amount is not paid within 30 days, such clerk shall spread the amount upon the tax roll of the political subdivision, and such amount shall become a lien against the entire territory located within the particular political subdivision, and shall be collected as other taxes are collected.

(b) All moneys collected pursuant to this section shall be paid into the county noxious weed eradication fund, or if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program.

(c) As used in this section, “governing body” means the board, body, or persons in which the powers of a political subdivision as a body corporate are vested; and “political subdivision” means any agency or unit of the state authorized to levy taxes or empowered to cause taxes to be levied.

(d) On all other lands the owner thereof shall pay the cost of control and eradication of noxious weeds. Except as provided in K.S.A. 2-1333, and amendments thereto, chemical materials for use on privately owned lands may be purchased from the board of county commissioners at a price fixed by the board of county commissioners which shall be in an amount equal to not less than 50% nor more than 75% of the total cost incurred by the county in purchasing, storing and handling such chemical materials. However, once the tax levying body of a county, city or township has authorized a tax levy of 1.5 mills or more, the board of county commissioners may collect from the owner of privately owned lands an amount equal to 75% but not more than 100% of the total cost incurred by the county in purchasing, storing and handling of chemical materials used in the control and eradication of noxious weeds on such privately owned lands. Whenever official methods of eradication, adopted by the secretary of agriculture, are not followed in applying the chemical materials so purchased, the board of county commissioners may collect the remaining portion of the total cost thereof.

Sec. 12. K.S.A. 2-1320 is hereby amended to read as follows: 2-1320. In case the county weed supervisor or city weed supervisor enters upon land or furnishes weed control materials pursuant to a contract or an agreement with an owner, operator or supervising agent of noxious weed infested land for the control of such noxious weeds and, as a result of such weed control methods, there are any unpaid accounts outstanding by December 31 of each year, the board of county commissioners or governing body of the city shall immediately notify or cause to be notified, such owner with an itemized statement as to the cost of material, labor
and use of equipment and further stating that if the amount of such statement is not paid to the county or city treasurer wherein such real estate is located within 30 days from the date of such notice, a penalty charge of 10% of the amount remaining unpaid shall be added to the account and the total amount thereof shall become a lien upon such real estate. The unpaid balance of such account and such penalty charge shall draw interest from the date of entering into such contract at the rate prescribed for delinquent taxes pursuant to K.S.A. 79-2004, and amendments thereto. A copy of the statement, together with proof of notification, shall at the same time be filed with the register of deeds in such county and the county or city clerk, as the case may be, and if such amount is not paid within the next 30 days the county or city clerk, as the case may be, shall spread the amount of such statement upon the tax roll prepared by the clerk and such amount shall become a lien against the entire contiguous tract of land owned by such person or persons of which the portion so treated is all or a part, and shall be collected as other taxes are collected, and all moneys so collected shall be paid into the noxious weed eradication fund, except that not more than 5% of the assessed valuation of the entire contiguous tract of land of which the portion so treated is all or a part shall be spread on the tax rolls against such land in any one year or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program. If any land subject to a lien imposed under this section is sold or transferred, the entire remaining unpaid balance of such account plus any accrued interest and penalties shall become due and payable prior to the sale or transfer of ownership of the property, and upon collection shall be paid to the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program.

Sec. 13. K.S.A. 2017 Supp. 2-1322 is hereby amended to read as follows: 2-1322. (a) The board of county commissioners, or the governing body of incorporated cities, cooperating with the secretary of agriculture, shall purchase or provide for needed and necessary equipment and necessary chemical materials for the control and eradication of noxious weeds. The board of county commissioners of any county or the governing body of any city may use any equipment or apply any chemical materials purchased as provided for in this section, upon the highways, streets and alleys right-of-ways and county-owned or managed property,
for the treatment and eradication of weeds which species of plants that have not been declared noxious by legislative action weeds.

(b) Except as provided in K.S.A. 2-1333, and amendments thereto, the board of county commissioners shall sell chemical materials to the landowners in their jurisdiction who have been assessed a tax by the county at a price fixed by the board of county commissioners which shall be in an amount equal to not less than 50% nor more than 75% of the total cost incurred by the county in purchasing, storing and handling such chemical materials used in the control and eradication of noxious weeds, and may make such charge for the use of machines or other equipment and operators as may be deemed by the board of county commissioners sufficient to cover the actual cost of operation. However, once the tax levying body of a county, city or township has appropriated a budget equivalent to 1.5 mills or more, the board of county commissioners may collect from the landowners in their jurisdiction an amount equal to 75% but not more than 100% of the total cost incurred by the county in purchasing, storing and handling of chemical materials used in the control and eradication of noxious weeds.

(c) The board of county commissioners of a county that funds its noxious weed program from the county general fund shall sell chemical materials to the landowners in its jurisdiction who have been assessed a tax by the county at a price fixed by the board of county commissioners in an amount equal to not less than 50% nor more than 75% of the total cost incurred by the county in purchasing, storing and handling such chemical materials used in the control and eradication of noxious weeds, and may make such charge for the use of machines or other equipment and the operators as may be deemed by the board of county commissioners sufficient to cover the actual cost of operation. However, once the tax levying body of a county, city or township has appropriated a budget equivalent to 1.5 mills or more, the board of county commissioners may collect from the landowners in its jurisdiction an amount equal to 75% but not more than 100% of the total cost incurred by the county in purchasing, storing and handling of chemical materials used in the control and eradication of noxious weeds.

(d) Whenever official methods of for the control and eradication of noxious weeds adopted by the secretary of agriculture are not used in applying the chemical materials purchased, the board of county commissioners may collect the remaining portion of the total cost thereof from the landowner.

(e) The board of county commissioners, township boards, and the governing body of cities shall keep a record showing purchases of chemical materials and equipment for the control and eradication of noxious weeds. The board of county commissioners and the governing body of cities shall also keep a complete itemized record showing sales for cash or charge sales of chemical materials and shall maintain a record
of charges and receipts for use of equipment owned by each county or city on public and private land. Such records shall be open to inspection by citizens of Kansas at all times.

(f) All moneys collected from the sales of chemical materials and the charges for the use of machines shall be deposited into the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program for the purpose of paying for the purchase of additional chemical materials as provided in this section and for the cost of the control and eradication of noxious weeds as provided in this act.

Sec. 14. K.S.A. 2-1323 is hereby amended to read as follows: 2-1323. Any person, association of persons, corporation, county or city or other official who shall violate or fail to comply with any of the provisions of this act and acts amendatory thereof or supplemental thereto or the rules and regulations adopted pursuant to this act shall be deemed guilty of a class C nonperson misdemeanor and shall be punished, upon conviction thereof, shall be punished by a fine of $100 per day for each day of noncompliance up to a maximum fine of $1,500.

Sec. 15. K.S.A. 2-1330 is hereby amended to read as follows: 2-1330. (a) Subject to subsection (b), the boards of county commissioners, township boards, state and city officials and state, county and city, weed supervisors or any city, township, county or state employee so authorized shall have at all reasonable times, free access to enter upon such premises and, without interference or obstruction to inspect property, both real and personal, regardless of location, in connection with the administration of the state weed law this act. Entry upon such premises in accordance with this act shall not be deemed a trespass.

(b) Any individual conducting an inspection pursuant to subsection (a) upon private property shall, before or immediately upon entering any such premises:

(1) Attempt to notify, if practicable, the owner, operator or lessee of the premises of the purpose for the inspection; and

(2) allow any such present and notified owner, operator or lessee of the premises, or any representative thereof, to accompany the individual conducting the inspection.

Sec. 16. K.S.A. 2017 Supp. 2-1331 is hereby amended to read as follows: 2-1331. (a) When a county weed supervisor has knowledge that any land in the weed supervisor's county jurisdiction is infested, in any current year, with any noxious weed, the weed supervisor shall give notice, by publication of a general notice in the official county newspaper pursuant to subsection (b) or an official notice by mail, of such infestation to
the person, association of persons, governmental agency, corporation or agent thereof, which that owns the land. As used in this section, governmental agency means the state or any agency or political subdivision thereof or the government of the United States or any agency or instrumentality thereof. In the event the land is under the control or supervision of an operator or supervising agent, the notice shall also be mailed to the operator or supervising agent. Such notice shall contain the procedures described in the Kansas official methods and regulations for the control and eradication of any noxious weed adopted by the secretary for the control and eradication of the noxious weeds that the weed supervisor found on the land and shall also contain a specified time within which the owner, operator or supervising agent shall complete the required treatment for the control or eradication of any such noxious weed.

(b) On or before March 1 of each year, the secretary of agriculture shall notify in writing each county weed supervisor of a general notice of noxious weed infestation, as established by rules and regulations. On or before April 1 of each year, the county weed supervisor may publish in the official county newspaper the general notice of noxious weed infestation, which shall remain in effect until March 31 of the following year. The cost of such publication shall be paid from the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, the cost shall be paid from the county general fund. If the noxious weed program is funded from more than one source, the cost shall be paid from each source in proportion to its contribution to the noxious weed program.

(c) If an inspection, by the county weed supervisor, made on or after the completion date stated in the official notice prescribed under subsection (a) or publication of the general notice under subsection (b), reveals satisfactory treatment progress has not been made, the county weed supervisor may send, by certified mail, to the owner and to the operator or supervising agent of the noxious weed infested land, a legal notice as described in subsection (e).

(d) In the event the county weed supervisor determines that musk thistle plants which that are found on land in the weed supervisor's county jurisdiction have reached a stage of maturity where weed control methods applied currently the official methods for control and eradication would not give satisfactory results, the supervisor may give legal notice requiring fall treatment to be performed in the current year. The provisions of this subsection shall expire on December 31, 2020.

(e) Legal notice given to the owner and to the operator or supervising agent of any noxious weed infested land shall include, but not be limited to, the following:

(1) A legal description of the noxious weed infested land;
(2) the name of the owner and operator or supervising agent of the noxious weed infested land, as shown by records of the county clerk;
(3) the approximate acreage of each noxious weed in the infestation or infestations involved;

(4) a copy of the Kansas official methods and regulations applicable for controlling each named noxious weed;

(5) a specified time, within which noxious weed control methods are required to be completed; such specified time shall not be less than five days after mailing of the notice;

(6) a statement that unless the owner, operator or supervising agent completes the required noxious weed control methods within the specified time, the county weed supervisor may enter or cause to be entered upon the noxious weed infested land as often as is necessary and use such approved methods as are best adapted for the eradication and control of noxious weeds on the particular area of land;

(7) a statement to inform the owner, operator or supervising agent that they may be prosecuted pursuant to K.S.A. 2-1323, and amendments thereto, and if convicted, fined as established by law.

The secretary shall adopt rules and regulations establishing requirements for the legal notice to be given to the owner and to the operator or supervising agent of any noxious weed infested land.

(f) Prior to issuing any legal notice pursuant to subsection (c) or (d), the county weed supervisor shall notify the owner, operator or supervising agent by telephone call, personal contact or, first class mail or by electronic means of the noxious weed infestation.

Sec. 17. K.S.A. 2-1332 is hereby amended to read as follows: 2-1332. In the event the county weed supervisor enters or causes entry upon land to control any noxious weed infestation, after service of legal notice, such supervisor shall immediately, after completion of the control operation, notify or cause to be notified, by certified mail, the owner of such land with an itemized statement of the costs of treatment. Such costs of treatment shall include the total cost of chemical materials, labor and use of equipment. Such statement shall include a penalty charge of 10% of the total amount of treatment costs. The unpaid balance of any such treatment costs including such penalty charge shall draw interest from the date of treatment at the rate prescribed for delinquent taxes pursuant to K.S.A. 79-2004, and amendments thereto. A copy of such statement, together with proof of notification, shall at the same time be filed with the register of deeds in such county and the county clerk, and if such amount is not paid within 30 days from the date of mailing of such notice, the county clerk shall record the amount of such statement upon the tax roll prepared by such county clerk and such amount shall become a lien against the entire contiguous tract of land owned by such person or persons of which the portion so treated is all or a part, and shall be collected as other taxes are collected and all moneys so collected shall be paid into the noxious weed eradication fund or, if the noxious weed program is
funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program, except that not more than 10%–25% of the assessed valuation cost of treating the portion of the entire contiguous tract of land of which the portion so treated is all or a part, as described and defined in the legal notice as provided in K.S.A. 2-1331, and amendments thereto, shall be recorded on the tax rolls against such land in any one year. The board of county commissioners may, after discussion with the landowner in question, develop a payment plan for the payment of the full amount of the lien over time. If, for any reason, the landowner should fail to fulfill the terms of such agreement, the board of county commissioners may collect the remainder of the amount owed as provided in K.S.A. 2-1320, and amendments thereto. All moneys collected through a payment plan shall be deposited with the county treasurer for credit to the county noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program. If any land subject to a lien imposed under this section is sold or transferred, the entire remaining unpaid balance of such account plus any accrued interest and penalties shall become due and payable prior to the sale or transfer of ownership of the property, and upon collection shall be paid to the noxious weed eradication fund or, if the noxious weed program is funded primarily through the county general fund, such moneys shall be paid into the county general fund. If the noxious weed program is funded from more than one source, all moneys collected pursuant to this section shall be paid into each source in proportion to its contribution to the noxious weed program.

Sec. 18. K.S.A. 2-1314b, 2-1316a, 2-1320, 2-1323, 2-1330 and 2-1332 and K.S.A. 2017 Supp. 2-1314, 2-1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322, 2-1331 and 2-1334 are hereby repealed.

Sec. 19. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 8, 2018.
AN ACT concerning roads and highways; relating to memorial highways, contents of signs, master deputy Brandon Collins and members of the Kansas highway patrol killed in the line of duty; amending K.S.A. 68-1024, 68-1027, 68-1044 and 68-1054 and K.S.A. 2017 Supp. 68-1029, 68-1058, 68-10,114 and 68-10,119 and repealing the existing sections.

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

New Section 1. The portion of K-15 from the southern city limits of the city of Clay Center, then south to its junction with K-82, is hereby designated as the master trooper Larry L. Huff memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master trooper Larry L. Huff memorial highway.

New Sec. 2. The portion of United States highway 50 from its junction with K-61 southwest of the city of Hutchinson, then west to the northwestern city limits of the city of Sylvia, is hereby designated as the trooper Conroy G. O'Brien memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Conroy G. O'Brien memorial highway.

New Sec. 3. The portion of United States highway 54 from the western city limits of the city of Meade, then west to the eastern city limits of the city of Plains, is hereby designated as the trooper Jimmie Jacobs memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Jimmie Jacobs memorial highway.

New Sec. 4. The portion of K-96 from its western junction with interstate highway 235, then northwest to the eastern city limits of the city of Mount Hope, is hereby designated as the trooper Ferdinand “Bud” Pribbenow memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Ferdinand “Bud” Pribbenow memorial highway.

New Sec. 5. The portion of United States highway 83 from its junction with interstate highway 70, then north to the junction with United States highway 24, is hereby designated as the master trooper Dean A. Goodheart memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master trooper Dean A. Goodheart memorial highway.

New Sec. 6. The portion of K-18 from its junction with interstate highway 70, then northeast to the western city limits of the city of Manhattan, is hereby designated as the trooper John McMurray memorial highway.
highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper John McMurray memorial highway.

New Sec. 7. The portion of United States highway 24 from its junction with United States highway 59 north of the city of Williamstown, then southeast to its junction with United States highway 40 north of the city of Lawrence, is hereby designated as the trooper Maurice R. Plummer memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper Maurice R. Plummer memorial highway.

New Sec. 8. The portion of United States highway 59 from its junction with United States highway 56, then north to the southern city limits of the city of Lawrence, is hereby designated as the lieutenant Bernard C. Hill memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the lieutenant Bernard C. Hill memorial highway.

New Sec. 9. The portion of United States highway 81 from its junction with United States highway 166, then north to the Sedgwick county line, is hereby designated as the trooper James D. Thornton memorial highway. The secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the trooper James D. Thornton memorial highway.

New Sec. 10. On and after July 1, 2018, any sign that commemoratively designates a highway, bridge, interchange or trail in honor of an individual shall include, if applicable, the individual’s:

(a) Bank, if a current or former member of law enforcement, the United States military or national guard; or

(b) title, if a current or former holder of an elected office or member of an elected body.

New Sec. 11. The portion of United States highway 69 from the junction of United States highway 69 and 167th street in Johnson county, then south on United States highway 69 to the junction of United States highway 69 and 215th street is hereby designated as the master deputy Brandon Collins memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the master deputy Brandon Collins memorial highway.

Sec. 12. K.S.A. 68-1024 is hereby amended to read as follows: 68-1024. Kansas highway No. 15 from the Nebraska-Kansas boundary line on the north, then south to the southern city limits of Clay Center, then south from the junction with K-82 highway to the Kansas-Oklahoma
boundary line on the south is hereby designated as “the Eisenhower memorial highway.” The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the Eisenhower memorial highway.

Sec. 13. K.S.A. 68-1027 is hereby amended to read as follows: 68-1027. That portion of United States highway 50 from Emporia, then west to the junction with K-61 highway southwest of the city of Hutchinson, then west from the northwestern city limits of the city of Sylvia to Dodge City is hereby designated as the “turkey wheat trail highway,” and the secretary of transportation is hereby directed to erect suitable signs and markers along such highway showing such designation.

Sec. 14. K.S.A. 2017 Supp. 68-1029 is hereby amended to read as follows: 68-1029. (a) The portion of United States highway 54 from the west city limits of the city of Greensburg, then southwest to the western city limits of the city of Meade, then in a southwesterly direction from the eastern city limits of the city of Plains to the Kansas-Oklahoma border, is hereby designated as “The Yellow Brick Road.” The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is “The Yellow Brick Road,” except that any additional signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

(b) The city of Liberal is hereby designated as “The Land of Oz” and “The Home of Dorothy of the Wizard of Oz.”

Sec. 15. K.S.A. 68-1044 is hereby amended to read as follows: 68-1044. K-96 highway northwest from the west city limits of the city of Wichita to the eastern city limits of the city of Mount Hope, then west to the city limits of the city of Hutchinson is hereby designated as the State Fair freeway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the State Fair freeway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 16. K.S.A. 68-1054 is hereby amended to read as follows: 68-1054. United States highway 83 from the Kansas-Nebraska border on the north, then south to the junction with United States highway 24, then south from the junction with interstate highway 70 to the Kansas-Oklahoma border on the south is hereby designated the veterans of foreign wars memorial highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the veterans of foreign wars memorial highway, except
that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 17. K.S.A. 2017 Supp. 68-1058 is hereby amended to read as follows: 68-1058. United States highway 24 from the west city limits of Topeka, then west on United States highway 24 to the west junction of United States highway 24 and K-177 highway, then south to the junction of K-177 highway and K-18 highway, then west on K-18 highway through the to the western city limits of the city of Manhattan to the junction with interstate highway 70, is hereby designated as the 75th division of the United States Army highway. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is the 75th division of the United States Army highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 18. K.S.A. 2017 Supp. 68-10,114 is hereby amended to read as follows: 68-10,114. (a) On and after July 1, 2015, the secretary of transportation shall not place any signs commemoratively designating any highway, bridge, interchange or trail until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

(b) The provisions of this section shall not apply to K.S.A. 2017 Supp. 68-10,119 and sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, and amendments thereto.

Sec. 19. K.S.A. 2017 Supp. 68-10,119 is hereby amended to read as follows: 68-10,119. The portion of United States highway 75 from the northern border of Woodson county, then south on United States highway 75 to the northern city limits of the city of Yates Center is hereby designated as the sergeant Eldon K Miller memorial highway. Upon compliance with K.S.A. 2017 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the sergeant Eldon K Miller memorial highway.

Sec. 21. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 8, 2018.

CHAPTER 79
SENATE BILL No. 261

AN ACT concerning state agencies; relating to the judicial branch; docket fees; disposition of docket fees for the fiscal years ending June 30, 2020, and June 30, 2021; marriage license information; notification by courts to the secretary of health and environment; attorney general; enforcement of the scrap metal theft reduction act; crime victims compensation board; definition of collateral source; appraisal of real property before purchase or disposal by the state or any agency thereof; duties of the judicial administrator and the director of property valuation; amending K.S.A. 2017 Supp. 20-362, 23-2511, 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b, 74-7301 and 75-3043a and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 20-362 is hereby amended to read as follows: 20-362. The clerk of the district court shall remit all revenues received from docket fees as follows:

(a) At least monthly to the county treasurer, for deposit in the county treasury and credit to the county general fund:
   (1) A sum equal to $10 for each docket fee paid pursuant to K.S.A. 60-2001 and 60-3005, and amendments thereto, during the preceding calendar month;
   (2) A sum equal to $10 for each $46 or $76 docket fee paid pursuant to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments thereto; and
   (3) A sum equal to $5 for each $26 docket fee paid pursuant to K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding calendar month.
(b) At least monthly to the board of trustees of the county law library fund, for deposit in the fund, a sum equal to the library fees paid during the preceding calendar month for cases filed in the county.
(c) At least monthly to the county treasurer, for deposit in the county treasury and credit to the prosecuting attorneys’ training fund, a sum equal to $2 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month for cases filed in the county and a sum equal to $1 for each fee paid pursuant to K.S.A. 28-170(c), and amendments thereto, during the preceding calendar month for cases filed in the county.
(d) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and
credit to the law enforcement training center fund a sum equal to $15 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month.

(e) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury a sum equal to the balance which remains from all docket fees paid during the preceding calendar month after deduction of the amounts specified in subsections (a), (b), (c) and (d). Of the balance remitted to the state treasury pursuant to this subsection, the state treasurer shall credit 0.99% to the judicial council fund. During the fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, June 30, 2020, and June 30, 2021, of the remainder, the state treasurer shall deposit and credit the first $3,100,000 to the electronic filing and management fund created in K.S.A. 2017 Supp. 20-1a16 20-1a20, and amendments thereto. During the fiscal year ending June 30, 2020, and each fiscal year thereafter, of the remainder, the state treasurer shall deposit and credit the first $1,000,000 $1,500,000 to the electronic filing and management fund. Of the balance which remains after deduction of the amounts specified in this subsection, the state treasurer shall deposit and credit the remainder to the judicial branch docket fee fund.

Sec. 2. K.S.A. 2017 Supp. 23-2511 is hereby amended to read as follows: 23-2511. (a) Every person who performs a marriage ceremony under the provisions of this act shall endorse the person’s certificate of the marriage on the license, give the duplicate copy of the license to the parties to the marriage and return the license, within 10 days after the marriage, to the judge or clerk of the district court who issued it. The judge or clerk shall record the marriage on the marriage record in the office of the judge or clerk and shall forward, not later than the third day of the following month, to the secretary of health and environment the license and certificate of marriage, together with a statement of the names of the parties and the name and address of the person who performed the marriage ceremony. Not later than the third day of the following month, the judge or clerk shall submit the information from the license to the vital statistics integrated information system maintained by the secretary of health and environment, or by other means as designated by the secretary and the judicial administrator.

(b) If no marriage license has been issued by the judge or clerk of the district court during a month, the judge or clerk shall promptly notify the secretary of health and environment to that effect on a form provided for that purpose.

Sec. 3. K.S.A. 2017 Supp. 50-6,109a is hereby amended to read as follows: 50-6,109a. (a) The attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administra-
tion and enforcement of the provisions of the scrap metal theft reduction act including to:

(1) Employ or appoint agents as necessary to implement, administer and enforce the act;
(2) contract;
(3) expend funds;
(4) license and discipline;
(5) investigate;
(6) issue subpoenas;
(7) keep statistics; and
(8) conduct education and outreach programs to promote compliance with the act.

(b) In accordance with the rules and regulations filing act, the attorney general is hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general’s designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d) (1) Before January 1, 2019, the attorney general shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2017 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

(2) On or before February 1, 2019, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the progress achieved in establishing the database required by this subsection.

(e) The information required by K.S.A. 2017 Supp. 50-6,110, and amendments thereto, maintained in such database by the attorney general, or by any entity contracting with the attorney general, submitted to, maintained or stored as part of the system shall:
(1) Be confidential, shall only be used for investigatory, evidentiary or analysis purposes related to criminal violations of city, state or federal law and shall only be released to law enforcement in response to an official investigation or as permitted in subsection (d); and

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2020, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

Sec. 4. K.S.A. 2017 Supp. 50-6,109c is hereby amended to read as follows: 50-6,109c. (a) Any scrap metal dealer who violates any of the provisions of the scrap metal theft reduction act, in addition to any other penalty provided by law, may incur a civil penalty imposed pursuant to subsection (b) in an amount not less than $100 nor more than $5,000 for each violation.

(b) The attorney general, upon a finding that a scrap metal dealer or any employee or agent thereof or any person or entity required to be registered as a scrap metal dealer has violated any of the provisions of the scrap metal theft reduction act may impose a civil penalty as provided in this subsection upon such scrap metal dealer.

(c) A civil penalty shall not be imposed pursuant to this section except upon the written order of the attorney general to the scrap metal dealer who is responsible for the violation. Such order is a final order for purposes of judicial review and shall state the violation, the penalty to be imposed and the right of such dealer to appeal as provided in the Kansas judicial review act.

(d) This section shall be unenforceable and shall not apply from the effective date of this act June 1, 2017, to January 1, 2019.
of any item for which such information is required to be presented, cross-
reference to previously received information, or accurately and legibly
record at the time of sale the following information:

(1) The time, date and place of transaction;
(2) the seller’s name, address, sex, date of birth and the identifying
number from the seller’s driver’s license, military identification card, pass-
port or personal identification license; the identifying number from an
official governmental document for a country other than the United
States may be used to meet this requirement provided that a legible
fingerprint is also obtained from the seller;
(3) a copy of the identification card or document containing such
identifying number. Failure to comply with the provisions of this para-
graph between the effective date of this act June 1, 2017, and January 1,
2019 2020, may result in an assessment of a civil penalty by the attorney
general of not less than $100 nor more than $5,000 for each violation;
(4) the license number, color and style or make of any motor vehicle
in which the junk vehicle or other regulated scrap metal property is de-
livered in a purchase transaction;
(5) a general description, made in accordance with the custom of the
trade, of the predominant types of junk vehicle or other regulated scrap
metal property purchased in the transaction;
(6) the weight, quantity or volume, made in accordance with the cus-
tom of the trade, of the regulated scrap metal property purchased;
(7) if a junk vehicle or vehicle part is being bought or sold, a descrip-
tion of the junk vehicle or vehicle part, including the make, model, color,
vehicle identification number and serial number if applicable;
(8) the price paid for, traded for or dealt for in a transaction for the
junk vehicle or other regulated scrap metal property;
(9) the full name of the individual acting on behalf of the regulated
scrap metal dealer in making the purchase; and
(10) a signed statement from the seller indicating from where the
property was obtained and that: (A) Each item is the seller’s own personal
property, is free of encumbrances and is not stolen; or (B) the seller is
acting for the owner and has permission to sell each item. If the seller is
not the owner, such statement shall include the name and address of the
owner of the property.

c Every scrap metal dealer shall photograph the item or lot of items
being sold at the time of purchase or receipt of any item for which such
information is required to be presented. Such photographs shall be kept
with the record of the transaction and the scrap metal dealer’s register of
information required by subsection (b). Failure to comply with the pro-
visions of this subsection between the effective date of this act June 1,
2017, and January 1, 2019 2020, may result in an assessment of a civil
penalty by the attorney general of not less than $100 nor more than $5,000
for each violation.
(d) The scrap metal dealer’s register of information required by subsection (b), including copies of identification cards and signed statements by sellers, and photographs required by subsection (c) may be kept in electronic format.

(e) Every scrap metal dealer shall forward the information required by this section to the database described in K.S.A. 2017 Supp. 50-6,109a, and amendments thereto.

(f) Notwithstanding any other provision to the contrary, this section shall not apply to transactions in which the seller is a:

(1) Registered scrap metal dealer;  
(2) vehicle dealer licensed under chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or  
(3) scrap metal dealer or vehicle dealer registered or licensed in another state.

(g) (1) Except as provided in subsection (g)(2), this section shall not apply to transactions in which the seller is known to the purchasing scrap metal dealer to be a licensed business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

(2) The attorney general may determine, by rules and regulations, which of the requirements of this section shall apply to transactions described in subsection (g)(1).

(h) The amendments made to subsection (e) by section 13 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act June 1, 2017, to January 1, 2020.

Sec. 6. K.S.A. 2017 Supp. 50-6,111 is hereby amended to read as follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which K.S.A. 2017 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in K.S.A. 2017 Supp. 50-6,110, and amendments thereto. All records kept in accordance with the provisions of the scrap metal theft reduction act shall be open at all times to law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format, the scrap metal dealer shall provide a printout of the information to law enforcement officers upon request.

(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any junk vehicle in a transaction for which K.S.A. 2017 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without:
(1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and
(2) obtaining an appropriate bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.
(c) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase or receive any regulated scrap metal from a minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer.
(d) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item on behalf of the governmental entity; utility provider; railroad; cemetery; civic organization; manufacturing, industrial or other commercial vendor that generates or sells such items in the regular course of business; or scrap metal dealer:
(1) Utility access cover;
(2) street light poles or fixtures;
(3) road or bridge guard rails;
(4) highway or street sign;
(5) water meter cover;
(6) traffic directional or traffic control signs;
(7) traffic light signals;
(8) any metal marked with any form of the name or initials of a governmental entity;
(9) property owned and marked by a telephone, cable, electric, water or other utility provider;
(10) property owned and marked by a railroad;
(11) funeral markers or vases;
(12) historical markers;
(13) bales of regulated metal;
(14) beer kegs;
(15) manhole covers;
(16) fire hydrants or fire hydrant caps;
(17) junk vehicles with missing or altered vehicle identification numbers;
(18) real estate signs;
(19) bleachers or risers, in whole or in part;
(20) twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge; and
(21) burnt wire.
(e) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or
employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays.

(f) Failure to comply with the provisions of this section between the effective date of this act June 1, 2017, and January 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than $100 nor more than $5,000 for each violation.

Sec. 7. K.S.A. 2017 Supp. 50-6,112a is hereby amended to read as follows: 50-6,112a. (a) A scrap metal dealer shall not purchase any regulated scrap metal without having first registered each place of business with the attorney general as herein provided.

(b) The attorney general shall establish a system for the public to confirm scrap metal dealer registration certificates. Such system shall include a listing of valid registration certificates and such other information collected pursuant to the scrap metal theft reduction act, as the attorney general may determine is appropriate. Disclosure of any information through use of the system established by the attorney general shall not be deemed to be an endorsement of any scrap metal dealer or determination of any facts, qualifications, information or reputation of any scrap metal dealer by the attorney general, the state, or any of their respective agents, officers, employees or assigns.

(c) A registration for a scrap metal dealer shall be verified and upon a form approved by the attorney general and contain:

1. (A) The name and residence of the applicant, including all previous names and aliases; or

(B) if the applicant is a: Corporation, the name and address of each manager, officer or director thereof, and each stockholder owning in the aggregate more than 25% of the stock of such corporation; or partnership or limited liability company, the name and address of each partner or member;

2. the length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;

3. the particular place of business for which a registration is desired, the name of the business, the address where the business is to be conducted, the hours of operation and the days of the week during which the applicant proposes to engage in business;

4. the name of the owner of the premises upon which the place of business is located; and

5. the applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for: A violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2017 Supp. 21-5801 through 21-5839 or K.S.A. 2017
Sec. 79. 2018 Session Laws of Kansas

Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2017 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2017 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2017 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(d) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not less than $500 nor more than $1,500, as prescribed by the attorney general for each particular place of business for which a registration is desired.

(e) The attorney general shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of one year.

(f) If an original registration is accepted, the attorney general shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The renewal fee shall be not more than $1,500, as prescribed by the attorney general.

(g) Any registration issued under the scrap metal theft reduction act shall not be transferable.

(h) This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

(i) The amendments made to subsections (d) and (f) by section 15 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act, June 1, 2017, to January 1, 2020.

Sec. 8. K.S.A. 2017 Supp. 50-6,112b is hereby amended to read as follows: 50-6,112b. (a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the attorney general shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

(b) No scrap metal registration shall be accepted for:

(1) A person who is not a citizen or legal permanent resident of the United States.

(2) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would
disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under the scrap metal theft reduction act.

(3) A person who, within 10 years immediately preceding the date of filing, has pled guilty to, entered into a diversion agreement for, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of: Article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2017 Supp. 21-5801 through 21-5839 or K.S.A. 2017 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2017 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2017 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2017 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(4) A person who within the 10 years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last 10 years.

(6) A partnership or limited liability company, unless all partners or members of the partnership or limited liability company are otherwise qualified to file a registration.

(7) 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.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under the scrap metal theft reduction act.

(10) A person who does not own the premises upon which the place of business is located for which a license is sought, unless the person has a written lease for at least \( \frac{3}{4} \) of the period for which the license is to be issued.
(c) Any person filing a scrap metal dealer registration may be subject to a criminal history records check and may be given a written notice that a criminal history records check is required. The attorney general may require such applicant to be fingerprinted and submit to a state and national criminal history record check. If required, such fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The attorney general shall submit any fingerprints provided to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the attorney general in the taking and processing of fingerprints of applicants. The attorney general may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of whether the scrap metal dealer registration shall be accepted. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.

(d) The amendments made to subsections (b)(10) and (c) by section 16 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from the effective date of this act June 1, 2017, to January 1, 2020.

Sec. 9. K.S.A. 2017 Supp. 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 includes a total charge not in excess of $5,000 for expenses in any way related to funeral, cremation or burial; but such term 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 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: A victim; a dependent of a deceased victim; a third person other than a collateral source; or an authorized person acting on behalf of any of them.

(d) “Collateral source” means the net financial benefit, after deduc-
tion 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:

(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 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 21-3414, prior to their repeal, or K.S.A. 2017 Supp. 21-5405,
21-5406 and subsection (b) of K.S.A. 2017 Supp. 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.

(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.

(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. 10. K.S.A. 2017 Supp. 75-3043a is hereby amended to read as
follows: 75-3043a. Except as otherwise specifically provided by statute or rule and regulation, prior to the state of Kansas or any agency thereof purchasing or disposing of any real property, by deed, mortgage, gift or other means of conveyance, transfer or exchange, such property shall be appraised by one disinterested appraiser, to be appointed by the judicial administrator director of property valuation, to determine the market-value appraisal of such property; but Nothing in this section shall be construed as establishing or limiting the consideration for the acquisition or disposition of any such property. If the value of the real property is over $200,000 as determined by the county assessment value of such property, the judicial administrator director of property valuation may appoint three disinterested appraisers to determine the market-value appraisal of such real property. Any appraiser selected pursuant to this section shall receive reasonable fees or compensation from legislative appropriations made available therefor.

Sec. 11. K.S.A. 2017 Supp. 20-362, 23-2511, 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b, 74-7301 and 75-3043a are hereby repealed.

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

Approved May 8, 2018.
Published in the Kansas Register May 17, 2018.

CHAPTER 80

HOUSE BILL No. 2511

AN ACT concerning roads and highways; relating to traffic-control devices, maintenance thereof, counties and townships; townships, special highway improvement fund; amending K.S.A. 68-589 and K.S.A. 2017 Supp. 8-2005 and 68-526 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 8-2005 is hereby amended to read as follows: 8-2005. (a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

(b) Local authorities in exercising those functions referred to in subsection (a) shall be subject to the direction and control of the secretary
of transportation with respect to highways and streets designated by the secretary as connecting links in the state highway system.

(c) In townships located in Douglas, Johnson, Riley, Shawnee and Sedgwick counties, the township board shall place and maintain traffic-control devices, other than regulatory signs, on township roads under the board’s jurisdiction. In addition, such township board shall place and maintain regulatory signs on township roads under the board’s jurisdiction consistent with resolutions of the board of county commissioners of the county in which the township road is located. For this purpose, a regulatory sign is a sign setting forth a regulation, the violation of which subjects the operator of the motor vehicle to fine, imprisonment, or both. In all counties operating under the county-township system, responsibilities for traffic-control devices and signage shall be as follows:

1. Counties shall maintain the county roads and shall place and maintain traffic-control devices on county roads. Counties shall maintain and place on township roads signs related to county culverts and county bridges, and construction signage related to county projects on township roads.

2. Township boards shall maintain the local township roads and shall place and maintain traffic-control signage on such township roads, except as provided in paragraph (1). Regulatory signs on township roads under the township board’s jurisdiction shall be consistent with resolutions of the board of county commissioners of the county in which the township road is located.

3. For purposes of this subsection, a regulatory sign is a sign setting forth a regulation, the violation of which subjects the operator of the motor vehicle to a fine, imprisonment, or both. Nothing in this subsection shall be construed as precluding the board of county commissioners from placing and maintaining traffic-control devices or street name signs on township roads, if the board determines that traffic-control devices or signs placed by a township are inadequate, but the board of county commissioners shall have no obligation to do so; they shall not be required to take such action.

(d) In all counties operating under the county road unit system, responsibilities for traffic-control devices and signage shall be as follows:

1. Counties shall maintain the county roads and township roads and shall place and maintain all traffic-control devices on such roads.

2. Township boards shall not be responsible for roads or signage.

(e) In all counties operating under the general county rural highway system, responsibilities for traffic-control devices and signage shall be as follows:

1. Counties shall maintain the county roads and township roads and maintain all traffic-control devices on such roads in accordance with K.S.A. 68-591 et seq., and amendments thereto.

2. Township boards shall not be responsible for roads or signage.
Sec. 2. K.S.A. 2017 Supp. 68-526 is hereby amended to read as follows: 68-526. (a) In all counties operating under the county road unit system, the township board shall have the general charge and supervision of all township roads and township culverts in their respective townships. The board shall procure machinery, implements, tools, drain tile, stone, gravel and any other material or equipment required, for the construction or repair of such roads and culverts. All work shall be done in accordance with any plans and specifications and the general regulations to be prepared and furnished by the county engineer. The township board shall place and maintain all such traffic-control devices for township roads as provided by K.S.A. 8-2005, and amendments thereto. (b) In townships located in Douglas, Johnson, Riley, Shawnee and Sedgwick counties, the township board shall place and maintain traffic-control devices and guidance, warning and regulatory signs on all township roads as provided by K.S.A. 8-2005, and amendments thereto.

Sec. 3. K.S.A. 68-589 is hereby amended to read as follows: 68-589. As used in this act, the following terms shall have the meaning ascribed to them by this section unless the context otherwise requires. (a) “Municipality” means any city or county or township. (b) “Governing body” as applied to a county, means the board of county commissioners; and as applied to a city means the governing body of such the city; and as applied to a township means the township board.

Sec. 4. K.S.A. 68-589 and K.S.A. 2017 Supp. 8-2005 and 68-526 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 8, 2018.

CHAPTER 81

HOUSE BILL No. 2549

AN ACT concerning mental health services; determinations of competency; commitment for treatment; amending K.S.A. 2017 Supp. 22-3302 and 22-3303 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 22-3302 is hereby amended to read as follows: 22-3302. (1) At any time after the defendant has been charged with a crime and before pronouncement of sentence, the defendant, the defendant’s counsel or the prosecuting attorney may request a determination of the defendant’s competency to stand trial. If, upon the request
of either party or upon the judge’s own knowledge and observation, the judge before whom the case is pending finds that there is reason to believe that the defendant is incompetent to stand trial the proceedings shall be suspended and a hearing conducted to determine the competency of the defendant.

(2) If the defendant is charged with a felony, the hearing to determine the competency of the defendant shall be conducted by a district judge.

(3) (A) The court shall determine the issue of competency and may impanel a jury of six persons to assist in making the determination. The court may order a psychiatric or psychological examination of the defendant. To facilitate the examination, the court may: (a) If the defendant is charged with a felony, commit the defendant to the state security hospital or any appropriate state, county or private institution or facility for examination and report to the court, or, if the defendant is charged with a misdemeanor, commit the defendant to any appropriate state, county or private institution for examination and report to the court, except that the court shall not commit the defendant to the state security hospital or any other state institution unless, prior to such commitment, the director of a local county or private institution recommends to the court and to the secretary of social and rehabilitation services that examination of the defendant should be performed at a state institution; (b) designate any appropriate psychiatric or psychological clinic, mental health center or other psychiatric or psychological facility to conduct the examination while the defendant is in jail or on pretrial release; or (c) appoint two qualified licensed physicians or licensed psychologists, or one of each, to examine the defendant and report to the court.

(B) If the court commits the defendant to an institution or facility for the examination, the commitment shall be for not more than a period not to exceed 60 days or until the examination is completed, whichever is the shorter period of time. No statement made by the defendant in the course of any examination provided for by this section, whether or not the defendant consents to the examination, shall be admitted in evidence against the defendant in any criminal proceeding.

(C) Upon notification of the court that a defendant committed for psychiatric or psychological examination under this subsection has been found competent to stand trial, the court shall order that the defendant be returned no later than seven days after receipt of the notice for proceedings under this section. If the defendant is not returned within that time, the county in which the proceedings will be held shall pay the costs of maintaining the defendant at the institution or facility for the period of time the defendant remains at the institution or facility in excess of the seven-day period.

(4) If the defendant is found to be competent, the proceedings which have been suspended shall be resumed. If the proceedings were sus-
pended before or during the preliminary examination, the judge who conducted the competency hearing may conduct a preliminary examination or, if a district magistrate judge was conducting the proceedings prior to the competency hearing, the judge who conducted the competency hearing may order the preliminary examination to be heard by a district magistrate judge.

(5) If the defendant is found to be incompetent to stand trial, the court shall proceed in accordance with K.S.A. 22-3303, and amendments thereto.

(6) If proceedings are suspended and a hearing to determine the defendant’s competency is ordered after the defendant is in jeopardy, the court may either order a recess or declare a mistrial.

(7) The defendant shall be present personally at all proceedings under this section.

Sec. 2. K.S.A. 2017 Supp. 22-3303 is hereby amended to read as follows: 22-3303. (1) A defendant who is charged with a felony crime and is found to be incompetent to stand trial shall be committed for evaluation and treatment to the state security hospital or any appropriate state, county or private institution or facility. A defendant who is charged with a misdemeanor and is found to be incompetent to stand trial shall be committed for evaluation and treatment to any appropriate state, county or private institution. At the time of such commitment the institution of commitment shall notify the county or district attorney of the county in which the criminal proceedings are pending for the purpose of providing victim notification. Any such commitment shall be for a period of not to exceed 90 days. Within 90 days after the defendant’s commitment to such institution, the chief medical officer of such institution shall certify to the court whether the defendant has a substantial probability of attaining competency to stand trial in the foreseeable future. If such probability does exist, the court shall order the defendant to remain in an appropriate state, county or private institution or facility until the defendant attains competency to stand trial or for a period of six months from the date of the original commitment, whichever occurs first. If such probability does not exist, the court shall order the secretary for aging and disability services to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto. When a defendant is charged with any off-grid felony, any non-drug severity level 1 through 3 felony, or a violation of K.S.A. 21-3504, 21-3511, 21-3518, 21-3603 or 21-3719, prior to their repeal, or subsection (b) of K.S.A. 2017 Supp. 21-5505 (b), subsection (b) of 21-5506 (b), subsection (b) of 21-5508 (b), subsection (b) of 21-5604 (b) or subsection (b) of 21-5812 (b), and amendments thereto, and commitment proceedings have commenced, for such proceeding, “mentally ill person subject to involuntary commitment for care and treatment” means a mentally ill
person, as defined in subsection (e) of K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self and others, as defined in subsection (f)(3) of K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of subsection (f) of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

(2) If a defendant who was found to have had a substantial probability of attaining competency to stand trial, as provided in subsection (1), has not attained competency to stand trial within six months from the date of the original commitment, the court shall order the secretary for aging and disability services to commence involuntary commitment proceedings pursuant to article 29 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto. When a defendant is charged with any off-grid felony, any nondrug severity level 1 through 3 felony, or a violation of K.S.A. 21-3504, 21-3511, 21-3518, 21-3603 or 21-3719, prior to their repeal, or subsection (b) of K.S.A. 2017 Supp. 21-5505(b), subsection (b) of 21-5506(b), subsection (b) of 21-5508(b), subsection (b) of 21-5604(b) or subsection (b) of 21-5812(b), and amendments thereto, and commitment proceedings have commenced, for such proceeding, “mentally ill person subject to involuntary commitment for care and treatment” means a mentally ill person, as defined in subsection (e) of K.S.A. 59-2946(e), and amendments thereto, who is likely to cause harm to self and others, as defined in subsection (f)(3) of K.S.A. 59-2946(f)(3), and amendments thereto. The other provisions of subsection (f) of K.S.A. 59-2946(f), and amendments thereto, shall not apply.

(3) When reasonable grounds exist to believe that a defendant who has been adjudged incompetent to stand trial is competent, the court in which the criminal case is pending shall conduct a hearing in accordance with K.S.A. 22-3302, and amendments thereto, to determine the person’s present mental condition. Such court shall give reasonable notice of such hearings to the prosecuting attorney, the defendant and the defendant’s attorney of record, if any. The prosecuting attorney shall provide victim notification. If the court, following such hearing, finds the defendant to be competent, the proceedings pending against the defendant shall be resumed.

(4) A defendant committed to a public institution under the provisions of this section who is thereafter sentenced for the crime charged at the time of commitment may be credited with all or any part of the time during which the defendant was committed and confined in such public institution.

Sec. 3. K.S.A. 2017 Supp. 22-3302 and 22-3303 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 8, 2018.
CHAPTER 82

HOUSE BILL No. 2577

AN ACT concerning the Kansas emergency planning and community right-to-know act; relating to emergency response and planning; creating the Kansas right-to-know fee fund; fee restrictions; secretary of health and environment, rules and regulations; amending K.S.A. 65-5704 and 65-5725 and repealing the existing sections.

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

New Section 1. (a) There is hereby created in the state treasury the Kansas right-to-know fee fund, which shall be administered by the secretary of health and environment. All moneys received pursuant to K.S.A. 65-5704, and amendments thereto, shall be deposited into the Kansas right-to-know fee fund.

(b) All expenditures from the Kansas right-to-know fee fund shall be used by the secretary of health and environment to:

(1) Administer the Kansas right-to-know program;
(2) provide and maintain the reporting system necessary to comply with K.S.A. 65-5704, and amendments thereto; and
(3) provide training to owners or operators of Kansas facilities, Kansas first responders and Kansas emergency management officials on the existence, access and use of the reporting system established pursuant to the Kansas emergency planning and community right-to-know act.

(c) All expenditures from the Kansas right-to-know 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 secretary or by a person or persons designated by the secretary.

Sec. 2. K.S.A. 65-5704 is hereby amended to read as follows: 65-5704.

(a) The secretary of health and environment shall:

(1) Provide support for the oversight and administrative activities of the commission;
(2) establish a list of Kansas reportable chemicals which shall also be subject to the requirements of sections 311 and 312 of the federal act;
(3) designate threshold planning quantities and reportable quantities for any chemical designated for listing as reportable in Kansas. For purposes of reporting in Kansas, the secretary may establish more stringent reporting thresholds for those chemicals required to be reported under the federal act. Chemicals shall be designated and reporting thresholds established after public notice and hearing, based upon concern for the hazards such chemicals may represent in Kansas; and
(4) adopt such rules and regulations as necessary to implement the provisions of the federal act and the secretary’s duties under this section, including provisions for protection of trade secrets and for public disclo-
sure of information consistent with sections 322, 323 and 324 of the federal act. Such rules and regulations may establish fees to cover all or part of the total cost of operation of the program. Such fees shall not exceed the maximum fees prescribed in subsection (b). The secretary shall reduce the fees by adopting rules and regulations under this section whenever the secretary determines that the fees are yielding more revenue than is necessary for the purposes described in section 1(b), and amendments thereto. The secretary may increase the fees by adopting rules and regulations under this section when the secretary finds that such increase is necessary to produce sufficient revenues for the purposes described in section 1(b), and amendments thereto, except that the fees shall not be increased in excess of the total cost of operation of the program.

(b) (1) The maximum fees allowable under this section shall be determined as follows:

(A) Fees on the total maximum daily reportable quantity of extremely hazardous substances listed on the Kansas tier II form shall be:

<table>
<thead>
<tr>
<th>Sum of the maximum daily amounts of all extremely hazardous substances reported (pounds)</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 9,999</td>
<td>$25</td>
</tr>
<tr>
<td>10,000 - 999,999</td>
<td>$50</td>
</tr>
<tr>
<td>1,000,000 or greater</td>
<td>$150</td>
</tr>
</tbody>
</table>

(B) Fees on the total maximum daily reportable quantity of hazardous chemicals listed on the Kansas tier II form shall be:

<table>
<thead>
<tr>
<th>Sum of the maximum daily amounts of all hazardous chemicals reported (pounds)</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000 - 99,999</td>
<td>$25</td>
</tr>
<tr>
<td>100,000 - 999,999</td>
<td>$50</td>
</tr>
<tr>
<td>1,000,000 - 9,999,999</td>
<td>$150</td>
</tr>
<tr>
<td>10,000,000 or greater</td>
<td>$300</td>
</tr>
</tbody>
</table>

(C) Fees payable on the total quantity of chemicals released reported on the federal form R shall be:

<table>
<thead>
<tr>
<th>Sum of the total chemical releases reported (pounds)</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 - 19,999</td>
<td>$250</td>
</tr>
<tr>
<td>20,000 - 99,999</td>
<td>$700</td>
</tr>
<tr>
<td>100,000 - 999,999</td>
<td>$1,700</td>
</tr>
<tr>
<td>1,000,000 or greater</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

(D) Each owner or operator subject to the fees prescribed in this section shall not be assessed an annual report fee in total greater than $3,000 during any single report year, excluding late fees.
(2) The secretary shall remit all moneys received from fees collected pursuant to 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 and credit it to the Kansas right-to-know fee fund.

Sec. 3. K.S.A. 65-5725 is hereby amended to read as follows: 65-5725.

(a) Except as otherwise provided by this order, all of the powers, duties, and functions of the secretary of health and environment relating to provision of support for the oversight and administrative activities of the state commission on emergency planning and response commission as provided in K.S.A. 65-5704(a), and amendments thereto, are hereby transferred to and conferred and imposed upon the adjutant general.

(b) Except as otherwise provided by this order, whenever the words “secretary of health and environment” or words of like effect are referred to or designated by a statute, rule and regulation, contract or other document in connection with the powers, duties, and functions transferred from the secretary of health and environment to the adjutant general by this order, the reference or designation shall be deemed to apply to the adjutant general.

Sec. 4. K.S.A. 65-5704 and 65-5725 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 8, 2018.

CHAPTER 83
SENATE BILL No. 328*

AN ACT concerning correctional institutions and juvenile correctional facilities; prohibiting the outsourcing or privatization of any security operations thereof; allowing existing contracts to be renewed.

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

Section 1. (a) (1) Notwithstanding any other provision of law, no state agency shall enter into any agreement or take any action to outsource or privatize any security operations of any correctional institution, as defined by K.S.A. 75-5202, and amendments thereto, or juvenile correctional facility, as defined by K.S.A. 2017 Supp. 38-2302, and amendments thereto, that is operated by a state agency without prior specific authorization by an act of the legislature or an appropriation act of the legislature. The restriction imposed by this subsection applies to any action to outsource or privatize all or any part of any security operation or job classifications
and duties associated with a security operation of such correctional institution or juvenile correctional facility.

(2) For the purposes of this section, “security operations” shall include the supervision of inmates in a correctional institution or juvenile correctional facility by a corrections officer or warden as those terms are defined in K.S.A. 75-5202, and amendments thereto, or any other position that is part of security operations as identified in rules and regulations adopted by the secretary.

(3) The secretary of corrections may adopt rules and regulations to identify job classifications and duties that are part of the security operations of a correctional institution or juvenile correctional facility.

(b) Nothing in this section shall prevent the department of corrections from renewing, in substantially the same form as an existing agreement, any agreement in existence prior to January 1, 2018, for services at such correctional institution or juvenile correctional facility.

(c) Nothing in this section shall prevent the department of corrections from entering into an agreement for services at such correctional institution or juvenile correctional facility with a different provider if such agreement is substantially similar to an agreement for services in existence prior to January 1, 2018.

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

Approved May 8, 2018.

Published in the Kansas Register May 17, 2018.

CHAPTER 84
SENATE BILL No. 310
(Amends Chapter 73)

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

New Section 1. (a) No antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless a valid permit for such ride has been issued by the department. The owner of any such ride shall make application for a permit for such ride to the secretary on such form and in such manner as prescribed by the secretary. The application for a permit shall include, but is not limited to, the following:

(1) The name of the owner and operator of the antique amusement ride, limited-use amusement ride or registered agritourism activity;
(2) the location of the ride, or the location where such ride is stored when not in use;
(3) valid certificate of inspection; and
(4) proof of insurance.

(b) Each applicant shall submit a permit fee of $50 along with the application.

(c) Upon approval of an application and receipt of the required fee, the secretary shall issue a permit for the antique amusement ride, limited-use amusement ride or registered agritourism activity. Such permit shall be valid for one year from the date of issuance. Any permit fee paid by an applicant shall be returned to the applicant if the application is denied.

(d) In addition to the permit fee required under subsection (b), no antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless the owner of such ride has registered as an antique amusement ride, limited-use amusement ride or registered agritourism activity owner with the department. Registration shall be valid for a period of one year. The owner of an antique amusement ride, limited-use amusement ride or registered agritourism activity shall register with the department in such form and in such manner as prescribed by the secretary and by paying a registration fee of $50. The fee required under this subsection shall be an annual fee paid by the owner, regardless of the number of rides owned by such owner.

(e) All fees received by the secretary pursuant to this section shall be remitted by the secretary 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 amusement ride safety fund.
Sec. 2. K.S.A. 2017 Supp. 40-4801 is hereby amended to read as follows: 40-4801. As used in K.S.A. 40-4802 and 40-4803, and amendments thereto, the terms “amusement ride,” “antique amusement ride,” “limited-use amusement ride,” “operator,” and “owner” and “registered agritourism activity” shall have the same meanings as those terms are defined in K.S.A. 2017 Supp. 44-1601, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 40-4802 is hereby amended to read as follows: 40-4802. No amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless at the time of operation the owner has in effect an insurance policy insuring the owner and operator against liability for bodily injury to persons arising out of the operation of the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity. The insurance policy shall be written by an insurance company doing business in Kansas, or by a surplus lines insurer. Such insurance policy shall:

(a) (1) For an owner or operator of an amusement ride, provide for coverage in an amount not less than $1,000,000 per occurrence with a $2,000,000 annual aggregate, except that this requirement shall be satisfied if the owner of such amusement ride is the state or any subdivision of the state and such owner self-insures, or participates in a public entity self-insurance pool in accordance with K.S.A. 75-6111, and amendments thereto; and

(b) name as an additional insured any person contracting with the owner for the amusement ride’s operation of the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity.

Sec. 4. K.S.A. 2017 Supp. 44-1601 is hereby amended to read as follows: 44-1601. As used in this act:

(a) (1) “Amusement ride” means any mechanical or electrical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement and shall include all rides and devices included under ASTM international F24 committee standards, including, but not be limited to:

(A) Rides commonly known as ferris wheels, carousels, parachute towers, bungee jumping, reverse bungee jumping, tunnels of love, roller coasters, boat rides, water slides, inflatable devices, commercial zip lines, trampoline courts and go-karts;
(B) equipment generally associated with winter activities, such as ski lifts, ski tows, j-bars, t-bars, chair lifts and aerial tramways; and
(C) equipment not originally designed to be used as an amusement ride, such as cranes or other lifting devices, when used as part of an amusement ride.

(2) “Amusement ride” does not include:
(A) Games, concessions and associated structures;
(B) any single passenger coin-operated ride that: (i) Is manually, mechanically or electrically operated; (ii) is customarily placed in a public location; and (iii) does not normally require the supervision or services of an operator;
(C) nonmechanized playground equipment, including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and physical fitness devices;
(D) home-owned antique amusement rides;
(E) limited-use amusement rides;
(F) registered agritourism activities;
(G) any ride commonly known as a hayrack ride in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;
(H) any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle; or
(I) any amusement ride owned by an individual and operated solely within a single county for strictly private use.

(b) “Antique amusement ride” means an amusement ride, as defined in subsection (a)(1), manufactured prior to January 1, 1930.

(c) “Certificate of inspection” means a certificate, signed and dated by a qualified inspector, showing that an amusement ride has satisfactorily passed inspection by such inspector.

(d) “Class A amusement ride” means an amusement ride designed for use primarily by individuals aged 12 or less.

(e) “Class B amusement ride” means an amusement ride that is not classified as a class A amusement ride.

(f) “Department” means the department of labor.

(g) “Home-owned Limited-use amusement ride” means an amusement ride, as defined in subsection (a)(1), owned by an individual and operated solely within a single county for strictly private use and operated by a nonprofit, community-based organization that is operated for less than 20 days, or 160 hours, in a year and is operated at only one location each year.

(h) “Nondestructive testing” means the development and application of technical methods in accordance with ASTM F747 standards such as radiographic, magnetic particle, ultrasonic, liquid penetrant, elec-
tromagnetic, neutron radiographic, acoustic emission, visual and leak testing to:

(1) Examine materials or components in ways that do not impair the future usefulness and serviceability in order to detect, locate, measure and evaluate discontinuities, defects and other imperfections;

(2) assess integrity, properties and composition; and

(3) measure geometrical characters.

(h) “Operator” means a person actually supervising, or engaged in or directly controlling the operations of an amusement ride.

(i) “Owner” means a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state.

(j) “Parent or guardian” means any parent, guardian or custodian responsible for the control, safety, training or education of a minor or an adult or minor with an impairment in need of a guardian or a conservator, or both, as those terms are defined by K.S.A. 59-3051, and amendments thereto.

(k) “Patron” means any individual who is:

(A) Waiting in the immediate vicinity of an amusement ride to get on the ride;

(B) getting on an amusement ride;

(C) using an amusement ride;

(D) getting off an amusement ride; or

(E) leaving an amusement ride and still in the immediate vicinity of the ride.

(2) “Patron” does not include employees, agents or servants of the owner while engaged in the duties of their employment.

(l) “Person” means any individual, association, partnership, corporation, limited liability company, government or other entity.

(m) “Qualified inspector” means a person who:

(1) is a licensed professional engineer, as defined in K.S.A. 74-7003, and amendments thereto, and has completed at least two years of experience in the amusement ride field, consisting of at least one year of actual inspection of amusement rides under a qualified inspector for a manufacturer, governmental agency, amusement park, carnival or insurance underwriter, and an additional year of practicing any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair or operation;

(2) provides satisfactory evidence of completing a minimum of five years of experience in the amusement ride field, at least two years of which consisted of actual inspection of amusement rides under a qualified inspector for a manufacturer, governmental agency, amusement park, carnival or insurance underwriter, and the remaining experience consisting of any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair or operation;
(3) has received qualified training from a third party, such as attainment of level II certification from the national association of amusement ride safety officials (NAARSO), attainment of level II certification from the amusement industry manufacturers and suppliers international (AIMS), attainment of a qualified inspector certification from the association for challenge course technology (ACCT), Pennsylvania department of agriculture—general qualified inspector status, when applicable, or other similar qualification from another nationally recognized organization; or

(4) for purposes of inspecting inflatable devices that are rented on a regular basis and erected at temporary locations, provides satisfactory evidence of completing a minimum of five years of experience working with inflatable devices and has received qualified training from a third party, such as attainment of an advanced inflatable safety operations certification from the safe inflatable operators training organization or other nationally recognized organization.

(o) “Registered agritourism activity” means an amusement ride, as defined in subsection (a)(1), that is a registered agritourism activity, as defined in K.S.A. 2017 Supp. 32-1432, and amendments thereto.

(p) “Secretary” means the secretary of labor.

(q) “Serious injury” means an injury that results in:

(1) Death, dismemberment, significant disfigurement or permanent loss of the use of a body organ, member, function or system;

(2) a compound fracture; or

(3) other injury or illness that requires immediate medical treatment admission and overnight hospitalization, and observation by a licensed physician.

(r) “Sign” means any symbol or language reasonably calculated to communicate information to patrons or their parents or guardians, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, guide books, brochures, videos, verbal information and visual signals.

(s) “Water slide” means a slide that is at least 35 feet in height and that uses water to propel the patron through the ride.

Sec. 5. K.S.A. 2017 Supp. 44-1602 is hereby amended to read as follows: 44-1602. (a) No amusement ride shall be operated in this state unless such ride has a valid certificate of inspection. An amusement ride erected in this state shall be inspected by a qualified inspector at least every 12 months.

The certificate of an inspection required by this subsection shall be signed and dated by the inspector and shall be available to any person contracting with the owner for the operation of such amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity. In addition, a visible inspection decal pro-
vided by the department or other evidence of inspection shall be posted in plain view on or near the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity in a location where it can easily be seen.

(b) Inspections performed pursuant to this section shall be paid for by the owner of the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity, or in the case of a state agency or political subdivision of the state, such governmental entity shall pay for the inspection.

(c) In addition to the annual inspection required by subsection (a), the operator of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall perform and record daily inspections of the amusement ride. The daily inspection shall include an inspection of equipment identified for daily inspection in accordance with the applicable codes and the manufacturer’s recommendations.

(d) The secretary shall conduct random compliance audits of amusement rides erected both at permanent locations and at temporary locations. A warning citation for violation of this act shall be issued against any owner or operator for a first violation.

(e) The secretary shall develop an inspection checklist, which shall be posted on the department’s website.

Sec. 6. K.S.A. 2017 Supp. 44-1603 is hereby amended to read as follows: 44-1603. The owner of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall retain at all times current records relating to the construction, repair and maintenance of its operation, including safety, inspection, maintenance records and ride operator training activities for such ride. Such records shall be available to any person contracting with the owner for the amusement ride’s operation of such ride, and shall be made available to the department at reasonable times, including during an inspection upon the department’s request. Records of daily inspections must be available for inspection at the location where the ride or device is operated. All records must be maintained for a period of three years.

Sec. 7. K.S.A. 2017 Supp. 44-1605 is hereby amended to read as follows: 44-1605. (a) No amusement ride shall be operated in this state unless the operator has satisfactorily completed training that includes, at a minimum:

(1) Instruction on operating procedures for the ride, the specific duties of the operator, general safety procedures and emergency procedures;

(2) demonstration of physical operation of the ride; and

(3) supervised observation of the operator’s physical operation of the ride.
(b) No amusement ride shall be operated in this state unless the name of each operator trained to operate the ride and the certificate of each such operator’s satisfactory completion of such training, signed and dated by the trainer, is available to any person contracting with the owner for the amusement ride’s operation on the premises where the amusement ride is operated, during the hours of operation of the ride.

(c) No inflatable device that is rented on a regular basis and erected at a temporary location shall be operated in this state unless the operator has been trained by a person who has attained a basic inflatable safety operations certification from the safe inflatable operators training organization or other nationally recognized organization.

(d) No slide that uses water to propel the patron through the ride and that is at least 15 feet in height shall be operated in this state unless there is an attendant stationed at such slide to ensure patrons are properly adhering to the safety standards in place.

Sec. 8. K.S.A. 2017 Supp. 44-1606 is hereby amended to read as follows: 44-1606. No amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless there is posted in plain view on or near the ride, in a location where they can be easily read, all safety instructions for the ride.

Sec. 9. K.S.A. 2017 Supp. 44-1607 is hereby amended to read as follows: 44-1607. (a) Each patron of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity, by participation, accepts the risks inherent in such participation of which an ordinary prudent person is or should be aware.

(b) Each patron of an amusement ride has a duty to:

(1) Exercise the judgment and act in the manner of an ordinary prudent person while participating in an amusement ride;

(2) obey all instructions and warnings, written or oral, prior to and during participation in an amusement ride;

(3) refrain from participation in an amusement ride while under the influence of alcohol or drugs;

(4) engage all safety devices that are provided;

(5) refrain from disconnecting or disabling any safety device except at the express direction of the owner’s agent or employee; and

(6) refrain from extending arms and legs beyond the carrier or seating area except at the express direction of the owner’s agent or employee.

(c) Any parent or guardian of a patron shall have a duty to reasonably ensure that the patron complies with all provisions of this act.

Sec. 10. K.S.A. 2017 Supp. 44-1608 is hereby amended to read as follows: 44-1608. Any person contracting with an owner for the amusement ride’s operation of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity shall ensure that:
(a) Inspection certificates required by K.S.A. 2017 Supp. 44-1602, and amendments thereto, are available;
(b) maintenance and inspection records required by K.S.A. 2017 Supp. 44-1603, and amendments thereto, are available; and
(c) safety instructions for the ride are posted as required by K.S.A. 2017 Supp. 44-1606, and amendments thereto.

Sec. 11. K.S.A. 2017 Supp. 44-1609 is hereby amended to read as follows: 44-1609. Whenever a serious injury results from the operation of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity:
(a) Operation of the ride shall immediately be discontinued;
(b) operation of the ride shall not be resumed until it has been inspected and the qualified inspector has approved resumption of operation; and
(c) the owner, within 30 days after the injury, shall notify the manufacturer of the ride, if the manufacturer is known and in existence at the time of the injury.

Sec. 12. K.S.A. 2017 Supp. 44-1610 is hereby amended to read as follows: 44-1610. (a) It is a class B misdemeanor for an owner or operator of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity knowingly to operate, or cause or permit to be operated, any amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity without a valid permit issued by the secretary.
(b) A notice of violation may be issued by the department when an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity is found to be out of compliance with the provisions of this act, or any rules or regulations adopted pursuant thereto. The notice of violation may include an order to cease and desist operation of the specific amusement ride until all violations are satisfactorily corrected.
(c) Within 10 business days after a notice of violation has been issued, the person issued such notice may file a written request with the department for an informal conference regarding the notice. If the person issued the notice of violation does not request an informal conference within this time frame, all provisions of the notice shall become final. If the notice of violation is not resolved within the prescribed time frame, the department may seek judicial enforcement of the notice of violation, or an enforcement order may be issued.
(d) The secretary may impose a fine of not more than $1,000 for any violation of the provisions of this act, or any rules or regulations adopted pursuant thereto. All fines received by the secretary pursuant to this section shall be remitted by the secretary 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 amusement ride safety fund.

(e) Each day a violation continues shall constitute a separate offense.

(f) The provisions of this section shall be subject to the Kansas administrative procedure act.

(g) No prosecution for an offense described in subsection (a) shall be brought prior to January 1, 2018. The provisions of this subsection shall expire on June 30, 2018.

Sec. 13. K.S.A. 2017 Supp. 44-1611 is hereby amended to read as follows: 44-1611. The attorney general, or the county or district attorney in a county in which an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity is located or operated, may apply to the district court for an order enjoining operation of any amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity operated in violation of this act.

Sec. 14. K.S.A. 2017 Supp. 44-1612 is hereby amended to read as follows: 44-1612. The governing body of any city or county may establish and enforce safety standards for amusement rides, antique amusement rides, limited-use amusement rides or registered agritourism activities in addition to, but not in conflict with, the standards established by this act.

Sec. 15. K.S.A. 2017 Supp. 44-1613 is hereby amended to read as follows: 44-1613. The provisions of K.S.A. 2017 Supp. 44-1601 through 44-1619, and section 1, and amendments thereto, shall be known as the Kansas amusement ride act.

Sec. 16. K.S.A. 2017 Supp. 44-1614 is hereby amended to read as follows: 44-1614. (a) The secretary of labor shall adopt rules and regulations necessary to implement provisions of the Kansas amusement ride act, K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto.

(b) (1) On or before January 1, 2018, the secretary shall adopt rules and regulations necessary to implement the amendments made to the Kansas amusement ride act, K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto, and the amusement ride insurance act, K.S.A. 40-4801 et seq., and amendments thereto, by this act.

(2) The secretary shall adopt rules and regulations specifying nationally recognized organizations that issue certifications or other evidence of qualification to inspect amusement rides, and that require education, experience and training at least equivalent to that required for a level II certification from NAARSO as of July 1, 2017.

(3) All references to the American society for testing and materials (ASTM) standards shall be to those standards adopted developed by the ASTM international F24 committee, as published in ASTM international standards volume 15.07, or any later version adopted by the secretary in rules and regulations.
Sec. 17. K.S.A. 2017 Supp. 44-1616 is hereby amended to read as follows: 44-1616. (a) No amusement ride shall be operated in this state unless a valid permit for such ride has been issued by the department. The owner of an amusement ride shall make application for a permit for such amusement ride to the secretary on such form and in such manner as prescribed by the secretary. The application for a permit shall include, but is not limited to, the following:

(1) The name of the owner and operator of the amusement ride;
(2) the location of the amusement ride, or the location where such ride is stored when not in use;
(3) valid certificate of inspection;
(4) proof of insurance; and
(5) (A) for amusement rides manufactured prior to July 1, 2018, certification that such ride qualifies as service proven, as that term is used in the applicable ASTM international F24 committee standards; and
(B) for amusement rides manufactured on and after July 1, 2018, certification that such ride meets the applicable ASTM international F24 committee standards pertaining to ride maintenance and operation.

(b) Each applicant shall submit a permit fee along with the application in an amount as follows:

(1) For amusement rides erected at a permanent location, $75 for a class A amusement ride, and $100 for a class B amusement ride;
(2) for amusement rides erected at a temporary location, $30; and
(3) for amusement rides owned or operated by a municipality or a nonprofit entity, whether erected at a permanent or temporary location, $10.

(c) Upon approval of an application and receipt of the required fee, the secretary shall issue a permit for the amusement ride. Such permit shall be valid for one year from the date of issuance. Any permit fee paid by an applicant shall be returned to the applicant if the application is denied.

(d) In addition to the permit fees required under subsection (a) (b), no amusement ride shall be operated in this state unless the owner of such ride has registered as an amusement ride owner with the department. Registration shall be valid for a period of one year. The owner of an amusement ride shall register with the department in such form and in such manner as prescribed by the secretary, and by paying a registration fee as follows:

(1) For amusement rides erected at a permanent location, $500;
(2) for amusement rides erected at a temporary location, $250; and
(3) for amusement rides owned by a municipality or nonprofit entity, whether erected at a permanent or temporary location, $50.

The fee required under this subsection shall be an annual fee paid by the owner, regardless of the number of amusement rides owned by such owner.
(e) All fees received by the secretary pursuant to this section shall be remitted by the secretary 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 amusement ride safety fund.

Sec. 18. K.S.A. 2017 Supp. 44-1617 is hereby amended to read as follows: 44-1617. There is hereby established in the state treasury the amusement ride safety fund, which shall be administered by the department of labor. The amusement ride safety fund shall consist of those moneys credited to the amusement ride safety fund pursuant to K.S.A. 44-1610, and amendments thereto, and K.S.A. 2017 Supp. 44-1616 and section 1, and amendments thereto. All expenditures from the amusement ride safety fund shall be for the administration and enforcement of the Kansas amusement ride act, and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary, or the secretary’s designee.

Sec. 19. K.S.A. 2017 Supp. 44-1618 is hereby amended to read as follows: 44-1618. (a) (1) A patron, or a patron’s parent or guardian on a patron’s behalf, shall report in writing to the owner any injury sustained on an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity before leaving the premises. Such report shall include:
   (A) The name, address and phone number of the injured person;
   (B) a full description of the incident, the injuries claimed, any treatment received and the location, date and time of the injury;
   (C) the cause of the injury, if known; and
   (D) the names, addresses and phone numbers of any witnesses to the incident.

(2) If a patron, or a patron’s parent or guardian, is unable to file a report because of the severity of the patron’s injuries, the patron or the patron’s parent or guardian shall file the report as soon as reasonably possible.

(3) The owner shall prominently display signage at the point of admission or ticket sale and at least two other locations in close proximity to the amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity explaining a patron’s duty to report injuries sustained on such amusement ride. Such signage shall include instructions on how to contact the owner’s representatives if immediate assistance is needed and how to make an injury report.

(4) The failure of a patron, or the patron’s parent or guardian, to report an injury under this subsection shall have no effect on the patron’s right to commence a civil action.

(b) The owner of an amusement ride, antique amusement ride, lim-
ited-use amusement ride or registered agritourism activity shall notify the department of any serious injury reported by a patron, or any injury caused by a malfunction or failure of an amusement ride or caused by an operator or patron error. Such notification shall be submitted to the department within 72 hours of the time that the operator becomes aware of the injury.

(c) If a serious injury occurs, the equipment or conditions that caused the injury shall be preserved for the purpose of an investigation by the department and such amusement ride shall be immediately removed from service until an investigation is completed or deemed unnecessary by the secretary. Except as provided in subsection (d), upon notification, the department shall acknowledge receipt of such notice and determine if an investigation of a serious injury is necessary. If an investigation is not commenced within 24 hours after the department receives notification of such injury, then an investigation shall be deemed unnecessary.

(d) If the serious injury results in the death of a patron, the owner shall notify the department of the injury as soon as possible. Such notification shall be by telephone initially with a written notification sent within 24 hours after the initial notice. If the patron’s death is related to a major malfunction of the amusement ride, an investigation shall be required and the department shall commence such investigation within 24 hours after receiving initial notice of the injury. No part of the amusement ride or the ride itself, shall be moved or repaired without the written approval of the secretary, or the secretary’s designee, except that nothing in this subsection shall be construed so as to hinder emergency response personnel from performing their duties, or to prevent the elimination of an obvious safety hazard. The owner shall provide the department with complete access to the amusement ride and all related premises for the purposes of the investigation and shall provide all information related to the cause of the injury to the department.

Sec. 20. K.S.A. 2017 Supp. 44-1619 is hereby amended to read as follows: 44-1619. The provisions of this act shall not be enforced by the secretary prior to the date of publication of the rules and regulations adopted by the secretary pursuant to K.S.A. 2017 Supp. 44-1614(b), and amendments thereto. Prior to taking any action pursuant to K.S.A. 2017 Supp. 44-1610, and amendments thereto, the secretary shall provide the owner or operator of an amusement ride, antique amusement ride, limited-use amusement ride or registered agritourism activity a reasonable period of time to comply with the provisions of K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto, and K.S.A. 40-4801 et seq., and amendments thereto.

Sec. 21. K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611,
44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 are hereby repealed.


Sec. 23. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 8, 2018.

Published in the Kansas Register May 17, 2018.

CHAPTER 85
Substitute for HOUSE BILL No. 2556*  

AN ACT concerning emergency communications services; establishing the state interoperability advisory committee.

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

Section 1. (a) For the purposes of this section:

(1) "Advisory committee" means the state interoperability advisory committee;
(2) “coordinator” means the statewide interoperability coordinator;
(3) “executive subcommittee” means the executive subcommittee of
the advisory committee created in subsection (f); and
(4) “state emergency management director” or “director” means the
adjutant general of the state of Kansas or the adjutant general’s designee.

(b) (1) There is hereby created the state interoperability advisory
committee, which shall provide input to the adjutant general’s depart-
ment for the development and deployment of centralized interoperable
communications planning and implementation capacity for the state of
Kansas. The advisory committee shall:

(A) Make policy recommendations to the adjutant general’s depart-
ment for increasing communications and interagency coordination for the
purpose of safeguarding and informing the public of public safety risks
and operations;

(B) assist with the development of policies and procedures that in-
crease communications and interagency coordination for the purpose of
enhancing public safety interoperable communications;

(C) provide input to the adjutant general’s department on statewide
contracts for public safety communications equipment, software and con-
sulting services;

(D) make recommendations to the adjutant general’s department re-
 garding revisions to the state communications interoperability plan;

(E) make recommendations to the adjutant general’s department for
the assessment of institutions and organizations that benefit from services
provided;

(F) make recommendations to the adjutant general’s department con-
cerning the development, release and review of requests for proposals and
awarding contracts for public safety communications technology pub-
lic-private partnerships; and

(G) make recommendations to the adjutant general’s department to
pursue other opportunities to improve public safety communications as
the advisory committee deems appropriate.

(2) The advisory committee shall not have authority to:

(A) Require certification of public safety agencies or employees;

(B) require training or the establishment of mandatory training stan-
dards beyond what is necessary for the operation, care and security of
interoperable communications systems and plans developed by the ad-
visory committee; or

(C) limit local purchasing options for equipment compatible with the
interoperability plan.

(c) (1) The advisory committee shall be overseen by the state emer-
gency management director.

(2) The director shall appoint a statewide interoperability coordinator
to administer the advisory committee’s business, serve as the advisory
committee’s chairperson, and act on the advisory committee’s behalf.
(3) The chairperson shall appoint the vice-chairperson of the advisory committee.

(d) The advisory committee shall consist of the following members:

(1) The director;
(2) the coordinator;
(3) the secretary of transportation or the secretary’s designee;
(4) the superintendent of the highway patrol or the superintendent’s designee;
(5) the executive branch chief information security officer or the executive branch chief information security officer’s designee;
(6) one tribal representative appointed by the governor;
(7) the 911 coordinating council administrator or the administrator’s designee;
(8) the chief executive officer of the state board of regents or the chief executive officer’s designee;
(9) one member appointed by the Kansas association of public safety communications officials;
(10) one member appointed by the Kansas sheriffs’ association;
(11) one member appointed by the emergency medical services board;
(12) one member appointed by the Kansas association of chiefs of police;
(13) one member appointed by the Kansas state association of fire chiefs;
(14) one member appointed by the mid-America regional council;
(15) one member appointed by the league of Kansas municipalities;
(16) one member appointed by the Kansas association of counties; and
(17) one member appointed by the Kansas emergency management association.

(e) (1) All members of the advisory committee shall be appointed by their respective appointing authority on or before August 1, 2018.

(2) Each executive branch member of the advisory committee shall serve until succeeded. Each non-executive branch member of the advisory committee shall serve for a three-year term, beginning on August 1, 2018, and shall be eligible to serve for more than one term. Members of the advisory committee may be removed, for cause, by a majority vote of the advisory committee or by their appointing or designating authority.

(3) Any vacancy on the advisory committee shall be filled in the same manner provided in this section for the original member.

(4) The first meeting of the advisory committee shall be held prior to September 1, 2018. The advisory committee shall meet once every quarter of the calendar year and may hold additional meetings at the call of the director or coordinator.

(5) A majority of the voting members of the advisory committee con-
stitutes a quorum. Any action by the advisory committee shall be by motion adopted by a majority of voting members present when there is a quorum.

(f) (1) There is hereby established an executive subcommittee within the advisory committee to assist in the administration of the advisory committee’s business when the full advisory committee is not meeting.

(2) The executive subcommittee shall be composed of the advisory committee members listed in subsection (d)(1) through (d)(4).

(3) The executive subcommittee may transact any business of the advisory committee that has been delegated to the executive subcommittee.

(g) (1) The chairperson may appoint and convene working groups to address specific interoperability and communications requirements, research topics and to make recommendations. In addition, the chairperson may add additional subject matter experts ad hoc to assist the working groups in carrying out their functions and responsibilities.

(2) Each established working group shall meet once every quarter of the calendar year and may hold additional meetings at the call of the director, coordinator or the working group’s chairperson.

(3) Working groups shall make recommendations to the advisory committee regarding the following:

(A) Improving interagency communications, training and exercise coordination;

(B) improving effective receipt of information from and communicating information to the public;

(C) improving logistics coordination during on-site events;

(D) evaluating communication and communication protection technologies and recommending procurement standards;

(E) identifying and promoting anti-intrusion technologies for communications from individuals to public safety agencies;

(F) identifying methods to protect sensitive public safety operations from placement on social media sites that deliberately or inadvertently place public safety workers at risk;

(G) identifying and collecting relevant public safety communications systems and equipment performance metrics; and

(H) such other responsibilities as shall be assigned by the chairperson.

(h) The director shall provide staff support for the advisory committee and working groups from the office of the director.

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

Approved May 10, 2018.
CHAPTER 86

Senate Substitute for Senate Substitute for HOUSE BILL No. 2386

AN ACT concerning labor and employment; relating to licensing of professional occupations; applications of persons with certain criminal and civil records, disqualification for licensure; Kansas commission on veterans affairs office; drug screening programs; Kansas department for aging and disability services regarding certain providers and facilities; providing for licensure, employment and background checks of employees; amending K.S.A. 74-120 and K.S.A. 2017 Supp. 39-970, 39-2009, 65-5117 and 75-4362 and repealing the existing sections.

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

Section 1. K.S.A. 74-120 is hereby amended to read as follows: 74-120. (a) Notwithstanding any other provision of law, any person, board, commission or similar body that determines the qualifications of individuals for licensure, certification or registration may consider any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure, certification or registration.

(b) (1) Within 180 days of the effective date of this section, any person, board, commission or similar body that determines the qualifications of individuals for licensure, certification or registration shall revise their existing requirements to list the specific civil and criminal records that could disqualify an applicant from receiving a license, certification or registration. Such person, board, commission or similar body may only list any disqualifying criminal records or civil court records that are directly related to protecting the general welfare and the duties and responsibilities for such entities and in no case shall non-specific terms, such as moral turpitude or good character, or any arrests that do not result in a conviction be used to disqualify an individual’s application for licensure, certification or registration.

(2) If an individual has a criminal record or civil court record that would disqualify the individual from receiving a license, certification or registration, other than a conviction for a crime that is a felony or a class A misdemeanor or any conviction for which issuance of such license, certification or registration could conflict with federal law, and the individual has not been convicted of any other crime in the five years immediately preceding the application for licensure, certification or registration, such record shall not be used to disqualify the individual for licensure, certification or registration for more than five years after the person satisfied the sentence imposed.

(3) An individual with a civil or criminal record may petition the person, board, commission or similar body responsible for licensure, certification or registration at any time for an informal, written advisory opinion concerning whether the individual’s civil or criminal record will disqualify the individual from obtaining such license, certification or registration. This petition shall include details of the individual’s civil or
criminal record. In response to such petition, the person, board, com-
mmission or similar body responsible for licensure, certification or regis-
tration shall issue an informal, written advisory opinion which shall not be bind-
ing upon such person, board, commission or similar body. The person,
board, commission or similar body responsible for licensure, certification
or registration shall respond to such petition within 120 days of receiving
the petition from the applicant and may charge up to $50 for the review
and issuance of an informal, written advisory opinion in response to such
petition.

(4) All persons, boards, commissions or similar licensing bodies shall
adopt and publicly maintain all necessary rules and regulations for the
implementation of this section.

(c) The provisions of subsection (b) shall not apply to the:
(1) Kansas commission on peace officers’ standards and training;
(2) Kansas highway patrol;
(3) board of accountancy;
(4) behavioral sciences regulatory board;
(5) state board of healing arts;
(6) state board of pharmacy;
(7) emergency medical services board;
(8) board of nursing;
(9) Kansas real estate commission;
(10) office of the attorney general;
(11) department of insurance;
(12) any municipality as defined in K.S.A. 75-6102, and amendments
thereto; and
(13) any profession that has an educational requirement for licensure
that requires a degree beyond a bachelor’s degree.

Sec. 2. K.S.A. 2017 Supp. 39-970 is hereby amended to read as fol-
lows: 39-970. (a) As used in this section:

(1) “Adult care home” means any nursing facility, nursing facility for
mental health, intermediate care facility for people with intellectual dis-
ability, assisted living facility, residential health care facility, home plus,
boarding care home or adult day care facility that is required to be li-
censed to operate by the secretary for aging and disability services.

(2) “Applicant” means an individual who applies for employment
with an adult care home or applies to work for an employment agency or
as an independent contractor who provides staff to an adult care home.

(3) “Completion of the sentence” means the last day of the entire term
of incarceration imposed by a sentence, including any term that is de-
ferred, suspended or subject to parole, probation, diversion, community
corrections, fines, fees, restitution or any other imposed sentencing
requirements.
(4) “Department” means the Kansas department for aging and disability services.

(5) “Direct access” means work that involves an actual or reasonable expectation of one-on-one interaction with a consumer or a consumer’s property, personally identifiable information, medical records, treatment information or financial information.

(6) “Direct supervision” means that a supervisor is physically present within an immediate distance to a supervisee and is available to provide constant direction, feedback and assistance to a client and the supervisee.

(7) “Employment agency” means an organization or entity that has a contracted relationship with an adult care home to provide staff with direct access to consumers.

(8) “Independent contractor” means an organization, entity, agency or individual that provides contracted workers or services to an adult care home.

(9) “Secretary” means the secretary for aging and disability services.

(b) (1) No person shall knowingly operate an adult care home if, in the adult care home, there works any person who has adverse findings on any state or national registry, as defined in rules and regulations adopted by the secretary for aging and disability services, or has been convicted of or has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2017 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pur-
suant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this subsection (a)(1) paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this subsection (a)(1) paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this subsection (a)(1) paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government. The provisions of subsection (a)(2)(C) shall not apply to any person who is employed by an adult care home on or before July 1, 2010, and while continuously employed by the same adult care home or to any person during or upon successful completion of a diversion agreement.

(2) A person operating an adult care home may employ an applicant who has been convicted of any of the following if five six or more years have elapsed since the applicant satisfied completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or if five six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification: A felony conviction for a crime which that is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, except those crimes listed in subsection (a)(1) (b)(1); (B) articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6419 through 21-6424 21-6420, and amendments thereto, except those crimes listed in subsection (a)(1) (b)(1) and K.S.A. 21-3605, prior to its repeal, or K.S.A. 2017 Supp. 21-5606, and amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-
5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in subsection (a)(2) paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in subsection (a)(2) this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in subsection (a)(2) this paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (2) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

(3) A person operating an adult care home may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification:

(i) Interference with custody of a committed person pursuant to K.S.A. 21-3423, prior to its repeal, or K.S.A. 2017 Supp. 21-5410, and amendments thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425, prior to its repeal, or K.S.A. 2017 Supp. 21-5416, and amendments thereto; unlawful administration of a substance pursuant to K.S.A. 21-3445, prior to its repeal, or K.S.A. 2017 Supp. 21-5425, and amendments thereto; violation of a protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A. 2017 Supp. 21-5924, and amendments thereto; promoting obscenity or promoting obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 2017 Supp. 21-6412, and amendments thereto; or

(ii) any felony conviction of: Unlawful manufacture of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or K.S.A. 2017 Supp. 21-5703, and amendments thereto; unlawful cultivation or distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a05, prior to its repeal, or K.S.A. 2017 Supp. 21-5705, and
amendments thereto; unlawful manufacture, distribution, cultivation or possession of a controlled substance using a communication facility pursuant to K.S.A. 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 2017 Supp. 21-5707, and amendments thereto; unlawful obtaining or sale of a prescription-only drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A. 2017 Supp. 21-5708, and amendments thereto; unlawful distribution of drug precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10, prior to its repeal, or K.S.A. 2017 Supp. 21-5710, and amendments thereto; unlawful distribution or possession of a simulated controlled substance pursuant to K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 2017 Supp. 21-5713, and amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its repeal, or K.S.A. 2017 Supp. 21-5823, and amendments thereto; criminal use of a financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 2017 Supp. 21-5828, and amendments thereto; any violation of the Kansas Medicaid fraud control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or K.S.A. 2017 Supp. 21-5925 et seq., and amendments thereto; making a false claim, statement or representation to the Medicaid program pursuant to K.S.A. 21-3846, prior to its repeal, or K.S.A. 2017 Supp. 21-5927, and amendments thereto; unlawful acts relating to the Medicaid program pursuant to K.S.A. 21-3847, prior to its repeal, or K.S.A. 2017 Supp. 21-5928, and amendments thereto; obstruction of a Medicaid fraud investigation pursuant to K.S.A. 21-3856, prior to its repeal, or K.S.A. 2017 Supp. 21-5929, and amendments thereto; identity theft or identity fraud pursuant to K.S.A. 2010 Supp. 21-4018, prior to its repeal, or K.S.A. 2017 Supp. 21-6107, and amendments thereto; or social welfare fraud pursuant to K.S.A. 39-720, and amendments thereto.

The provisions of this paragraph (3) shall not apply to any person who is employed by an adult care home on or before July 1, 2018, and is continuously employed by the same adult care home or to any person during or upon successful completion of a diversion agreement.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (3) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

(b)(c) No person shall operate an adult care home if such person has been found to be in need of a guardian or conservator, or both as provided in K.S.A. 59-2050 through 59-2095, and amendments thereto, the act for obtaining a guardian or a conservator, or both. The provisions of this subsection shall not apply to an individual who, as a minor, was found to be in need of a guardian or conservator for reasons other than impairment.
(e) The secretary for aging and disability services shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, concerning persons working in an adult care home. The secretary shall have access to these records for the purpose of determining whether or not the adult care home meets the requirements of this section. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(d) (1) The Kansas bureau of investigation shall release all records of adult and juvenile convictions and adjudications and adult and juvenile convictions and adjudications of any other state or country concerning persons working in an adult care home to the secretary for aging and disability services. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(2) The department shall require an applicant to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and for making an official determination of the qualifications and fitness of the person to work in the adult care home.

(3) An applicant for employment in an adult care home shall have 20 calendar days after receipt of authorization to submit the applicant’s fingerprints through an authorized collection site in order to be eligible for provisional employment or the applicant’s application shall be deemed withdrawn.

(4) (A) The current or prospective employer of an applicant shall pay a fee not to exceed $19 of the total cost for criminal history record information to the department for each applicant submitted.

(B) The prospective employer, employee or independent contractor shall pay the fingerprint collection fee at the time of fingerprinting to the authorized collection site.
(5) If an applicant disputes the contents of a criminal history record check, then the applicant may file an appeal with the Kansas bureau of investigation.

(6) Individuals who have been disqualified for employment by reason of their criminal history records and who have met the requirements of this subsection may apply for a waiver with the department within 30 days of the receipt of the notice of employment prohibition.

(7) The department shall adopt rules and regulations specifying the criteria and procedure for issuing a waiver of the employment prohibition. The secretary shall consider the following criteria when rendering a decision on such a waiver request: Passage of time; extenuating circumstances; demonstration of rehabilitation; and relevancy of the criminal history record information to the position for which the applicant is applying. Any employment prohibition issued shall remain in effect unless or until a waiver is granted.

(4)(e) For the purpose of complying with this section, the operator of an adult care home shall request from the Kansas department for aging and disability services information regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, and which relates to a person who works in the adult care home, or is being considered for employment by the adult care home, for the purpose of determining whether such person is subject to the provision of this section an eligibility determination regarding adult and juvenile convictions and adjudications.

For the purpose of complying with this section, the operator of an adult care home shall receive from any employment agency which or independent contractor that provides employees to work in the adult care home written certification that such employees are not prohibited from working in the adult care home under this section. For the purpose of complying with this section, information relating to convictions and adjudications by the federal government or to convictions and adjudications in states other than Kansas shall not be required until such time as the secretary for aging and disability services determines the search for such information could reasonably be performed and the information obtained within a two-week period. For the purpose of complying with this section, a person who operates an adult care home may hire an applicant for provisional employment on a conditional one-time basis of 60 calendar days pending the results from the Kansas department for aging and disability services of a request for information under this subsection. A provisional employee may only be supervised by an employee that has com-
completed all training required by federal regulations, rules and regulations of the department and the adult care home's policies and procedures. No adult care home, the operator or employees of an adult care home or an employment agency, or the operator or employees of an employment agency, or an independent contractor shall be liable for civil damages resulting from any decision to employ, to refuse to employ or to discharge from employment any person based on such adult care home's compliance with the provisions of this section if such adult care home or employment agency acts in good faith to comply with this section.

(e) The secretary for aging and disability services shall charge each person requesting information under this section a fee equal to cost, not to exceed $10, for each name about which an information request has been submitted to the department under this section.

(f) (1) The secretary for aging and disability services shall provide each operator requesting information under this section with the criminal history record information concerning a pass or fail determination after review of any criminal history record information and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, in writing and within three working days of receipt of such information from the Kansas bureau of investigation or the federal bureau of investigation. The criminal history record information shall be provided regardless of whether the information discloses that the subject of the request has been convicted of an offense enumerated in subsection (a).

(2) When an offense enumerated in subsection (a) exists in the criminal history record information, and when further confirmation regarding criminal history record information is required from the appropriate court of jurisdiction or Kansas department of corrections, the secretary shall notify each operator that requests information under this section in writing and within three working days of receipt from the Kansas bureau of investigation that further confirmation is required. The secretary shall provide to the operator requesting information under this section information in writing and within three working days of receipt of such information from the appropriate court of jurisdiction or Kansas department of corrections regarding confirmation regarding the criminal history record information.

(3) Whenever the criminal history record information reveals that the subject of the request has no criminal history on record, the secretary shall provide notice to each operator requesting information under this section, in writing and within three working days after receipt of such information from the Kansas bureau of investigation.

(4) The secretary for aging and disability services shall not provide each operator requesting information under this section with the juvenile criminal history record information which relates to a person subject to a background check as is provided by K.S.A. 2017 Supp. 38-2326, and
amendments thereto, except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto. The secretary shall notify the operator that requested the information, in writing and within three working days of receipt of such information from the Kansas bureau of investigation, whether juvenile criminal history record information received pursuant to this section reveals that the operator would or would not be prohibited by this section from employing the subject of the request for information and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto.

(5) An operator who receives criminal history record information under this subsection shall keep such information confidential, except that the operator may disclose such information to the person who is the subject of the request for information. A violation of this paragraph shall be an unclassified misdemeanor punishable by a fine of $100.

(g) No person who works for an adult care home and who is currently licensed or registered by an agency of this state to provide professional services in the state and who provides such services as part of the work which such person performs for the adult care home shall be subject to the provisions of this section.

(h) No person who volunteers in an adult care home shall not be subject to the provisions of this section because of such volunteer activity unless the volunteer performs equivalent functions to those performed by direct access employees.

(i) An operator may request from the Kansas department for aging and disability services criminal history information on persons employed under subsections (g) and (h).

(j) No person who has been continuously employed by the same adult care home since July 1, 1992, shall be subject to the provisions of this section while employed by such adult care home.

(k) The operator of an adult care home shall not be required under this section to conduct a background criminal history record check on an applicant for employment with the adult care home if the applicant has been the subject of a background criminal history record check under this act within one year prior to the application for employment with the adult care home. The operator of an adult care home where the applicant was the subject of such background check may release a copy of such background check to the operator of an adult care home where the applicant is currently applying.

(l) No person who is in the custody of the secretary of corrections and who provides services, under direct supervision in nonpatient areas, on the grounds or other areas designated by the superintendent of the Kansas soldiers’ home or the Kansas veterans’ home shall be subject to the provisions of this section while providing such services.
(m) For purposes of this section, the Kansas bureau of investigation shall report any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, to the secretary for aging and disability services when a background check is requested.

(k) (1) All fees charged by the secretary for criminal history record checks conducted pursuant to this section shall be established by rules and regulations of the secretary.

(2) All moneys collected and remitted to the Kansas department for aging and disability services for fees charged for criminal history record checks conducted pursuant to this section shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the state licensure fee fund created by K.S.A. 39-930, and amendments thereto.

(l) The Kansas department for aging and disability services may implement the amendments made to this section by this act in phases for different categories of employers. The department shall adopt rules and regulations establishing dates and procedures for the implementation of the criminal history record checks required by this section, and such dates may be staggered to facilitate implementation of the criminal history record checks required by this section.

(m) Upon authorization by the secretary for aging and disability services, other state agencies may access an internet-based application portal that is operated and maintained by the Kansas department for aging and disability services for purposes of processing criminal history record information requests in accordance with this section. Agencies may not share criminal history record information or the resulting pass or fail determinations with any other agency. The secretary for aging and disability services may charge an authorized agency the amount of $1 per request made pursuant to this subsection.

(n) This section shall be part of and supplemental to the adult care home licensure act.

Sec. 3. K.S.A. 2017 Supp. 39-2009 is hereby amended to read as follows: 39-2009. (a) As used in this section:

(1) “Applicant” means an individual who applies for employment with a center, facility, hospital or a provider of services or applies to work for an employment agency or as an independent contractor that provides staff to a center, facility, hospital or a provider of services.
“Completion of the sentence” means the last day of the entire term of incarceration imposed by a sentence, including any term that is deferred, suspended or subject to parole, probation, diversion, community corrections, fines, fees, restitution or any other imposed sentencing requirements.

“Department” means the Kansas department for aging and disability services.

“Direct access” means work that involves an actual or reasonable expectation of one-on-one interaction with a consumer or a consumer’s property, personally identifiable information, medical records, treatment information or financial information.

“Direct supervision” means that a supervisor is physically present within an immediate distance to a supervisee and is available to provide constant direction, feedback and assistance to a client and the supervisee.

“Employment agency” means an organization or entity that has a contracted relationship with a center, hospital, facility or provider of services to provide staff with direct access to consumers.

“Independent contractor” means an organization, entity, agency or individual that provides contracted workers or services to a center, facility, hospital or provider of services.

(b) (1) No licensee shall knowingly operate a center, facility, hospital or be a provider of services if any person who works in the center, facility, hospital or for a provider of services:

(A) Has a felony conviction for a crime against persons;

(B) has a felony conviction under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) has a conviction of any act which is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or a conviction of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, to commit any such act or a conviction of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, to commit such act, or similar statutes of other states or the federal government; or

(D) has been convicted of any act which is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;

(2) has been adjudicated a juvenile offender because of having committed an act which if committed by an adult would constitute the com-
mission of a felony and which is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or similar statutes of other states or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;

(3) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 2017 Supp. 38-2226, and amendments thereto, and:

(A) The person has failed to successfully complete a corrective action plan which had been deemed appropriate and approved by the Kansas department for children and families; or

(B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families;

(4) has had a child removed from home based on a court order pursuant to K.S.A. 2017 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan;

(5) has had parental rights terminated pursuant to the revised Kansas code for the care of children or a similar statute of another state, or

(6) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 2017 Supp. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense has adverse findings on any state or national registry, as defined in rules and regulations adopted by the secretary for aging and disability services, or has been convicted of or has been adjudicated a juvenile offender because of having committing an act that if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, mistreatment of
a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2017 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 2017 Supp. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government.

(2) A licensee operating a center, facility or hospital or as a provider of services may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if six or more years have elapsed since a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or if the applicant has been granted a waiver of such six-year disqualification: A felony conviction for a crime that is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto,
except those crimes listed in paragraph (1); (B) article 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2017 Supp. 21-6420, and amendments thereto, except those crimes listed in paragraph (1); (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in this paragraph pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

An individual who has been disqualified for employment due to conviction or adjudication of an offense of an offense listed in this paragraph (2) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and the criteria to be utilized by the secretary in evaluating any such waiver request.

(3) A licensee operating a center, facility, hospital or as a provider of services may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification:

(i) Interference with custody of a committed person pursuant to K.S.A. 21-3423, prior to its repeal, or K.S.A. 2017 Supp. 21-5410, and amendments thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425, prior to its repeal, or K.S.A. 2017 Supp. 21-5416, and amendments thereto; unlawful administration of a substance pursuant to K.S.A. 21-3445, prior to its repeal, or K.S.A. 2017 Supp. 21-5425, and amendments thereto; violation of a protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A. 2017 Supp. 21-5924; promoting obscenity or promoting obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 2017 Supp. 21-6412, and amendments thereto; or

(ii) any felony conviction of: Unlawful manufacture of a controlled
substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or K.S.A. 2017 Supp. 21-5703, and amendments thereto; unlawful cultivation or distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a05, prior to its repeal, or K.S.A. 2017 Supp. 21-5705, and amendments thereto; unlawful manufacture, distribution, cultivation or possession of a controlled substance using a communication facility pursuant to K.S.A. 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 2017 Supp. 21-5707, and amendments thereto; unlawful obtainment or sale of a prescription-only drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A. 2017 Supp. 21-5708, and amendments thereto; unlawful distribution of drug precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10, prior to its repeal, or K.S.A. 2017 Supp. 21-5710, and amendments thereto; unlawful distribution or possession of a simulated controlled substance pursuant to K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 2017 Supp. 21-5713, and amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its repeal, or K.S.A. 2017 Supp. 21-5823, and amendments thereto; criminal use of a financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 2017 Supp. 21-5828, and amendments thereto; any violation of the Kansas medicaid fraud control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or K.S.A. 2017 Supp. 21-5925 et seq., and amendments thereto; making a false claim, statement or representation to the medicaid program pursuant to K.S.A. 21-3846, prior to its repeal, or K.S.A. 2017 Supp. 21-5927, and amendments thereto; unlawful acts relating to the medicaid program pursuant to K.S.A. 21-3847, prior to its repeal, or K.S.A. 2017 Supp. 21-5928, and amendments thereto; obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856, prior to its repeal, or K.S.A. 2017 Supp. 21-5929, and amendments thereto; identity theft or identity fraud pursuant to K.S.A. 2010 Supp. 21-4018, prior to its repeal, or K.S.A. 2017 Supp. 21-6107, and amendments thereto; or social welfare fraud pursuant to K.S.A. 39-720, and amendments thereto. The provisions of this paragraph shall not apply to any person who is employed by a center, facility, hospital or provider of services on or before July 1, 2018, and is continuously employed by the same center, facility, hospital or provider of services or to any person during or upon successful completion of a diversion agreement.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (3) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

(b)(c) No licensee shall operate a center, facility, hospital or be a provider of services if such person has been found to be an adult with an
impairment in need of a guardian or a conservator, or both, as provided in the act for obtaining a guardian or conservator, or both. The provisions of this subsection shall not apply to an individual who, as a minor, was found to be in need of a guardian or conservator for reasons other than impairment.

(d) (1) The Kansas bureau of investigation shall release all records of adult and juvenile convictions and adjudications and adult and juvenile convictions and adjudications of any other state or country concerning persons working in a center, facility, hospital or for a provider of services to the secretary for aging and disability services. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(2) The department shall require an applicant to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and for making an official determination of the qualifications and fitness of the person to work in the center, facility, hospital or for a provider of services.

(3) An applicant for employment in an center, facility, hospital or for a provider of services shall have 20 calendar days after receipt of authorization to submit the applicant’s fingerprints through an authorized collection site in order to be eligible for provisional employment or the applicant’s application shall be deemed withdrawn.

(4) (A) The current or prospective employer of an applicant shall pay a fee not to exceed $19 of the total cost for criminal history record information to the department for each applicant submitted.

(B) The prospective employer, employee or independent contractor shall pay the fingerprint collection fee at the time of fingerprinting to the authorized collection site.

(5) If an applicant disputes the contents of a criminal history record check, then the applicant may file an appeal with the Kansas bureau of investigation.

(6) Individuals who have been disqualified for employment by reason of their criminal history records and who have met the requirements of this subsection may apply for a waiver with the department within 30 days of the receipt of the notice of employment prohibition.

(7) The department shall adopt rules and regulations specifying the criteria and procedure for issuing a waiver of the employment prohibition.
The secretary shall consider the following criteria when rendering a decision on such a waiver request: Passage of time; extenuating circumstances; demonstration of rehabilitation; and relevancy of the criminal history record information to the position for which the applicant is applying. Any employment prohibition issued shall remain in effect unless or until a waiver is granted.

(e)

(d) The secretary shall notify each licensee, within 10 business days, when the result of the national criminal history record check or other appropriate review reveals unfitness as specified in subsections (a)(1) through (6) with regard to the person who is the subject of the review requesting information under this section with a pass or fail determination after review of any criminal history record information in writing and within three working days of receipt of such information from the Kansas bureau of investigation or the federal bureau of investigation.

(d) No licensee, its contractors or employees, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such licensee's compliance with the provisions of this section if such licensee acts in good faith to comply with this section.

(e) Any licensee or member of the staff who receives information concerning the fitness or unfitness of any person shall keep such information confidential, except that the staff person may disclose such information to the person who is the subject of the request for information. A violation of this subsection shall be an unclassified misdemeanor punishable by a fine of $100.

(f) The licensing agency may require a person seeking licensure or applying to work in a facility to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdiction. The licensing agency is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The licensing agency may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license, work with, or provide services to individuals as applicable under this act.

(g) The secretary shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, including adjudications of a juvenile offender which if committed by an adult would have been a felony conviction for the purposes specified in this act. The Kansas bureau of investigation may charge to the Kansas department for aging and disability services a reasonable fee for providing criminal history record information under this subsection.
(h) The secretary shall charge each person or licensee requesting information under this section a fee equal to the cost for each person about which an information request has been submitted to the department under this section.

(i) For the purpose of complying with this section, the licensee operating a center, facility, hospital or a provider of services shall request from the Kansas department for aging and disability services information regarding any criminal history information relating to a person who works in the center, facility, hospital or for a provider of services, or who is being considered for employment or volunteer work in the facility, center, hospital or with the service provider, for the purpose of determining whether such person is subject to the provisions of this section an eligibility determination regarding adult and juvenile convictions and adjudications. For the purpose of complying with this section, the licensee operating a center, facility, hospital or a provider of services shall request and receive an eligibility determination from the Kansas department for aging and disability services. Any licensee operating a center, facility, hospital or a provider of services will obtain written documentation that such employees are eligible to work receive from any employment agency or independent contractor that provides employees to work in the center, facility, hospital or for the provider of services written certification that such employees are not prohibited from working in the center, facility, hospital or for the provider of services under this section. For the purpose of complying with this section, a licensee may hire an applicant for provisional employment on a conditional one-time basis of 60 calendar days pending the results from the Kansas department for aging and disability services of an eligibility determination under this subsection. As required by the patient protection and affordable care act, 42 U.S.C. § 18001, a person disqualified from employment due to a valid background check may appeal in accordance with requirements, standards, rules and regulations to be promulgated by the secretary. A provisional employee may only be supervised by an employee who has completed all training required by federal regulations, department rules and regulations and the center’s, facility’s, hospital’s or provider of services’ policies and procedures. No licensee, its contractors or employees, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such licensee’s compliance with the provisions of this section if such licensee acts in good faith to comply with this section.

(j) No person who works for a center, facility or hospital and who is currently licensed or registered by an agency of this state to provide pro-
fessional services in the state and who provides such services as part of the work which such person performs for the center, facility or hospital shall be subject to the provisions of this section.

(k) A licensee may request from the Kansas department for aging and disability services criminal history information on persons employed under subsection (j).

(l) The licensee operating a center, facility, hospital or a provider of services shall not require an applicant under this section to be fingerprinted, if the applicant has been the subject of a background criminal history record check under this act within one year prior to the application for employment with the licensee operating a center, facility, hospital or a provider of services and has maintained a record of continuous employment, with no lapse of employment of over 90 days in any center, facility, hospital or a provider of services covered by this act.

(m) No person who is in the custody of the secretary of corrections and who provides services under direct supervision in non-patient areas on the grounds or other areas designated by the secretary of corrections shall be subject to the provisions of this section while providing such services.

Sec. 4. K.S.A. 2017 Supp. 65-5117 is hereby amended to read as follows: 65-5117. (a) As used in this section:

1. “Applicant” means an individual who applies for employment with a home health agency or applies to work for an employment agency or as an independent contractor that provides staff to a home health agency.

2. “Completion of the sentence” means the last day of the entire term of incarceration imposed by a sentence, including any term that is deferred, suspended or subject to parole, probation, diversion, community corrections, fines, fees, restitution or any other imposed sentencing requirements.

3. “Department” means the Kansas department for aging and disability services.

4. “Direct access” means work that involves an actual or reasonable expectation of one-on-one interaction with a consumer or a consumer’s property, personally identifiable information, medical records, treatment information or financial information.

5. “Direct supervision” means that a supervisor is physically present within an immediate distance to a supervisee and is available to provide constant direction, feedback and assistance to a client and the supervisee.

6. “Employment agency” means an organization or entity that has a contracted relationship with a home health agency to provide staff with direct access to consumers.

7. “Independent contractor” means an organization, entity, agency
or individual that provides contracted workers or services to a home health agency.

(b) (1) No person shall knowingly operate a home health agency if, for the home health agency, there works any person who has adverse findings on any state or national registry, as defined in rules and regulations adopted by the secretary for aging and disability services, or has been convicted of or has been adjudicated a juvenile offender because of having committed an act which that if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to K.S.A. 21-3402(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5403(a), and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto, assisting suicide, pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult or mistreatment of an elder person, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2017 Supp. 21-5417, and amendments thereto, human trafficking, pursuant to K.S.A. 21-3446, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(a), and amendments thereto, aggravated human trafficking, pursuant to K.S.A. 21-3447, prior to its repeal, or K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(a), and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or K.S.A. 2017 Supp. 21-5506(b), and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504(b), and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(a), and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or K.S.A. 2017 Supp. 21-5508(b), and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(a), and amendments thereto, aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or K.S.A. 2017 Supp. 21-5505(b), and amendments thereto, commercial sexual exploitation of a child, pursuant to K.S.A. 2017 Supp. 21-6422, and amendments thereto, an attempt to commit any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this paragraph, pursuant to
K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto, or criminal solicitation of any of the crimes listed in this paragraph, pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto, or similar statutes of other states or the federal government. The provisions of subsection (a) (b)(2)(C) shall not apply to any person who is employed by a home health agency on or before July 1, 2010, and while continuously employed by the same home health agency or to any person during or upon successful completion of a diversion agreement.

(2) A person operating a home health agency may employ an applicant who has been convicted of any of the following if five six or more years have elapsed since the applicant satisfied completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; or if five six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification: A felony conviction for a crime which that is described in: (A) Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6225, 21-6326 or 21-6418, and amendments thereto, except those crimes listed in subsection (a) (b)(1); (B) articles article 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6419 through 21-6421, and amendments thereto, except those crimes listed in subsection (a) (b)(1) and K.S.A. 21-3605, prior to its repeal, or K.S.A. 2017 Supp. 21-5606, and amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto; (D) an attempt to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2017 Supp. 21-5301, and amendments thereto; (E) a conspiracy to commit any of the crimes listed in this paragraph pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2017 Supp. 21-5302, and amendments thereto; (F) criminal solicitation of any of the crimes listed in this paragraph pursuant to K.S.A. 21-3303, prior to its repeal, or K.S.A. 2017 Supp. 21-5303, and amendments thereto; or (G) similar statutes of other states or the federal government.

An individual who has been disqualified for employment due to conviction or adjudication of an offense of an offense listed in this paragraph (2) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and
regulations establishing the waiver process and the criteria to be utilized by the secretary in evaluating any such waiver request.

(3) A person operating a home health agency may employ an applicant who has been convicted of any of the following if six or more years have elapsed since completion of the sentence imposed or the applicant was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; if six or more years have elapsed since the applicant has been finally discharged from the custody of the commissioner of juvenile justice or from probation or has been adjudicated a juvenile offender, whichever time is longer; or if the applicant has been granted a waiver of such six-year disqualification:

(i) Interference with custody of a committed person pursuant to K.S.A. 21-3423, prior to its repeal, or K.S.A. 2017 Supp. 21-5410, and amendments thereto; mistreatment of a confined person pursuant to K.S.A. 21-3425, prior to its repeal, or K.S.A. 2017 Supp. 21-5416, and amendments thereto; unlawful administration of a substance pursuant to K.S.A. 21-3445, prior to its repeal, or K.S.A. 2017 Supp. 21-5425, and amendments thereto; violation of a protective order pursuant to K.S.A. 21-3843, prior to its repeal, or K.S.A. 2017 Supp. 21-5924; promoting obscenity or promoting obscenity to minors pursuant to K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2017 Supp. 21-6401, and amendments thereto; or cruelty to animals pursuant to K.S.A. 21-3727, 21-4310 or 21-4311, prior to their repeal, or K.S.A. 2017 Supp. 21-6412, and amendments thereto; or

(ii) any felony conviction of: Unlawful manufacture of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a03, prior to its repeal, or K.S.A. 2017 Supp. 21-5703, and amendments thereto; unlawful cultivation or distribution of a controlled substance pursuant to K.S.A. 2010 Supp. 21-36a05, prior to its repeal, or K.S.A. 2017 Supp. 21-5705, and amendments thereto; unlawful manufacture, distribution, cultivation or possession of a controlled substance using a communication facility pursuant to K.S.A. 2010 Supp. 21-36a07, prior to its repeal, or K.S.A. 2017 Supp. 21-5707, and amendments thereto; unlawful obtainment or sale of a prescription-only drug pursuant to K.S.A. 2010 Supp. 21-36a08, prior to its repeal, or K.S.A. 2017 Supp. 21-5708, and amendments thereto; unlawful distribution of drug precursors or drug paraphernalia pursuant to K.S.A. 2010 Supp. 21-36a10, prior to its repeal, or K.S.A. 2017 Supp. 21-5710, and amendments thereto; unlawful distribution or possession of a simulated controlled substance pursuant to K.S.A. 2010 Supp. 21-36a13, prior to its repeal, or K.S.A. 2017 Supp. 21-5713, and amendments thereto; forgery pursuant to K.S.A. 21-3710, prior to its repeal, or K.S.A. 2017 Supp. 21-5823, and amendments thereto; criminal use of a financial card pursuant to K.S.A. 21-3729, prior to its repeal, or K.S.A. 2017 Supp. 21-5828, and amendments thereto; any violation of the Kansas medicaid
fraud control act pursuant to K.S.A. 21-3844 et seq., prior to their repeal, or K.S.A. 2017 Supp. 21-5925 et seq., and amendments thereto; making a false claim, statement or representation to the medicaid program pursuant to K.S.A. 21-3846, prior to its repeal, or K.S.A. 2017 Supp. 21-5927, and amendments thereto; unlawful acts relating to the medicaid program pursuant to K.S.A. 21-3847, prior to its repeal, or K.S.A. 2017 Supp. 21-5928, and amendments thereto; obstruction of a medicaid fraud investigation pursuant to K.S.A. 21-3856, prior to its repeal, or K.S.A. 2017 Supp. 21-5929, and amendments thereto; identity theft or identity fraud pursuant to K.S.A. 21-4018, prior to its repeal, or K.S.A. 2017 Supp. 21-6107, and amendments thereto; or social welfare fraud pursuant to K.S.A. 39-720, and amendments thereto. The provisions of this paragraph shall not apply to any person who is employed by a home health agency on or before July 1, 2018, and is continuously employed by the same home health agency or to any person during or upon successful completion of a diversion agreement.

An individual who has been disqualified for employment due to conviction or adjudication of an offense listed in this paragraph (3) may apply to the secretary for aging and disability services for a waiver of such disqualification if five years have elapsed since completion of the sentence for such conviction. The secretary shall adopt rules and regulations establishing the waiver process and criteria to be considered by the secretary in evaluating any such waiver request.

(b) No person shall operate a home health agency if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto, the act for obtaining a guardian or a conservator, or both. The provisions of this subsection shall not apply to an individual who, as a minor, was found to be in need of a guardian or conservator for reasons other than impairment.

(c) The secretary of health and environment shall have access to any criminal history record information in the possession of the Kansas bureau of investigation regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, concerning persons working for a home health agency. The secretary shall have access to these records for the purpose of determining whether or not the home health agency meets the requirements of this section.

(d) The Kansas bureau of investigation shall release all records of adult and juvenile convictions and adjudications and adult and juvenile
convictions and adjudications of any other state or country concerning persons working in a home health agency to the secretary for aging and disability services. The Kansas bureau of investigation may charge to the Kansas department of health and environment for aging and disability services a reasonable fee for providing criminal history record information under this subsection.

(2) The department shall require an applicant to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and for making an official determination of the qualifications and fitness of the person to work in the home health agency.

(3) An applicant for employment in an home health agency shall have 20 calendar days after receipt of authorization to submit the applicant’s fingerprints through an authorized collection site in order to be eligible for provisional employment or the applicant’s application shall be deemed withdrawn.

(4) (A) The current or prospective employer of an applicant shall pay a fee not to exceed $19 of the total cost for criminal history record information to the department for each applicant submitted.

(B) The prospective employer, employee or independent contractor shall pay the fingerprint collection fee at the time of fingerprinting to the authorized collection site.

(5) If an applicant disputes the contents of a criminal history record check, then the applicant may file an appeal with the Kansas bureau of investigation.

(6) Individuals who have been disqualified for employment by reason of their criminal history records and who have met the requirements of this subsection may apply for a waiver with the department within 30 days of the receipt of the notice of employment prohibition.

(7) The department shall adopt rules and regulations specifying the criteria and procedure for issuing a waiver of the employment prohibition. The secretary shall consider the following criteria when rendering a decision on such a waiver request: Passage of time; extenuating circumstances; demonstration of rehabilitation; and relevancy of the criminal history record information to the position for which the applicant is applying. Any employment prohibition issued shall remain in effect unless or until a waiver is granted.

(d) For the purpose of complying with this section, the operator of a home health agency shall request from the Kansas department for
aging and disability services information regarding any criminal history information, convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, adjudications of a juvenile offender which if committed by an adult would have been a felony conviction, and adjudications of a juvenile offender for an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, and which relates to a person who works for the home health agency or is being considered for employment by the home health agency, for the purpose of determining whether such person is subject to the provisions of this section. For the purpose of complying with this section, information relating to convictions and adjudications by the federal government or to convictions and adjudications in states other than Kansas shall not be required until such time as the secretary for aging and disability services determines the search for such information could reasonably be performed and the information obtained within a two-week period. For the purpose of complying with this section, the operator of a home health agency shall receive from any employment agency which provides employees to work for the home health agency written certification that such employees are not prohibited from working for the home health agency under this section an eligibility determination regarding adult and juvenile convictions and adjudications. For the purpose of complying with this section, a person who operates a home health agency may hire an applicant for provisional employment on a conditional one-time basis of 60 calendar days pending the results from the Kansas department for aging and disability services of a request for information under this subsection. A provisional employee may only be supervised by an employee who has completed all training required by federal regulations, rules and regulations of the department and the home health agency’s policies and procedures. No home health agency, the operator or employees of a home health agency or an employment agency, or the operator or employees of an employment agency, which provides employees to work for the home health agency or an independent contractor shall be liable for civil damages resulting from any decision to employ, to refuse to employ or to discharge from employment any person based on such home health agency’s compliance with the provisions of this section if such home health agency or employment agency acts in good faith to comply with this section.

(e) The secretary for aging and disability services shall charge each person requesting information under this section a fee equal to cost, not to exceed $10, for each name about which an information request has been submitted under this section.

(f) The secretary for aging and disability services shall provide each operator requesting information under this section with the criminal
history record information concerning a pass or fail determination after review of any criminal history information and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments thereto, in writing and within three working days of receipt of such information from the Kansas bureau of investigation or the federal bureau of investigation. The criminal history record information shall be provided regardless of whether the information discloses that the subject of the request has been convicted of an offense enumerated in subsection (a).

(2) When an offense enumerated in subsection (a) exists in the criminal history record information, and when further confirmation regarding criminal history record information is required from the appropriate court of jurisdiction or Kansas department of corrections, the secretary for aging and disability services shall notify each operator that requests information under this section in writing and within three working days of receipt from the Kansas bureau of investigation that further confirmation is required. The secretary for aging and disability services shall provide to the operator requesting information under this section information in writing and within three working days of receipt of such information from the appropriate court of jurisdiction or Kansas department of corrections regarding confirmation regarding the criminal history record information.

(3) Whenever the criminal history record information reveals that the subject of the request has no criminal history on record, the secretary for aging and disability services shall provide notice to each operator requesting information under this section, in writing and within three working days after receipt of such information from the Kansas bureau of investigation.

(4) The secretary for aging and disability services shall not provide each operator requesting information under this section with the juvenile criminal history record information which relates to a person subject to a background check as is provided by K.S.A. 2017 Supp. 38-2326, and amendments thereto, except for adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto. The secretary shall notify the operator that requested the information, in writing and within three working days after receipt of such information from the Kansas bureau of investigation, whether juvenile criminal history record information received pursuant to this section reveals that the operator would or would not be prohibited by this section from employing the subject of the request for information and whether such information contains adjudications of a juvenile offender for an offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2017 Supp. 21-5801, and amendments thereto.

(5) An operator who receives criminal history record information under this subsection (f) shall keep such information confidential, except that the operator may disclose such information to the person who is the
subject of the request for information. A violation of this paragraph shall
be an unclassified misdemeanor punishable by a fine of $100.

(g) No person who works for a home health agency and who is cur-
rently licensed or registered by an agency of this state to provide profes-
sional services in this state and who provides such services as part of the
work which such person performs for the home health agency shall be
subject to the provisions of this section.

(h) A person who volunteers to assist a home health agency shall
not be subject to the provisions of this section because of such volunteer
activity unless the volunteer performs functions equivalent to functions
performed by direct access employees.

(i) An operator may request from the department of health and en-
vironment criminal history information on persons employed under sub-
sections (g) and (h).

(j) No person who has been continuously employed by the same
home health agency since July 1, 1992, shall be subject to the require-
ments of this section while employed by such home health agency.

(k) The operator of a home health agency shall not be required
under this section to conduct a background criminal history record
check on an applicant for employment with the home health agency if the ap-
plicant has been the subject of a background criminal history record
check under this act within one year prior to the application for employ-
ment with the home health agency. The operator of a home health agency
where the applicant was the subject of such background check may re-
lease a copy of such background check to the operator of a home health
agency where the applicant is currently applying.

(l) For purposes of this section, the Kansas bureau of investigation
shall only report felony convictions, convictions under K.S.A. 21-3437,
21-3517 and 21-3701, prior to their repeal, or K.S.A. 2017 Supp. 21-5417,
21-5505(a) and 21-5801, and amendments thereto, adjudications of a ju-
venile offender which if committed by an adult would have been a felony
conviction, and adjudications of a juvenile offender for an offense de-
scribed in K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or
K.S.A. 2017 Supp. 21-5417, 21-5505(a) and 21-5801, and amendments
thereto, to the secretary for aging and disability services when a back-
ground check is requested.

(j) No person who is in the custody of the secretary of corrections and
who provides services, under direct supervision in non-patient areas, on
the grounds or other areas designated by the superintendent of the Kansas
soldiers’ home or the Kansas veterans’ home shall be subject to the pro-
visions of this section while providing such services.

(k) (1) All fees charged by the secretary for criminal history record
checks conducted pursuant to this section shall be established by rules
and regulations of the secretary.

(2) All moneys collected and remitted to the department for fees
charged for criminal history record checks conducted pursuant to this section shall be remitted to the state treasurer in accordance with K.S.A. 65-5113, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the state licensure fee fund created by K.S.A. 39-930, and amendments thereto.

(l) The department may implement the amendments made to this section by this act in phases for different categories of employers. The department shall adopt rules and regulations establishing dates and procedures for the implementation of the criminal history record checks required by this section, and such dates may be staggered to facilitate implementation of the criminal history record checks required by this section.

(m) This section shall be part of and supplemental to the provisions of article 51 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 5. K.S.A. 2017 Supp. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor, attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:

(1) The office of governor, lieutenant governor or attorney general;
(2) members of the Kansas senate or house of representatives;
(3) any safety sensitive position;
(4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;
(5) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto; or
(6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; or
(7) any employee of a state veteran’s home operated by the director of the Kansas commission on veterans affairs office as described in K.S.A. 76-1901 et seq., and K.S.A. 76-1951 et seq., and amendments thereto.

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program
established under this section for applicants for and employees holding a safety sensitive position.

(d) Except for a person who has access to a secured biological laboratory in the office of laboratory services of the department of health and environment, no person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

(1) The employee has not previously had a valid positive test result; and

(2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

(g) “Safety sensitive positions” means the following:

(1) All state law enforcement officers who are authorized to carry firearms;

(2) all state corrections officers;

(3) all state parole officers;

(4) heads of state agencies who are appointed by the governor and employees on the governor’s staff;

(5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 2017 Supp. 21-5914, and amendments thereto;

(6) all employees of a juvenile correctional facility, as defined in K.S.A. 2017 Supp. 38-2302, and amendments thereto;

(7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or rehabilitative services to the clients and patients of those institutions; and

(8) all employees who have access to a secured biological laboratory in the office of laboratory services of the department of health and environment; and

(9) all employees of the Kansas commission on veterans affairs office.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 10, 2018.

CHAPTER 87
House Substitute for SENATE BILL No. 336

AN ACT concerning public records; relating to disclosure of records; legislative review of exceptions to disclosure of public records; disclosure of names of voters; agency records concerning a child fatality; disclosure of law enforcement recordings using a body camera or vehicle camera; disclosure of personal information; social security numbers; notice of unauthorized disclosure; amending K.S.A. 2017 Supp. 9-513c, 25-2422, 38-2212, 40-5007a, 40-5009a, 40-5012a, 45-229, 45-254 and 75-3520 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 9-513c is hereby amended to read as follows: 9-513c. (a) Notwithstanding any other provision of law, all information or reports obtained and prepared by the commissioner in the course of licensing or examining a person engaged in money transmission business shall be confidential and may not be disclosed by the commissioner except as provided in subsection (c) or (d).

(b) (1) All confidential information shall be the property of the state of Kansas and shall not be subject to disclosure except upon the written approval of the state bank commissioner.

(2) The provisions of this subsection shall expire on June 30, 2019, unless the legislature acts to reenact such provisions. The provisions of this paragraph shall be reviewed by the legislature prior to July 1, 2019.

(c) (1) The commissioner shall have the authority to share supervisory information, including reports of examinations, with other state or federal agencies having regulatory authority over the person’s money transmission business and shall have the authority to conduct joint examinations with other regulatory agencies.

(2) The requirements under any federal or state law regarding the confidentiality of any information or material provided to the nationwide multi-state licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all state and federal regulatory officials with financial services industry oversight authority without the loss of confidentiality protections provided by federal and state laws.
(B) The provisions of this paragraph shall expire July 1, 2018, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2018.

(d) The commissioner may provide for the release of information to law enforcement agencies or prosecutorial agencies or offices who shall maintain the confidentiality of the information.

(e) The commissioner may accept a report of examination or investigation from another state or federal licensing agency, in which the accepted report is an official report of the commissioner. Acceptance of an examination or investigation report does not waive any fee required by this act.

(f) Nothing shall prohibit the commissioner from releasing to the public a list of persons licensed or their agents or from releasing aggregated financial data on such persons.

(g) The provisions of subsection (a) shall expire on July 1, 2021, unless the legislature acts to reauthorize such provisions. The provisions of subsection (a) shall be reviewed by the legislature prior to July 1, 2021.

Sec. 2. K.S.A. 2017 Supp. 25-2422 is hereby amended to read as follows: 25-2422. (a) Unauthorized voting disclosure is, while being charged with any election duty, intentionally:

1) Disclosing or exposing the contents of any ballot, whether cast in a regular or provisional manner, or the name of any voter who cast such ballot, except as ordered by a court of competent jurisdiction in an election contest pursuant to K.S.A. 25-1434 et seq., and amendments thereto; or

2) Inducing or attempting to induce any voter to show how the voter marks or has marked the voter’s ballot.

(b) The name of any voter who has cast a ballot shall not be disclosed from the time the ballot is cast until the final canvass of the election by the county board of canvassers.

(e)(b) Nothing in this section shall prohibit the disclosure of the names of persons who have voted advance ballots.

(d)(c) Nothing in this section shall prohibit authorized poll agents from observing elections as authorized by K.S.A. 25-3004, 25-3005 and 25-3005a, and amendments thereto.

(e)(d) Unauthorized voting disclosure is a severity level 10, nonperson felony.

Sec. 3. K.S.A. 2017 Supp. 38-2212 is hereby amended to read as follows: 38-2212. (a) Principle of appropriate access. Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.
(b) Free exchange of information. Pursuant to K.S.A. 2017 Supp. 38-2210, and amendments thereto, the secretary and juvenile intake and assessment agencies shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) Necessary access. The following persons or entities shall have access to information from agency records. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged to be in need of care. Information authorized to be disclosed pursuant to this subsection shall not contain information which identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

1. A child named in the report or records, a guardian ad litem appointed for the child and the child’s attorney.
2. A parent or other person responsible for the welfare of a child, or such person’s legal representative.
3. A court-appointed special advocate for a child, a citizen review board or other advocate which reports to the court.
4. A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise: (A) A child whom such service provider reasonably suspects may be in need of care; (B) a member of the child’s family; or (C) a person who allegedly abused or neglected the child.
5. A person or entity licensed or registered by the secretary of health and environment or approved by the secretary of social and rehabilitation services for children and families to care for, treat or supervise a child in need of care.
6. A coroner or medical examiner when such person is determining the cause of death of a child.
7. The state child death review board established under K.S.A. 22a-243, and amendments thereto.
8. An attorney for a private party who files a petition pursuant to subsection (b) of K.S.A. 2017 Supp. 38-2233(b), and amendments thereto.
9. A foster parent, prospective foster parent, permanent custodian, prospective permanent custodian, adoptive parent or prospective adoptive parent. In order to assist such persons in making an informed decision regarding acceptance of a particular child, to help the family anticipate problems which may occur during the child’s placement, and to help the family meet the needs of the child in a constructive manner, the secretary shall seek and shall provide the following information to such persons as the information becomes available to the secretary:
   (A) Strengths, needs and general behavior of the child;
   (B) circumstances which necessitated placement;
   (C) information about the child’s family and the child’s relationship to the family which may affect the placement;
(D) important life experiences and relationships which may affect the child’s feelings, behavior, attitudes or adjustment;

(E) medical history of the child, including third-party coverage which may be available to the child; and

(F) education history, to include present grade placement, special strengths and weaknesses.

(10) The state protection and advocacy agency as provided by subsection (a)(10) of K.S.A. 65-5603(a)(10) or subsection (a)(2)(A) and (B) of K.S.A. 74-5515(a)(2)(A) and (B), and amendments thereto.

(11) Any educational institution to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees.

(12) Any educator to the extent necessary to enable the educator to protect the personal safety of the educator and the educator’s pupils.

(13) Any other federal, state or local government executive branch entity or any agent of such entity, having a need for such information in order to carry out such entity’s responsibilities under the law to protect children from abuse and neglect.

(d) Specified access. The following persons or entities shall have access to information contained in agency records as specified. Information authorized to be disclosed pursuant to this subsection shall not contain information which identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) Information from confidential agency records of the department of social and rehabilitation services for children and families, a law enforcement agency or any juvenile intake and assessment worker of a child alleged or adjudicated to be in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on corrections and juvenile justice, house committee on appropriations, senate committee on ways and means, legislative post audit committee and any joint committee with authority to consider children’s and families’ issues, when carrying out such member’s or committee’s official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by 2⁄3 of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. The secretary of social and rehabilitation services for children and families shall not summarize the outcome of department actions regarding a child alleged to be a child in need of care in information available to members of such committees.

(2) The secretary of social and rehabilitation services for children and families may summarize the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.
(3) Information from confidential reports or records of a child alleged or adjudicated to be a child in need of care may be disclosed to the public when:

(A) The individuals involved or their representatives have given express written consent; or

(B) the investigation of the abuse or neglect of the child or the filing of a petition alleging a child to be in need of care has become public knowledge, provided, however, that the agency shall limit disclosure to confirmation of procedural details relating to the handling of the case by professionals.

(e) Court order. Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential agency records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the reports or that the records are necessary for the proceedings of the court and otherwise admissible as evidence. The court shall specify the terms of disclosure and impose appropriate limitations.

(f) (1) Notwithstanding any other provision of law to the contrary, except as provided in paragraph (4) (6), in the event that child abuse or neglect results in a child fatality or near fatality, reports or records of a child alleged or adjudicated to be in need of care received by the secretary, a law enforcement agency or any juvenile intake and assessment worker shall become a public record and subject to disclosure pursuant to K.S.A. 45-215, and amendments thereto.

(2) Within seven days of receipt of a request in accordance with the procedures adopted under K.S.A. 45-220, and amendments thereto, the secretary shall notify any affected individual that an open records request has been made concerning such records. The secretary or any affected individual may file a motion requesting the court to prevent disclosure of such record or report, or any select portion thereof. Notice of the filing of such motion shall be provided to all parties requesting the records or reports, and such party or parties shall have a right to hearing, upon request, prior to the entry of any order on such motion. If the affected individual does not file such motion within seven days of notification, and the secretary has not filed a motion, the secretary shall release the reports or records. If such motion is filed, the court shall consider the effect such disclosure may have upon an ongoing criminal investigation, a pending prosecution, or the privacy of the child, if living, or the child’s siblings, parents or guardians, and the public’s interest in the disclosure of such records or reports. The court shall make written findings on the record justifying the closing of the records and shall provide a copy of the journal entry to the affected parties and the individual requesting disclosure pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(3) Notwithstanding the provisions of paragraph (2), in the event that
child abuse or neglect results in a child fatality, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

(A) Age and sex of the child;
(B) date of the fatality;
(C) a summary of any previous reports of abuse or neglect received by the secretary involving the child, along with the findings of such reports; and
(D) any department recommended services provided to the child.

(4) Notwithstanding the provisions of paragraph (2), in the event that a child fatality occurs while such child was in the custody of the secretary for children and families, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

(A) Age and sex of the child;
(B) date of the fatality; and
(C) a summary of the facts surrounding the death of the child.

(5) For reports or records requested pursuant to this subsection, the time limitations specified in this subsection shall control to the extent of any inconsistency between this subsection and K.S.A. 45-218, and amendments thereto. As used in this section, “near fatality” means an act that, as certified by a person licensed to practice medicine and surgery, places the child in serious or critical condition.

(4) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child’s biological parents which were created prior to such child’s adoption. Nothing herein is intended to require that an otherwise privileged communication lose its privileged character.

Sec. 4. K.S.A. 2017 Supp. 40-5007a is hereby amended to read as follows: 40-5007a. (a) (1) The commissioner may conduct an examination under this act of a licensee as often as the commissioner in such commissioner’s sole discretion deems appropriate.

(2) For purposes of completing an examination of a licensee under this act, the commissioner may examine or investigate any person, or the business of any person, insofar as the examination or investigation, in the sole discretion of the commissioner, is necessary or material to the examination of the licensee.

(3) In lieu of an examination under this act of any foreign or alien licensee licensed in this state, the commissioner, at the commissioner’s discretion, may accept an examination report on the licensee as prepared by the commissioner for the licensee’s state of domicile or port-of-entry state.
(b) (1) Any person required to be licensed by this act shall for five years retain copies of all:
    (A) Proposed, offered or executed contracts, underwriting documents, policy forms, and applications from the date of the proposal, offer or execution of the contract, whichever is later;
    (B) all checks, drafts or other evidence and documentation related to the payment, transfer, deposit or release of funds from the date of the transaction; and
    (C) all other records and documents related to the requirements of this act.

(2) This section shall not relieve any person licensed under this act of the obligation to produce these documents and provide copies thereof to the commissioner after the retention period has expired if the person has retained such documents.

(3) Records required to be retained by this section must be legible and complete and may be retained in paper, photograph, microprocess, magnetic, mechanical, electronic media or by any process that accurately reproduces or forms a durable medium for the reproduction of a record.

(c) (1) Upon determining that an examination should be conducted, the commissioner shall issue an examination warrant appointing one or more examiners to perform the examination and instructing them as to the scope of the examination. The commissioner may also employ such other guidelines or procedures as the commissioner may deem appropriate.

(2) Every licensee or person from whom information is sought, its officers, directors and agents shall provide to the examiners timely, convenient and free access at all reasonable hours at its offices to all books, records, accounts, papers, documents, assets and computer or other recordings relating to the property, assets, business and affairs of the licensee being examined. The officers, directors, employees and agents of the licensee or person shall facilitate the examination and aid in the examination so far as it is in their power to do so. The refusal of a licensee, by its officers, directors, employees or agents, to submit to examination or to comply with any reasonable written request of the commissioner shall be grounds for suspension or refusal of, or nonrenewal of any license or authority held by the licensee to engage in the viatical settlement business or other business subject to the commissioner's jurisdiction. Any proceedings for suspension, revocation or refusal of any license or authority shall be conducted pursuant to the Kansas administrative procedure act.

(3) The commissioner shall have the power to issue subpoenas, to administer oaths and to examine under oath any person as to any matter pertinent to the examination. Upon the failure or refusal of a person to obey a subpoena, the commissioner may petition a court of competent jurisdiction, and upon proper showing, the court may enter an order com-
pelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order shall be punishable as contempt of court.

(4) When making an examination under this act, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants or other professionals and specialists as examiners, the reasonable cost of which shall be borne by the licensee that is the subject of the examination.

(5) Nothing contained in this act shall be construed to limit the commissioner’s authority to terminate or suspend an examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this state. Findings of fact and conclusions made pursuant to any examination shall be prima facie evidence in any legal or regulatory action.

(6) Nothing contained in this act shall be construed to limit the commissioner’s authority to use and, if appropriate, to make public any final or preliminary examination report, any examiner or licensee work papers or other documents, or any other information discovered or developed during the course of any examination in the furtherance of any legal or regulatory action which that the commissioner, in such commissioner’s sole discretion, may deem appropriate.

(d) (1) Examination reports shall be comprised of only facts appearing upon the books, records or other documents of the licensee, its agents or other persons examined, or as ascertained from the testimony of its officers or agents or other persons examined concerning its affairs, and such conclusions and recommendations as the examiners find reasonably warranted from the facts.

(2) Not later than 60 days following completion of the examination, the examiner in charge shall file with the commissioner a verified written report of examination under oath. Upon receipt of the verified report, the commissioner shall transmit the report to the licensee examined, together with a notice that shall afford the licensee examined a reasonable opportunity of not more than 30 days to make a written submission or rebuttal with respect to any matters contained in the examination report.

(3) In the event the commissioner determines that regulatory action is appropriate as a result of an examination, the commissioner may initiate any proceedings or actions provided by law.

(e) (1) Names and individual identification data for all viators shall be considered private and confidential information and shall not be disclosed by the commissioner, unless required by law.

(2) Except as otherwise provided in this act, all examination reports, working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the commissioner or any other person in the course of an examination made under this act, or in the course of analysis or investigation by the commissioner of the financial condition or market conduct of a licensee shall be confidential by law and
privileged, shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. The commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as part of the commissioner’s official duties.

(3) Documents, materials or other information, including, but not limited to, all working papers, and copies thereof, in the possession or control of the NAIC and its affiliates and subsidiaries shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action if they are:

(A) Created, produced or obtained by or disclosed to the NAIC and its affiliates and subsidiaries in the course of assisting an examination made under this act, or assisting a commissioner in the analysis or investigation of the financial condition or market conduct of a licensee; or

(B) disclosed to the NAIC and its affiliates and subsidiaries under paragraph (4) of subsection (e)(4) by the commissioner.

For the purposes of paragraph (2) of subsection (e)(2), the term “act” includes the law of another state or jurisdiction that is substantially similar to this act.

(4) Neither the commissioner nor any person that received the documents, material or other information while acting under the authority of the commissioner, including the NAIC and its affiliates and subsidiaries, shall be permitted to testify in any private civil action concerning any confidential documents, materials or information subject to paragraph (1) of subsection (e)(1).

(5) In order to assist in the performance of the commissioner’s duties, the commissioner may:

(A) Share documents, materials or other information, including the confidential and privileged documents, materials or information subject to paragraph (1) of subsection (e)(1), with other state, federal and international regulatory agencies, with the NAIC and its affiliates and subsidiaries, and with state, federal and international law enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, communication or other information;

(B) receive documents, materials, communications or information, including otherwise confidential and privileged documents, materials or information, from the NAIC and its affiliates and subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding
that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information; and
   (C) enter into agreements governing sharing and use of information consistent with this subsection.

(6) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in paragraph (4) of subsection (e). (4).

(7) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subsection shall be available and enforced in any proceeding in, and in any court of, this state.

(8) Nothing contained in this act shall prevent or be construed as prohibiting the commissioner from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, to the commissioner of any other state or country, or to law enforcement officials of this or any other state or agency of the federal government at any time or to the NAIC, so long as such agency or office receiving the report or matters relating thereto agrees in writing to hold it confidential and in a manner consistent with this act.

(9) The provisions of this subsection shall expire July 1, 2013, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2013.

(f) (1) An examiner may not be appointed by the commissioner if the examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management of or owns a pecuniary interest in any person subject to examination under this act. This section shall not be construed to automatically preclude an examiner from being:
   (A) A viator;
   (B) an insured in a viatricated insurance policy; or
   (C) a beneficiary in an insurance policy that is proposed to be viatricated.

(2) Notwithstanding the requirements of this clause, the commissioner may retain from time to time, on an individual basis, qualified actuaries, certified public accountants or other similar individuals who are independently practicing their professions, even though these persons may from time to time be similarly employed or retained by persons subject to examination under this act.

(g) Unless provided otherwise, all fees and procedures for examinations under this act shall be in accordance with K.S.A. 40-223, and amendments thereto.

(h) (1) No cause of action shall arise nor shall any liability be imposed against the commissioner, the commissioner’s authorized representatives or any examiner appointed by the commissioner for any statements made
or conduct performed in good faith while carrying out the provisions of this act.

(2) No cause of action shall arise, nor shall any liability be imposed against any person for the act of communicating or delivering information or data to the commissioner or the commissioner’s authorized representative or examiner pursuant to an examination made under this act, if the act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive. This paragraph does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person identified in paragraph (1).

(3) A person identified in paragraph (1) or (2) shall be entitled to an award of attorney fees and costs if such person is the prevailing party in a civil cause of action for libel, slander or any other relevant tort arising out of activities in carrying out the provisions of this act and the party bringing the action was not substantially justified in doing so. For purposes of this section a proceeding is “substantially justified” if it had a reasonable basis in law or fact at the time that it was initiated.

(i) The commissioner may investigate suspected fraudulent viatical settlement acts and persons engaged in the business of viatical settlements.

Sec. 5. K.S.A. 2017 Supp. 40-5009a is hereby amended to read as follows: 40-5009a. (a) (1) A viatical settlement provider entering into a viatical settlement contract shall first obtain:

(A) If the viator is the insured, a written statement from a licensed attending physician that the viator is of sound mind and under no constraint or undue influence to enter into a viatical settlement contract; and

(B) a document in which the insured consents to the release of such insured’s medical records to a viatical settlement provider, viatical settlement broker and the insurance company that issued the life insurance policy covering the life of the insured.

(2) Within 20 days after a viator executes documents necessary to transfer any rights under an insurance policy or within 20 days of entering any agreement, option, promise or any other form of understanding, expressed or implied, to viaticate the policy, the viatical settlement provider shall give written notice to the insurer that issued that insurance policy that the policy has or will become a viaticated policy. The notice shall be accompanied by the documents required by paragraph (3).

(3) The viatical settlement provider shall deliver a copy of the medical release required under clause (B) of paragraph (1)(B), a copy of the viator’s application for the viatical settlement contract, the notice required under paragraph (2) and a request for verification of coverage to the insurer that issued the life insurance policy that is the subject of the viatical transaction. The form for verification shall be developed by the commissioner.

(4) The insurer shall respond to a request for verification of coverage
submitted on an approved form by a viatical settlement provider within 30 calendar days of the date the request is received and shall indicate whether, based on the medical evidence and documents provided, the insurer intends to pursue an investigation at this time regarding the validity of the insurance contract.

(5) Prior to or at the time of execution of the viatical settlement contract, the viatical settlement provider shall obtain a witnessed document in which the viator consents to the viatical settlement contract, represents that the viator has a full and complete understanding of the viatical settlement contract, that such viator has a full and complete understanding of the benefits of the life insurance policy, acknowledges that such viator is entering into the viatical settlement contract freely and voluntarily and, for persons with a terminal or chronic illness or condition, acknowledges that the insured has a terminal or chronic illness and that the terminal or chronic illness or condition was diagnosed after the life insurance policy was issued.

(6) If a viatical settlement broker performs any of these activities required of the viatical settlement provider, the viatical settlement provider is deemed to have fulfilled the requirements of this section.

(b) All medical information solicited or obtained by any licensee shall be subject to the applicable provisions of state law relating to confidentiality of medical information.

(2) The provisions of this subsection shall expire July 1, 2013, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2013.

(c) All viatical settlement contracts entered into in this state shall provide the viator with an unconditional right to rescind the contract for at least 15 calendar days from the receipt of the viatical settlement proceeds. If the insured dies during the rescission period, the viatical settlement contract shall be deemed to have been rescinded, subject to repayment to the viatical settlement provider or purchaser of all viatical settlement proceeds, and any premiums, loans and loan interest that have been paid by the viatical settlement provider or purchaser.

(d) The viatical settlement provider shall instruct the viator to send the executed documents required to effect the change in ownership, assignment or change in beneficiary directly to the independent escrow agent. Within three business days after the date the escrow agent receives the document, or from the date the viatical settlement provider receives the documents, if the viator erroneously provides the documents directly to the provider, the provider shall pay or transfer the proceeds of the viatical settlement into an escrow or trust account maintained in a state or federally-chartered financial institution whose deposits are insured by the federal deposit insurance corporation. Upon payment of the settlement proceeds into the escrow account, the escrow agent shall deliver the original change in ownership, assignment or change in beneficiary
forms to the viatical settlement provider or related provider trust. Upon the escrow agent’s receipt of the acknowledgment of the properly completed transfer of ownership, assignment or designation of beneficiary from the insurance company, the escrow agent shall pay the settlement proceeds to the viator.

(e) Failure to tender consideration to the viator for the viatical settlement contract within the time disclosed pursuant to clause (6) of subsection (a) of K.S.A. 2017 Supp. 40-5008(a)(6), and amendments thereto, renders the viatical settlement contract voidable by the viator for lack of consideration until the time consideration is tendered to and accepted by the viator.

(f) Contacts with the insured for the purpose of determining the health status of the insured by the viatical settlement provider or viatical settlement broker after the viatical settlement has occurred shall only be made by the viatical settlement provider or viatical settlement broker licensed in this state or its authorized representatives and shall be limited to once every three months for insureds with a life expectancy of more than one year, and to no more than once per month for insureds with a life expectancy of one year or less. The viatical settlement provider or viatical settlement broker shall explain the procedure for these contacts at the time the viatical settlement contract is entered into. The limitations set forth in this subsection shall not apply to any contacts with an insured for reasons other than determining the insured’s health status. Viatical settlement providers and viatical settlement brokers shall be responsible for the actions of their authorized representatives.

Sec. 6. K.S.A. 2017 Supp. 40-5012a is hereby amended to read as follows: 40-5012a. (a) No person shall:

(1) Commit a fraudulent viatical settlement act.

(2) Knowingly or intentionally interfere with the enforcement of any provision of this act or any investigation of suspected or actual violations of this act.

(3) Knowingly or intentionally permit any person, employed by a person in the business of viatical settlements, convicted of a felony involving dishonesty or breach of trust to participate in the business of viatical settlements. No person in the business of viatical settlements shall knowingly or intentionally permit any person convicted of a felony involving dishonesty or breach of trust to participate in the business of viatical settlements.

(4) Issue, solicit, market or otherwise promote the purchase of an insurance policy for the sole purpose of or with the primary emphasis on settling the policy.

(5) Employ any device, scheme or artifice in violation of K.S.A. 40-450, and amendments thereto, in the solicitation, application or issuance of a life insurance policy.
(6) Receive, when providing premium financing, any proceeds, fees or other consideration from the policy or owner of the policy that are in addition to the amounts required to pay the principal, interest and costs or expenses incurred by the lender or borrower related to policy premiums paid under the premium financing agreement, except for the event of a default unless either the default on such loan or the transfer of the policy in connection with such default occurs pursuant to an agreement or understanding with any other person for the purpose of evading regulation under this act.

(b) (1) Viatical settlements, contracts and applications for viatical settlements, regardless of the form of transmission, shall contain the following statement or a substantially similar statement:

“Any person who knowingly presents false information in an application for insurance or viatical settlement contract is guilty of a crime and may be subject to fines and confinement in prison.”

(2) The lack of a statement as required in paragraph (1) shall not constitute a defense in any prosecution for a fraudulent viatical settlement act.

(c) (1) Any person engaged in the business of viatical settlements having knowledge or a reasonable belief that a fraudulent viatical settlement act is being, will be or has been committed shall provide to the commissioner the information required by, and in a manner prescribed by, the commissioner.

(2) Any other person having knowledge or a reasonable belief that a fraudulent viatical settlement act is being, will be or has been committed may provide to the commissioner the information required by, and in a manner prescribed by, the commissioner.

(d) (1) No civil liability shall be imposed on and no cause of action shall arise from a person's furnishing information concerning suspected, anticipated or completed fraudulent viatical settlement acts or suspected or completed fraudulent insurance acts, if the information is provided to or received from:

(A) The commissioner or the commissioner's employees, agents or representatives;

(B) federal, state or local law enforcement or regulatory officials or their employees, agents or representatives;

(C) any person involved in the prevention and detection of fraudulent viatical settlement acts or that person's agents, employees or representatives;

(D) the NAIC, national association of securities dealers, the North American securities administrators association, or their employees, agents or representatives, or other regulatory body overseeing life insurance, viatical settlements, securities or investment fraud; or

(E) the life insurer that issued the life insurance policy covering the life of the insured.
(2) Paragraph (1) shall not apply to statements made with actual malice. In an action brought against a person for filing a report or furnishing other information concerning a fraudulent viatical settlement act or a fraudulent insurance act, the party bringing the action shall plead specifically any allegation that paragraph (1) does not apply because the person filing the report or furnishing the information did so with actual malice.

(3) A person identified in paragraph (1) shall be entitled to an award of attorney fees and costs if such person is the prevailing party in a civil cause of action for libel, slander or any other relevant tort arising out of activities in carrying out the provisions of this act and the party bringing the action was not substantially justified in doing so. For purposes of this section a proceeding is substantially justified if it had a reasonable basis in law or fact at the time that it was initiated.

(4) This section does not abrogate or modify common law or statutory privileges or immunities enjoyed by a person described in paragraph (1).

(e) (1) The documents and evidence provided pursuant to subsection (d) of this section or obtained by the commissioner in an investigation of suspected or actual fraudulent viatical settlement acts shall be privileged and confidential and shall not be a public record and shall not be subject to discovery or subpoena in a civil or criminal action.

(2) Paragraph (1) of this subsection shall not prohibit release by the commissioner of documents and evidence obtained in an investigation of suspected or actual fraudulent viatical settlement acts:

(A) In administrative or judicial proceedings to enforce laws administered by the commissioner;

(B) to federal, state or local law enforcement or regulatory agencies, to an organization established for the purpose of detecting and preventing fraudulent viatical settlement acts or to the NAIC;

(C) at the discretion of the commissioner or pursuant to a court order, to a person in the business of viatical settlements that is aggrieved by a fraudulent viatical settlement act; or

(D) at the discretion of the commissioner or pursuant to a court order, to a person that is aggrieved by a fraudulent viatical settlement act.

(3) Release of documents and evidence under subparagraphs (A) and (B) of paragraph (2) paragraphs (2)(A) and (B) of this subsection does not abrogate or modify the privilege granted in paragraph (1).

(4) The provisions of this subsection shall expire July 1, 2013, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2013.

(f) This act shall not:

(1) Preempt the authority or relieve the duty of other law enforcement or regulatory agencies to investigate, examine and prosecute suspected violations of law;

(2) preempt, supersede or limit any provision of any state securities law or any rule, order or notice issued thereunder;
(3) prevent or prohibit a person from disclosing voluntarily information concerning viatical settlement fraud to a law enforcement or regulatory agency other than the insurance department; or

(4) limit the powers granted elsewhere by the laws of this state to the commissioner or an insurance fraud unit to investigate and examine possible violations of law and to take appropriate action against wrongdoers.

(g) Viatical settlement providers and viatical settlement brokers shall have in place antifraud initiatives reasonably calculated to detect, prosecute and prevent fraudulent viatical settlement acts. At the discretion of the commissioner, the commissioner may order, or a licensee may request and the commissioner may grant, such modifications of the following required initiatives as necessary to ensure an effective antifraud program. The modifications may be more or less restrictive than the required initiatives so long as the modifications reasonably may be expected to accomplish the purpose of this section. Antifraud initiatives shall include:

(1) Fraud investigators, who may be viatical settlement providers or viatical settlement broker employees or independent contractors; and

(2) an antifraud plan, which shall be submitted to the commissioner. The antifraud plan shall include, but not be limited to:

(A) A description of the procedures for detecting and investigating possible fraudulent viatical settlement acts and procedures for resolving material inconsistencies between medical records and insurance applications;

(B) a description of the procedures for reporting possible fraudulent viatical settlement acts to the commissioner;

(C) a description of the plan for antifraud education and training of underwriters and other personnel; and

(D) a description or chart outlining the organizational arrangement of the antifraud personnel who are responsible for the investigation and reporting of possible fraudulent viatical settlement acts and investigating unresolved material inconsistencies between medical records and insurance applications; and

(3) antifraud plans submitted to the commissioner shall be privileged and confidential and shall not be a public record and shall not be subject to discovery or subpoena in a civil or criminal action.

Sec. 7. K.S.A. 2017 Supp. 45-229 is hereby amended to read as follows: 45-229. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

(1) The public record is of a sensitive or personal nature concerning individuals;

(2) the public record is necessary for the effective and efficient administration of a governmental program; or

(3) the public record affects confidential information.
The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception that will expire in the following year which meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) “Exception” means any provision of law that creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law that creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

1. Is required by federal law;
2. Applies solely to the legislature or to the state court system;

3. Applies solely to the legislature or to the state court system;
(3) has been reviewed and continued in existence twice by the legislature; or
(4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter.

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:
   (A) What specific records are affected by the exception;
   (B) whom does the exception uniquely affect, as opposed to the general public;
   (C) what is the identifiable public purpose or goal of the exception;
   (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;
(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:
   (A) Allows the effective and efficient administration of a governmental program, which administration would be significantly impaired without the exception;
   (B) protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or
   (C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.
(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-
Ch. 87

2018 Session Laws of Kansas

749


(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2015 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-4616, 60-3351, 72-972a, 74-50,217 and 75-53,105.

(j) (1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2015 and that have been reviewed during the 2016 legislative session are hereby continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05, 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been...
reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2016 and that have been reviewed during the 2017 legislative session are hereby continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)(51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and that have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-712 and 75-5366.

(n) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2018 legislative session are hereby continued in existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832, 65-6834, 75-7c06 and 75-7c20.

Sec. 8. K.S.A. 2017 Supp. 45-254 is hereby amended to read as follows: 45-254. (a) Every audio or video recording made and retained by law enforcement using a body camera or a vehicle camera shall be considered a criminal investigation record as defined in K.S.A. 45-217, and amendments thereto. The provisions of this subsection shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2021.

(b) In addition to any disclosure authorized pursuant to the open records act, K.S.A. 45-215 et seq., and amendments thereto, a person described in subsection (c) may request make a request in accordance with procedures adopted under K.S.A. 45-220, and amendments thereto, to listen to an audio recording or to view a video recording made by a body camera or a vehicle camera. The law enforcement agency shall allow the person to listen to the requested audio recording or to view the requested video recording within 20 days after making the request, and
may charge a reasonable fee for such services provided by the law enforcement agency.

(c) Any of the following may make a request under subsection (b):
   (1) A person who is a subject of the recording;
   (2) any parent or legal guardian of a person under 18 years of age who is a subject of the recording;
   (3) an attorney for a person described in subsection (e)(1) or (e)(2); and
   (4) an heir at law, an executor or an administrator of a decedent, when the decedent is a subject of the recording; and
   (4) an attorney for a person described in this subsection.

(d) As used in this section:
   (1) “Body camera” means a device that is worn by a law enforcement officer that electronically records audio or video of such officer’s activities.
   (2) “Heir at law” means: (A) An executor or an administrator of the decedent; (B) the spouse of the decedent, if living; (C) if there is no living spouse of the decedent, an adult child of the decedent, if living; or (D) if there is no living spouse or adult child of the decedent, a parent of the decedent, if living.
   (3) “Vehicle camera” means a device that is attached to a law enforcement vehicle that electronically records audio or video of law enforcement officers’ activities.

Sec. 9. K.S.A. 2017 Supp. 75-3520 is hereby amended to read as follows: 75-3520. (a) (1) Unless required by federal law, no document available for public inspection or copying shall contain an individual’s social security number if such document contains such individual’s personal information. “Personal information” shall include, but not be limited to, name, address, phone number or e-mail address.

   (2) The provisions of paragraphs (1) and (3) of this subsection shall not apply to documents recorded in the official records of any recorder of deeds of the county or to any documents filed in the official records of the court and shall be included, but not limited to, such documents of any records that when filed constitutes:

   (A) A consensual or nonconsensual lien;
   (B) an eviction record;
   (C) a judgment;
   (D) a conviction or arrest;
   (E) a bankruptcy;
   (F) a secretary of state filing; or
   (G) a professional license.

(3) Any document or record that contains all or any portion of an individual’s social security number shall have all portions of all social security numbers redacted before the document or record is made available for public inspection or copying.
(4) (A) An agency shall give notice as defined in K.S.A. 2017 Supp. 50-7a01, and amendments thereto, to any individual whose personal information was disclosed in violation of this subsection when it becomes aware of the unauthorized disclosure. Notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and any measures necessary to determine the scope of unauthorized disclosures.

(B) The agency shall offer to such individuals credit monitoring services at no cost for a period of one year. The agency shall provide all information necessary for such individual to enroll in such services and shall include information on how such individual can place a security freeze on such individual’s consumer report.

(b) (1) No person, including an individual, firm, corporation, association, partnership, joint venture or other business entity, or any employee or agent therefor, shall solicit, require or use for commercial purposes an individual’s social security number unless such number is necessary for such person’s normal course of business and there is a specific use for such number for which no other identifying number may be used.

(2) Paragraph (1) of this subsection does not apply to documents or records that are recorded or required to be open to the public pursuant to state or federal law, or by court rule or order, and this paragraph does not limit access to these documents or records.

(3) Paragraph (1) of this subsection does not apply to the collection, use or release of social security numbers for the following purposes:

(A) Mailing of documents that include social security numbers sent as part of an application or enrollment process or to establish, amend or terminate an account, contract or policy or to confirm the accuracy of the social security number;

(B) internal verification or administrative purposes;

(C) investigate or prevent fraud, conduct background checks, conduct social or scientific research, collect a debt, obtain a credit report from or furnish data to a consumer reporting agency pursuant to the fair credit reporting act, 15 U.S.C. § 1681 et seq., undertake a permissible purpose enumerated under the Gramm-Leach Bliley Act, 15 U.S.C. § 6802 (e), or locate an individual who is missing, a lost relative, or due a benefit, such as pension, insurance or unclaimed property benefit; or

(D) otherwise required by state or federal law or regulation.

(c) An individual who is aggrieved by a violation of this section may recover a civil penalty of not more than $1,000 for each violation.

Sec. 10. K.S.A. 2017 Supp. 9-513c, 25-2422, 38-2212, 40-5007a, 40-5009a, 40-5012a, 45-229, 45-254 and 75-3520 are hereby repealed.
Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 10, 2018.

CHAPTER 88

HOUSE BILL No. 2642

AN ACT concerning elections; relating to corrupt political advertising; campaign finance reports; publishing of election results; amending K.S.A. 25-3205 and 25-3206 and K.S.A. 2017 Supp. 25-4152, 25-4156, 46-268 and 46-280 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Except as provided in subsection paragraph (2), corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: "Paid for" or "Sponsored by" followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(C) telephoning or causing to be contacted by any telephonic means including, but not limited to, any device using a voice over internet protocol or wireless telephone, any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is preceded by a statement which states: "Paid for" or "Sponsored by" followed by the name of
the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(D) publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: “Paid for” or “Sponsored by” followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subparagraph (D) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than $2,500 within a calendar year; or

(E) making or causing to be made any website, e-mail or other type of internet communication which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such the matter is followed by a statement which states: “Paid for” or “Sponsored by” followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subparagraph (E) requiring the disclosure of the name of an individual shall apply only to any website, email or other type of internet communication which is made by the candidate, the candidate’s candidate committee, a political committee or a party committee and such the website, email or other internet communication viewed by or disseminated to at least 25 individuals. For the purposes of this subparagraph, the terms “candidate,” “candidate committee,” “party committee” and “political committee” shall have the meanings ascribed to them in K.S.A. 25-4143, and amendments thereto.

(2) The provisions of subsections (b)(1)(C) and (E) shall not apply to the publication of any communication which expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office, if such communication is made over any social media provider which has a character limit of 280 characters or fewer.

(3) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

Sec. 2. K.S.A. 2017 Supp. 25-4152 is hereby amended to read as follows: 25-4152. (a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to
file any report or statement required by K.S.A. 25-4144, 25-4145 or 25-
4148, and amendments thereto, and to the candidate appointing any trea-
surer failing to file any such report, within the time period prescribed
therefor. The notice shall state that the required report or statement has
not been filed with either the office of secretary of state or county election
officer or both. The person failing to file any report or statement, and the
candidate appointing any such person, shall be responsible for the filing
of such report or statement. The notice also shall state that such person
shall have 15 days from the date such notice is deposited in the mail to
comply with the registration and reporting requirements before a civil
penalty shall be imposed for each day that the required documents remain
unfiled. If such person fails to comply within the prescribed period, such
person shall pay to the state a civil penalty of $10 per day for each day
that such report or statement remains unfiled, except that no such civil
penalty shall exceed $300. The commission may waive, for good cause, pay-
ment of any civil penalty imposed by this section.

(b) (1) Subject to the notice provisions of subsection (a), reports that
are due under the provisions of K.S.A. 25-4148(a)(1) and (2), and amend-
ments thereto, for candidates that appear on the ballot for the then-cur-
rent primary or general election ballot and are late more than 48 hours
shall be subject to civil penalties as provided in subsection (b)(2).

(2) The candidate shall be liable for a civil penalty of $100 for the
first day the report is more than 48 hours late and $50 for each subse-
quent day the report is late, but in no case shall the civil penalty exceed $1,000.
The commission may waive, for good cause, payment of any civil penalty
imposed by this section.

(c) (1) Subject to the notice provisions of subsection (a), reports that
are due under the provisions of K.S.A. 25-4145 and 25-4148, and amend-
ments thereto, for each political committee that anticipates receiving
$2,501 or more in any calendar year and are late more than 48 hours
shall be subject to civil penalties as provided in subsection (c)(2).

(2) The political committee shall be liable for a civil penalty of $100
for the first day the report is more than 48 hours late and $50 for each
subsequent day the report is late, but in no case shall the civil penalty
exceed $1,000. The commission may waive, for good cause, payment of
any civil penalty imposed by this section.

(d) Civil penalties provided for by 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 governmental ethics commission fee fund.

(e)(e) If a person fails to pay a civil penalty provided for by this sec-
tion, it shall be the duty of the commission to bring an action to recover
such civil penalty in the district court of the county in which such person
resides.
Sec. 3. K.S.A. 2017 Supp. 46-268 is hereby amended to read as follows: 46-268. (a) Except as otherwise provided in subsection (b), every lobbyist shall file electronically with the secretary of state a report of employment and expenditures on a form and in the manner prescribed and provided by the commission. A report shall be filed on or before the 10th day of the months of February, March, April, May, September and January. Reports shall include all expenditures which are required to be reported under K.S.A. 46-269, and amendments thereto, or a statement that no expenditures in excess of $100 were made for such purposes, during the preceding calendar month or months since the period for which the last report was filed.

(b) For any calendar year in which a lobbyist expects to expend an aggregate amount of less than $100 for lobbying in each reporting period, a lobbyist shall file electronically an affidavit of such intent with the secretary of state. Such lobbyist shall not be required to file the reports required under subsection (a) for the year for which such affidavit is filed. If in any reporting period a lobbyist filing such affidavit expends in excess of $100 in reportable expenses, a report shall be filed for such period in the manner prescribed by subsection (a).

Sec. 4. K.S.A. 2017 Supp. 46-280 is hereby amended to read as follows: 46-280. (a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to register or to file any report or statement as required by K.S.A. 46-247; or 46-265 or 46-268, and amendments thereto, within the time period prescribed therefor. The notice shall state that the required registration, report or statement had not been filed with the office of secretary of state. The notice also shall state that such person shall have five days from the date of receipt of such notice to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within such period, such person shall pay to the state a civil penalty of $10 per day for each day that such person remains unregistered or that such report or statement remains unfiled, except that no such civil penalty shall exceed $300. The commission may waive, for good cause, payment of any civil penalty imposed hereunder.

(b) Subject to the notice provisions of subsection (a), reports required for lobbyists under K.S.A. 46-268, and amendments thereto, that are late more than 48 hours shall be subject to civil penalties as provided in subsection (b)(2).

(2) The lobbyist shall be liable for a civil penalty of $100 for the first day the report is more than 48 hours late and $50 for each subsequent day the report is late, but in no case shall the civil penalty exceed $1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.
Whenever the commission shall determine that any report filed by a lobbyist as required by K.S.A. 46-269, and amendments thereto, is incorrect, incomplete or fails to provide the information required by such section, the commission shall notify such lobbyist by registered or certified mail, specifying the deficiency. Such notice shall state that the lobbyist shall have 30 days from the date of the receipt of such notice to file an amended report correcting such deficiency before a civil penalty will be imposed and the registration of such lobbyist revoked and the badge be required to be returned to the office of the secretary of state. A copy of such notice shall be sent to the office of the secretary of state. If such lobbyist fails to file an amended report within the time specified, such lobbyist shall pay to the commission a civil penalty of $10 per day for each day that such person fails to file such report except that no such civil penalty shall exceed $300. On the 31st day following the receipt of such notice, the registration of any lobbyist failing to file such amended report shall be revoked.

Civil penalties provided for by 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 governmental ethics commission fee fund.

Except as provided in subsection paragraph (2), if a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

If a person required to file under subsection (f) of K.S.A. 46-247(f), and amendments thereto, fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such the civil penalty in the district court of Shawnee county, Kansas.

Sec. 5. K.S.A. 25-3205 is hereby amended to read as follows: 25-3205. (a) The state board of canvassers shall be the board of canvassers for the final canvass of the primary election of national and state officers. Provisions of law relating to the canvass of the national and state general elections shall, as far as applicable, apply to the canvass and certification of the secretary of state of such the primary elections. The state board of canvassers shall meet at the office of the secretary of state on the call of the secretary of state as soon as convenient after the tabulation of the returns is made. The meeting shall be called not later than September 1 next following such the election, except when such the date falls on Sunday, then not later than the next following day which is not a legal holiday, and may recess from time to time until the final canvass is completed.

As soon as such the final canvass of the primary election shall be completed, the secretary of state shall publish in the Kansas register a certified
statement of the candidates for the presidential electors, United States senator, representatives in congress and all state officers or so many of such officers as may have been voted for at such election. On the fourth day after the completion of such final canvass or as soon as practicable thereafter, the secretary of state shall mail to each candidate found by the state board of canvassers to be duly nominated a certificate of nomination, showing the name of the candidate, the party by whom nominated and the office for which the candidate is nominated as specified in the nomination papers and determined by the state board of canvassers.

(b) The secretary of state shall publish on the official secretary of state website results by precinct for all federal offices, statewide offices and for state legislative offices not later than 30 days after the final canvass of the primary election is complete.

Sec. 6. K.S.A. 25-3206 is hereby amended to read as follows: 25-3206.

(a) The state board of canvassers shall make the final canvass of national and state primary and general elections. The board shall also make the final canvass of elections upon constitutional amendments and all questions submitted to election on a statewide basis, including questions on retention in office of justices of the supreme court, judges of the court of appeals and judges of the district court.

(b) For the purpose of canvassing elections specified in subsection (a), the state board of canvassers shall meet on the call of the secretary of state, in the secretary’s office, as soon as convenient after the tabulation of the returns is made. In the case of general elections, the meeting shall be called not later than December 1 next following such election, except when the date falls on Sunday, then not later than the following day, and may recess from time to time until the canvass is completed.

(c) The state board of canvassers shall, upon the abstracts on file in the office of secretary of state, proceed to make final canvass of any election for officers specified in subsection (a). The state board of canvassers shall certify a statement which shall show the names of the persons receiving votes for any of such offices, and the whole number received by each, distinguishing the districts and counties in which they were voted.

(d) The state board of canvassers shall, upon the abstracts on file in the office of the secretary of state, proceed to make final canvass and determination of the result of statewide question submitted elections. The state board of canvassers shall certify a statement of the number of votes on each question and the result thereof.

(e) The state board of canvassers shall certify such statements to be correct, and the members shall subscribe their names thereto, and the board shall determine what persons have been elected to such offices and
the members shall endorse and subscribe on the statement a certificate of such determination and deliver them to the secretary of state.

(f) The secretary of state shall publish on the official secretary of state website election results by precinct for all federal offices, statewide offices and for legislative offices not later than 30 days after the final canvass of the general election results.


Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 10, 2018.

CHAPTER 89

SENATE BILL No. 260
(Amends Chapter 10)
(Amended by Chapter 95)

AN ACT concerning state agencies; financial-compliance audits; Kansas lottery security audit; selection of auditor, contracts with; creating the Kansas lottery audit contract committee and the department of administration audit contract committee; creating the department of administration audit services fund; 911 coordinating council certain audits; technology projects certain vendor restrictions; amending K.S.A. 46-1108, 46-1112, 46-1115, 46-1116, 46-1122, 46-1123, 46-1125, 46-1126, 46-1127 and 74-2424 and K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, 39-709b, 46-1106, 46-1114, 46-1118, 46-1128, 46-1135, 74-4921, 75-5133, 75-7209 and 79-3234 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 46-1121 and 46-1134.

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

New Section 1. (a) (1) Beginning in calendar year 2019, and at least once every three years thereafter, there shall be conducted a security audit of the Kansas lottery. Any security audit conducted pursuant to this section shall include a comprehensive study and evaluation of all aspects of security in the operation of such state agency. The firm to conduct a security audit shall be selected and shall perform such audit work as provided in sections 3 through 6, and amendments thereto. The firm selected to perform a security audit shall be experienced in security procedures, including, but not limited to, computer systems and security. A contract to conduct such a security audit required by this subsection shall not be awarded until a background investigation is conducted by the executive director of the Kansas lottery on the person or firm selected to perform the audit. Such background investigation shall include: (A) The vendor to whom the contract is to be awarded; (B) all persons who own a controlling interest in such vendor; and (C) all applicable staff having involvement with the audit.
(2) For the purpose of conducting a security audit under this subsection, a person or a firm selected to perform the security audit shall not be limited to a legal entity permitted by law to engage in practice as a certified public accountant.

(b) Beginning in calendar year 2019, a financial-compliance audit shall be conducted annually on the accounts and transactions of the Kansas lottery and the Kansas lottery commission. The first financial-compliance audit shall examine the accounts and transactions for fiscal year 2019. The firm to conduct this audit work shall be selected as provided in sections 3 and 4, and amendments thereto. The audits required pursuant to this subsection shall be conducted in accordance with generally accepted governmental auditing standards, and shall be conducted as soon after the close of the fiscal year as practicable, but shall be completed no later than the deadlines as set forth in section 6, and amendments thereto.

New Sec. 2. (a) There is hereby created the Kansas lottery audit contract committee, which shall consist of the following members: (1) The executive director of the Kansas lottery or a Kansas lottery employee designated by the executive director; (2) the chairperson of the Kansas lottery commission or a commission member designated by the chairperson of the Kansas lottery commission; and (3) the post auditor or a person designated by the post auditor. The executive director of the Kansas lottery or the person designated by the executive director to serve as a member of the Kansas lottery audit contract committee shall be the chairperson of the committee.

(b) The Kansas lottery audit contract committee shall meet on the call of the chairperson of such committee. A vote of two members of the committee shall be required for any action of the committee.

New Sec. 3. (a) In the procurement of a firm or firms to perform an audit required by section 1, and amendments thereto, the executive director of the Kansas lottery shall encourage firms engaged in the lawful practice of their professions to place their names on a list maintained by the executive director of firms to receive requests for proposals on audit contracts.

(b) The executive director of the Kansas lottery shall establish specifications for the conduct by a firm or firms of an audit required by section 1, and amendments thereto. The specifications shall be used in preparing requests for proposals and evaluating the proposals received.

(c) For all audits required by section 1, and amendments thereto, the executive director of the Kansas lottery shall issue a request for proposals to all firms who have requested to be on the firm list and others who request a copy after notice in the Kansas register. The request for proposals shall request information on the firm’s qualifications, the qualifications of staff to be assigned to the job, the firm’s technical approach to the audit and the fee. The executive director shall evaluate the proposals
received in response to the requests for proposals and for each audit shall prepare a list of at least three and not more than five firms that are, in the opinion of the executive director, qualified to perform such audit or audits. Such list shall be submitted to the Kansas lottery audit contract committee.

New Sec. 4. (a) The Kansas lottery audit contract committee may conduct discussions with each of the firms submitted by the executive director and then shall select a firm or firms from such listing to provide an audit as required by section 1, and amendments thereto.

(b) The Kansas lottery audit contract committee shall consider, in making their selection, qualifications of the firm and staff, the technical proposal and fee.

(c) If the Kansas lottery audit contract committee is unable to contract with any of the selected firms, the committee shall request the executive director to provide another list of firms to be reviewed by the committee. Upon receipt of such list, the committee shall proceed in accordance with the provisions of this section.

New Sec. 5. (a) Each contract for an audit required by section 1, and amendments thereto, entered into under section 3 and section 4, and amendments thereto, shall be entered into between the executive director of the Kansas lottery and the firm or firms selected to perform the audit. Each such contract shall require the firm or firms selected to submit evidence that is satisfactory to the Kansas lottery audit contract committee that the firm has general professional liability insurance or specific liability insurance that is adequate for such audit.

(b) In addition to the requirements in subsection (a), each such contract for audit services shall specify the responsibilities undertaken by the firm selected to perform such audit and such firm shall be responsible for all material errors and omissions in the performance of such contract.

(c) Such contracts shall not be subject to the provisions of K.S.A. 75-3739 or 75-37,102 or K.S.A. 2017 Supp. 75-37,130 through 75-37,135, and amendments thereto.

New Sec. 6. (a) The Kansas lottery audit contract committee shall monitor the performance of the firm or firms conducting audits pursuant to a contract entered into under section 5, and amendments thereto, to ensure that such audit is performed in accordance with the specifications developed for the conduct of such audit.

(b) (1) The firm selected to perform an audit required by section 1(a), and amendments thereto, shall submit a final written audit report by December 1 of each year to the executive director of the Kansas lottery and the legislative post audit committee.

(2) The firm selected to perform an audit required by section 1(b), and amendments thereto, shall submit a preliminary written audit report by September 15 of each year to the executive director of the Kansas
lottery and the secretary of administration. A final audit report shall be submitted by October 1 of each year to the executive director of the Kansas lottery, the secretary of administration and the legislative post audit committee.

(c) In the performance of such audit, the officers and employees of the firm or firms performing the audit shall be subject to the same duty of confidentiality applicable to the post auditor and officers and employees of the division of post audit under the legislative post audit act, and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the audit.

New Sec. 7. Sections 1 through 7, and amendments thereto, shall be part of and supplemental to the Kansas lottery act.

New Sec. 8. (a) Beginning in calendar year 2019, a financial-compliance audit shall be conducted annually on the accounts and transactions of the Kansas public employees retirement system. The first financial-compliance audit shall examine the accounts and transactions for fiscal year 2019. The auditor to conduct this audit work shall be selected as provided in subsection (c). The audit required pursuant to this subsection shall be conducted in accordance with generally accepted governmental auditing standards, and shall be conducted as soon after the close of the fiscal year as practicable, but shall be completed no later than the deadlines as set forth in section 9, and amendments thereto.

(b) The financial-compliance audit of the Kansas public employees retirement system shall include, but not be limited to, a review of alternative investments of the system with any estimates of permanent impairments to the value of such alternative investments reported by the system pursuant to K.S.A. 74-4907, and amendments thereto, and a review of any internal assessment or examination of alternative investments of the system performed and reported pursuant to K.S.A. 74-4921(12)(a), and amendments thereto.

(c) The Kansas public employees retirement system board of trustees shall be responsible for the procurement of an auditing firm under the provisions of K.S.A. 75-37,132, and amendments thereto.

New Sec. 9. (a) The executive director of the Kansas public employees retirement system shall monitor the performance of the firm conducting an audit to ensure that such audit is performed in accordance with the specifications developed for the conduct of such audit.

(b) The executive director of the Kansas public employees retirement system shall submit a preliminary draft of the management’s discussion and analysis and the financial statements by October 1 of each year to the secretary of administration and the firm selected to perform an audit required by section 8, and amendments thereto. The executive director of the Kansas public employees retirement system shall submit the final
draft of the management’s discussion and analysis and the financial statements by October 15 of each year to the secretary of administration and the firm selected to perform an audit required by section 8, and amendments thereto. The final audit opinion letter shall be submitted by November 1 of each year by the firm selected to perform an audit by section 8, and amendments thereto, to the executive director of the Kansas public employees retirement system, the secretary of administration and the legislative post audit committee.

(c) In the performance of such audit, the officers and employees of the firm performing the audit shall be subject to the same duty of confidentiality applicable to the post auditor and officers and employees of the division of post audit under the legislative post audit act, and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person, any affiliated employer or state agency subject to the audit.

New Sec. 10. (a) At least once every three years, the legislative post audit committee shall direct the division of post audit to conduct a performance audit of the Kansas public employees retirement system. In considering performance audit subjects, the legislative post audit committee shall consider recommendations and requests for performance audits relating to the system or the management thereof by the joint committee on pensions, investments and benefits or by any other committee or individual member of the legislature.

(b) This section shall be part of and supplemental to the legislative post audit act.

New Sec. 11. (a) Beginning in calendar year 2019, a financial-compliance audit shall be conducted each year of the general purpose financial statements prepared by the division of accounts and reports of the department of administration for its annual financial report. The first financial-compliance audit shall examine the general purpose financial statements for fiscal year 2019. This audit shall be conducted in accordance with generally accepted governmental auditing standards. The resulting written audit report shall be issued as soon after the end of the fiscal year as is practicable, but shall be completed no later than the deadlines as set forth in section 17, and amendments thereto.

(b) (1) Beginning in fiscal year 2020, and once every two years thereafter, separate written audit reports on the financial management practices of the office of the state treasurer and the pooled money investment board shall be prepared addressing the adequacy of financial management practices and compliance with applicable state laws. The separate audit of the pooled money investment board also shall include a comparative investment performance review and an analysis of the investment program, including an evaluation of investment policies and practices and of specific investments in the pooled money investment portfolio. The anal-
ysis of the specific investments in the pooled money investment portfolio shall review whether such investments meet the investment priorities of safety, liquidity and performance. The performance of such investments shall be measured by comparison to an appropriate market index. The resulting written audit report shall be completed no later than the deadlines as set forth in section 17, and amendments thereto.

(2) In addition, whenever an individual is first elected or appointed and qualified to the office of the state treasurer, there shall be conducted a transition audit within two weeks after the date such individual enters upon the duties of the office of the state treasurer. The purpose of the transition audit shall be to review the assets in the custody of the office of the state treasurer for significant discrepancies at the time of the transition. A separate written report shall be prepared for each transition audit.

(3) Any additional costs associated with preparing the separate additional reports on the office of the state treasurer and the pooled money investment board shall be borne by the office of the state treasurer and the pooled money investment board in accordance with section 18, and amendments thereto.

(c) (1) Books and accounts of the state treasurer and the director of accounts and reports, including the bond register of the state treasurer, may be examined monthly if the department of administration audit contract committee so determines, and such examination may include detailed checking of every transaction or test checking.

(2) Any person receiving tax information under the provisions of subsection (a) or (b) shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

New Sec. 12. (a) Beginning in fiscal year 2019, the department of administration shall be responsible for procuring and managing audit services for any audit of the financial affairs and transactions of a state agency that is required to comply with federal government audit requirements for receiving federal awards or grants.

(b) As used in this section, “state agency” means any state office, officer, department, board, commission, institution, bureau, agency or authority or any division or unit thereof.

New Sec. 13. (a) There is hereby created the department of administration contract audit committee, which shall consist of the following members: (1) The secretary of administration or a person designated by the secretary of administration; (2) the director of accounts and reports or a person designated by the director of accounts and reports; (3) the post auditor or a person designated by the post auditor; (4) the state treasurer or a person designated by the state treasurer; and (5) the di-
rector of the budget or a person designated by the director of the budget. The secretary of administration or the person designated by the secretary to serve as a member of the department of administration contract audit committee shall be the chairperson of the committee.

(b) The department of administration contract audit committee shall meet on the call of the chairperson of such committee. A vote of two members of the committee shall be required for any such action of the committee.

New Sec. 14. (a) In the procurement of a firm or firms to perform an audit required by section 11 and section 12, and amendments thereto, the secretary of administration shall encourage firms engaged in the lawful practice of their professions to place their names on a list maintained by the secretary of firms to receive requests for proposals on audit contracts.

(b) The secretary of administration shall establish specifications for the conduct by a firm or firms of an audit required by section 11 and section 12, and amendments thereto. The specifications shall be used in preparing requests for proposals and evaluating the proposals received.

(c) For all audits required by section 11 and section 12, and amendments thereto, the secretary of administration shall issue a request for proposals to all firms who have requested to be on the firm list and others who request a copy after notice in the Kansas register. The request for proposals shall request information on the firm’s qualifications, the qualifications of staff to be assigned to the job, the firm’s technical approach to the audit and the fee. The secretary shall evaluate the proposals received in response to the request for proposals and for each audit shall prepare a list of at least three and not more than five firms that are, in the opinion of the secretary, qualified to perform such audit. Such list shall be submitted to the department of administration audit contract committee.

New Sec. 15. (a) The department of administration audit contract committee may conduct discussions with each of the firms submitted by the secretary of administration and then shall select a firm or firms from such listing to provide an audit as required by section 11 and section 12, and amendments thereto.

(b) The department of administration audit contract committee shall consider, in making their selection, qualifications of the firm and staff, the technical proposal and fee.

(c) If the department of administration audit contract committee is unable to contract with any of the selected firms, the committee shall request the secretary of administration to provide another list of firms to be reviewed by the committee. Upon receipt of such list, the committee shall proceed in accordance with the provisions of this section.

New Sec. 16. (a) Each contract for an audit required by section 11
and section 12, and amendments thereto, entered into under section 14 and section 15, and amendments thereto, shall be entered into between the secretary of administration and the firm selected to perform the audit. Each such contract shall require the firm selected to submit evidence that is satisfactory to the department of administration audit contract committee that the firm has general professional liability insurance or specific liability insurance that is adequate for such audit.

(b) In addition to the requirements in subsection (a), each such contract for audit services shall specify the responsibilities undertaken by the firm selected to perform such audit and that such firm shall be responsible for all material errors and omissions in the performance of such contract.

(c) Such contracts shall not be subject to the provisions of K.S.A. 75-3739 or 75-37,102 or K.S.A. 2017 Supp. 75-37,130 through 75-37,135, and amendments thereto.

New Sec. 17. (a) The department of administration audit contract committee shall monitor the performance of the firm conducting an audit pursuant to a contract entered into under section 16, and amendments thereto, to ensure that such audit is performed in accordance with the specifications developed for the conduct of such audit.

(b) Written reports from audits required by section 11 and section 12, and amendments thereto, shall be issued according to the following deadlines:

(1) For an audit of the state financial statements required by section 11(a), and amendments thereto, a final written report shall be issued to the secretary of administration and to the legislative post audit committee by December 1 following the audited fiscal year;

(2) for a biennial audit of the state treasurer’s office and the pooled money investment board required by section 11(b), and amendments thereto, a final written report shall be issued to the state treasurer or the pooled money investment board, as appropriate, and to the secretary of administration and the legislative post audit committee by December 1 following the audited fiscal year; and

(3) for a federal compliance audit required by section 12, and amendments thereto, a final written report shall be issued to the secretary of administration and the legislative post audit committee not less than 15 calendar days before the federal deadline for such report.

(c) In the performance of an audit pursuant to section 11 and section 12, and amendments thereto, the officers and employees of the firm performing the audit shall be subject to the same duty of confidentiality applicable to the post auditor and officers and employees of the division of post audit under the legislative post audit act, and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the audit.

New Sec. 18. (a) Whenever the secretary of administration contracts
with a firm to perform any audit work for any state agency to satisfy financial-compliance audit requirements prescribed by section 11 and section 12, and amendments thereto, and incurs costs in addition to those attributable to the operations of the department of administration in performance of other duties and responsibilities, the secretary shall make charges for such additional costs.

(b) All moneys received for reimbursement to the department of administration 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 department of administration audit services fund, which fund is hereby created in the state treasury. All expenditures from the department of administration audit services fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or a person or persons designated by the secretary.

New Sec. 19. (a) Each state agency awarded a federal grant or other federal financial assistance that is subject to an audit pursuant to section 12, and amendments thereto, as a condition of such grant or assistance shall notify the secretary of administration immediately of the award of such grant or assistance. Based on the amount and nature of federal moneys received by the state agency, the secretary shall compute annually the amount of federal moneys reasonably anticipated to be required to provide audit coverage in accordance with federal requirements. The amounts determined for such audits shall be reviewed and approved by the department of administration audit contract committee. Upon such approval, the state agency, in accordance with section 18, and amendments thereto, shall reimburse the secretary of administration for the amount approved by the contract audit committee.

(b) The secretary of administration shall compute the amount of money reasonably anticipated to be required to provide a financial-compliance audit as required pursuant to section 12, and amendments thereto. The amounts determined for such audits shall be reviewed and approved by the department of administration contract audit committee.

(c) The secretary of administration shall remit all money received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the audit services fund.

(d) In addition to expenditures that may be made from the department of administration audit services fund under section 18, and amendments thereto, expenditures shall be made from such fund, and from
other available appropriations, to pay for the cost of financial-compliance
audits performed to comply with federal government audit requirements.

Sec. 20. On and after July 1, 2019, K.S.A. 2017 Supp. 39-709b is
hereby amended to read as follows: 39-709b. (a) Information concerning
applicants for and recipients of assistance from the secretary shall be
confidential and privileged and shall only be available to the secretary and
the officers and employees of the secretary except as set forth in this
section. Unless otherwise prohibited by law, such information shall be
disclosed to an applicant, recipient or outside source under the following
conditions:

(1) Information shall be disclosed to the post auditor in accordance
with and subject to the provisions of K.S.A. 46-1106(e), and amend-
ments thereto;

(2) information shall be disclosed to an applicant or recipient in ac-
cordance with and subject to rules and regulations adopted by the sec-
retary; and

(3) information may be disclosed to an outside source if such disclo-
sure:

(A) Has been consented to in writing by the applicant or recipient
and the applicant or recipient has been granted access by the secretary
to the information to be disclosed, except that in an emergency informa-
tion may be disclosed without a written consent if such disclosure is
deemed by the secretary to be in the best interests of the applicant or
recipient;

(B) is directly connected to the administration of the secretary’s pro-
gram;

(C) is directly connected to an investigation, prosecution, or criminal
or civil proceeding conducted in connection with the administration of
the secretary’s program;

(D) is authorized by a state plan developed by the secretary pursuant
to the federal social security act or any other federal program providing
federal financial assistance and services in the field of social welfare; or

(E) concerns the intent of an applicant or recipient to commit a crime
and in this case such information and the information necessary to prevent
the crime shall be disclosed to the appropriate authorities.

(b) Nothing in this section shall be construed to prohibit the publi-
cation of aggregate non-identifying statistics which are so classified
as to prevent the identification of specific applicants or recipients.

Sec. 21. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1106 is
hereby amended to read as follows: 46-1106. (a) A financial compli-
ance audit shall be conducted each year of the general purpose financial
statements prepared by the division of accounts and reports for its annual
financial report. This audit shall be conducted in accordance with gen-
erally accepted governmental auditing standards. The resulting written
audit report shall be issued as soon after the end of the fiscal year as is practicable.

(2) In addition, once every two years, separate written audit reports on the financial management practices of the office of the state treasurer and the pooled money investment board shall be prepared addressing the adequacy of financial management practices and compliance with applicable state laws. The separate audit of the pooled money investment board also shall include a comparative investment performance review and an analysis of the investment program, including an evaluation of investment policies and practices and of specific investments in the pooled money investment portfolio. The analysis of the specific investments in the pooled money investment portfolio shall review whether such investments meet the investment priorities of safety, liquidity and performance. The performance of such investments shall be measured by comparison to an appropriate market index.

(3) In addition, whenever an individual is first elected or appointed and qualified to the office of the state treasurer, the legislative division of post audit shall conduct a transition audit within two weeks after the date such individual enters upon the duties of the office of the state treasurer. The purpose of the transition audit shall be to review the assets in the custody of the office of the state treasurer for significant discrepancies at the time of the transition. A separate written report shall be prepared for each transition audit.

(4) Copies of the reports of audits conducted pursuant to this subsection (a) shall be furnished to the governor, director of accounts and reports, director of the budget, each state agency, the legislative post audit committee and other persons or agencies as may be required by law or by the specifications of the audit.

(5) Any additional costs associated with preparing the separate additional reports on the office of the state treasurer and the pooled money investment board shall be borne by the office of the state treasurer and the pooled money investment board in accordance with K.S.A. 46-1121, and amendments thereto.

(b) Including financial-compliance audit work conducted as part of the audit conducted pursuant to subsection (a), financial-compliance audit work shall be conducted at each state agency at least once every three years as directed by the legislative post audit committee. Written reports on the results of such auditing shall be furnished to the governor, director of accounts and reports, director of the budget, the state agency which that is audited, the legislative post audit committee and such other persons or agencies as may be required by law or by the specifications of the audit.

(c) (1) Books and accounts of the state treasurer and the director of accounts and reports, including the bond register of the state treasurer, may be examined monthly if the legislative post audit committee so de-
terminates, and such examination may include detailed checking of every transaction or test checking.

(2) Any person receiving tax information under the provisions of subsection (a) or (b) shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(b) The post auditor shall report immediately in writing to the legislative post audit committee, governor and attorney general whenever it appears in the opinion of the post auditor that there may have occurred any violation of penal statutes or any instances of misfeasance, malfeasance or nonfeasance by a public officer or employee disclosed by any audit or audit work conducted under the legislative post audit act or any audit conducted pursuant to section 1, section 8, section 11 or section 12, and amendments thereto. The post auditor shall furnish the attorney general all information in the possession of the post auditor relative to any report referred to the attorney general. The attorney general shall institute and prosecute civil proceedings against any such delinquent officer or employee, or upon such officer or employee’s official bond, or both, as may be needed to recover for the state any funds or other assets misappropriated. The attorney general shall also prosecute such ouster and criminal proceedings as the evidence in the case warrants. Any person receiving tax information under the provisions of this subsection shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(c) The post auditor shall immediately report to the committee on surety bonds and insurance when any audit or audit work conducted under the legislative post audit act or any audit conducted pursuant to section 1, section 8, section 11 or section 12, and amendments thereto, discloses a shortage in the accounts of any state agency, officer or employee.

(d) In the discharge of the duties imposed under the legislative post audit act, the post auditor may require state agencies to preserve and make available their accounts, records, documents, requisitions, payrolls, canceled checks or vouchers and coupons, and other evidence of financial transactions.

(e) In the discharge of the duties imposed under the legislative post audit act, the post auditor or firm conducting a financial compliance audit or conducting any other audit or audit work under the legislative post audit act shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the legislative post audit act or in the custody of any such person or state agency. Except as otherwise provided in this subsection, the post auditor or firm conducting a financial compliance
audit or other any audit or audit work under the legislative post audit act and all employees and former employees of the division of post audit or firm performing a financial-compliance audit or other any audit or audit work shall be subject to the same duty of confidentiality imposed by law on any such person or state agency with regard to any such books, accounts, records, files, documents and correspondence, and any information contained therein, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the post auditor and on firms conducting financial-compliance audits or any other audits audit or audit work under the legislative post audit act and all employees of the division of post audit and all employees of such firms shall be subject to the provisions of subsection (d) (b), and the post auditor may furnish all such books, accounts, records, files, documents and correspondence, and any information contained therein to the attorney general pursuant to subsection (d) (b). Upon receipt thereof, the attorney general and all assistant attorneys general and all other employees and former employees of the office of attorney general shall be subject to the same duty of confidentiality with the exceptions that any such information contained therein may be disclosed in civil proceedings, ouster proceedings and criminal proceedings which may be instituted and prosecuted by the attorney general in accordance with subsection (d) (b), and any such books, accounts, records, files, documents and correspondence furnished to the attorney general in accordance with subsection (d) (b) may be entered into evidence in any such proceedings. Nothing in this subsection shall be construed to supersede any requirement of federal law.

Any firm or firms which develop information in the course of conducting a financial-compliance audit or other any audit or audit work under the legislative post audit act which the post auditor is required to report under subsection (d) or (e) (b) or (c) shall immediately report such information to the post auditor. The post auditor shall then make the report required in subsection (d) or (e) (b) or (c).

A financial-compliance audit shall be conducted annually on the accounts and transactions of the Kansas lottery and the Kansas lottery commission, of the Kansas public employees retirement system and of any other state agency as may be required by law. The auditor to conduct this audit work shall be specified in accordance with K.S.A. 46-1122, and amendments thereto. If the legislative post audit committee specifies under such statute that a firm is to perform all or part of such audit work, such firm shall be selected and shall perform such audit work as provided in K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 through 46-1127, and amendments thereto. The audits required pursuant to this subsection shall be conducted in accordance with generally accepted governmental auditing standards, and shall be conducted as soon after the
close of the fiscal year as practicable, but shall be completed no later than six months after the close of the fiscal year.

(2) The financial-compliance audit of the Kansas public employees retirement system shall include, but not be limited to, a review of alternative investments of the system with any estimates of permanent impairments to the value of such alternative investments reported by the system pursuant to K.S.A. 74-4907, and amendments thereto. The financial-compliance audit may include one or more performance audit subjects as directed by the legislative post audit committee. In considering performance audit subjects to be included in any such financial-compliance audit, the legislative post audit committee shall consider recommendations and requests for performance audits, relating to the system or the management thereof, by the joint committee on pensions, investments and benefits or by any other committee or individual member of the legislature. The legislative post audit committee shall specify if one or more performance audit subjects shall be included in such financial-compliance audit, in addition to such other subjects as may be directed to be included in such financial-compliance audit by the legislative post audit committee. Except as otherwise determined by the legislative post audit committee, one or more performance audit subjects specified by the legislative post audit committee shall be included at least once every two fiscal years in such financial-compliance audit. The legislative post audit committee may direct that one or more performance audit subjects are to be included in such financial-compliance audit not more than once during a specific period of three fiscal years, in lieu of once every two fiscal years.

Sec. 22. On and after July 1, 2019, K.S.A. 46-1108 is hereby amended to read as follows: 46-1108. Audits, in addition to financial-compliance audits or other financial-compliance audit work conducted pursuant to K.S.A. 46-1106 and amendments thereto, shall be performed by the post auditor only on the direction of the legislative post audit committee. The legislative post audit committee may direct the post auditor to perform additional audits or audit work described in K.S.A. 46-1106, and amendments thereto, of any state agencies, or may direct that any additional audit of a state agency shall be performed to accomplish other objectives than those specified pursuant to K.S.A. 46-1106, and amendments thereto. The legislative post audit committee may direct that any such additional audits shall be conducted to determine:

(a) Whether any state agency is carrying out only those activities or programs authorized by the legislature; or
(b) whether the programs and activities of a state agency, or a particular program or activity, is being efficiently and effectively operated; or
(c) whether any new activity or program is being efficiently and effectively implemented in accordance with the intent of the legislature; or
(d) whether there is a need for change in any authorized activity or program of a state agency; or

(e) whether any reorganization of a state agency, or group of state agencies, is needed or justified to accomplish the results of programs or activities authorized by the legislature; or

(f) any combination of the purposes specified in this or any other section of the legislative post audit act.

Sec. 23. On and after July 1, 2019, K.S.A. 46-1112 is hereby amended to read as follows: 46-1112. As used in the legislative post audit act, unless the context otherwise requires:

(a) “Person” means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, group, or corporation, whether or not operated for profit, or a governmental agency, unit, or subdivision.

(b) “State agency” means any state office, officer, department, board, commission, institution, bureau, agency, or authority or any division or unit thereof.

(c) “Financial-compliance audit” means an audit of the financial affairs and transactions of a state agency required to comply with federal government audit requirements for receiving federal grants or an audit of the financial affairs and transactions of a state agency otherwise required by law to be performed.

(d) “Firm” means any individual, firm, partnership, corporation, association or other legal entity permitted by law to engage in practice as a certified public accountant.

(e) “Federal grant” means moneys received by a state agency under any act or appropriation of the federal government or moneys received by a state agency under the state and local fiscal assistance act of 1972 and amendments thereto.

Sec. 24. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1114 is hereby amended to read as follows: 46-1114. (a) The legislative post audit committee is hereby authorized to direct the post auditor and the division of post audit to make an audit of any type described in K.S.A. 46-1106 or 46-1108, and amendments to these sections thereto, of any records or matters of any person specified in this section, and may direct the object in detail of any such audit.

(b) Upon receiving any such direction, the post auditor with the division of post audit, shall make such audit and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, to the same extent permitted under subsection (g) of K.S.A. 46-1106(e), and amendments thereto, except that such access shall be subject to the limitations established under subsection (d) of this section.

(c) Audits authorized by this section are the following:
(1) Audit of any local subdivision of government or agency or instrumentality thereof which receives any distribution of moneys from or through the state.

(2) Audit of any person who receives any grant or gift from or through the state.

(3) Audit of the contract relationships and the fiscal records related thereto of any person who contracts with the state.

(4) Audit of any person who is regulated or licensed by any state agency or who operates or functions for the benefit of any state institution except that any audit of any person regulated by the state corporation commission shall address only compliance with laws or regulations, collection or remittance of taxes or fees, or other matters related directly to state government programs or functions. Any such audit authorized under this subsection shall not address corporate governance or financial issues except as they may relate directly to state government programs or functions. This subsection shall not apply to public utilities as described in subsection (l) of K.S.A. 66-1,187(l), and amendments thereto.

(d) (1) Access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, as authorized under subsection (b) of this section of any nongovernmental person audited under authority of subsection (c)(2) of this section shall be limited to those books, accounts, records, files, documents and correspondence, confidential or otherwise, of such person to which the state governmental agency which that administers the grant or gift and provides for the disbursement thereof is authorized under law to have access.

(2) Access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, as authorized under subsection (b) of this section of any nongovernmental person audited under authority of subsection (c)(3) of this section shall be limited to those books, accounts, records, files, documents and correspondence, confidential or otherwise, of such person to which the state governmental agency which that contracts with such person is authorized under law to have access.

(3) Access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, as authorized under subsection (b) of this section of any nongovernmental person audited under authority of subsection (c)(4) of this section shall be limited to those books, accounts, records, files, documents and correspondence, confidential or otherwise, of such person to which the state governmental agency which that regulates or licenses such person or the state institution on whose behalf such person operates or functions is authorized under law to have access.

Sec. 25. On and after July 1, 2019, K.S.A. 46-1115 is hereby amended to read as follows: 46-1115. Whenever any person fails to make any books, accounts, contracts or records, files, documents and correspondence, con-
Failure to make records available for post audit is the intentional failure to make any books, accounts, contracts or records, files, documents and correspondence, confidential or otherwise, related to any of the foregoing available to the post auditor or to a firm performing a financial compliance audit, any audit or audit work under the legislative post audit act or to any officer or employee of the division of post audit or of such firm upon request of the post auditor or any such officer or employee of the post auditor or of such firm, and such person is entitled under any other statute to receive any state funds, such funds shall be withheld until such person has fully complied with such request. Whenever state funds are to be withheld under this section, the post auditor shall give written notice thereof to the director of accounts and reports, and such director shall issue no warrant for payment of state funds to such person until the post auditor has given such director written notice that such person has acceded to the request of the post auditor. The provisions of this section shall not affect any contract entered into prior to the effective date of this act to the extent that any impairment of such contract occurs.

Sec. 26. On and after July 1, 2019, K.S.A. 46-1116 is hereby amended to read as follows: 46-1116. Failure to make records available for post audit is the intentional failure to make any books, accounts, contracts or records, files, documents and correspondence, confidential or otherwise, related to any of the foregoing available to the post auditor or to a firm performing a financial compliance audit, any audit or audit work under the legislative post audit act or to any officer or employee of the division of post audit or of such firm upon request of the post auditor or such firm or any such officer or employee for the purpose of post audit as directed by the legislative post audit committee under authority of this act or as otherwise directed pursuant to law.

Failure to make records available for post audit is a class A misdemeanor.

Sec. 27. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1118 is hereby amended to read as follows: 46-1118. (a) (1) Except as otherwise provided by statute, whenever the post auditor performs any additional audit work for any state agency to satisfy federal government requirements, and incurs costs in addition to those attributable to the operations of the division of post audit in performance of other duties and responsibilities, the post auditor shall make charges for such additional costs.

(2) Except as otherwise provided by statute, whenever the post auditor performs any audit work for any state agency to satisfy financial compliance audit requirements prescribed by or pursuant to subsection (a)(1) of K.S.A. 46-1106, and amendments thereto, and incurs costs in addition to those attributable to the operations of the division of post audit in performance of other duties and responsibilities, the post auditor shall make charges for such additional costs.

(3)—The legislative post audit committee may authorize the post au-
ditor to perform additional financial-related audit work at the request of a state agency. Upon the authorization and in accordance with the direction of the legislative post audit committee, the post auditor may make charges for costs incurred for the performance of such financial-related audit work.

(4) The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to K.S.A. 2017 Supp. 46-1134, and amendments thereto, subject to review and approval by the contract audit committee. Upon such approval, the state agency that is receiving the audit services shall reimburse the division of post audit for the amount approved by the contract audit committee.

(5)(3) The furnishing of any such audit services by the division of post audit shall be a transaction between the post auditor and the state agency receiving such services and such transaction shall be settled in accordance with the provisions of K.S.A. 75-5516, and amendments thereto.

(b) All moneys received for reimbursement of to the division of post audit 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 audit services fund, which fund is hereby created in the state treasury. All expenditures from the audit services 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 post auditor or a person or persons designated by the post auditor.

Sec. 28. On and after July 1, 2019, K.S.A. 46-1122 is hereby amended to read as follows: 46-1122. The legislative post audit committee shall specify whether a financial-compliance audit of or financial-compliance audit work at a state agency is to be conducted: (a) By a firm or firms qualified to perform such audit or audit work, or (b) by the post auditor. If the legislative post audit committee specifies that a firm or firms is to perform such an audit or audit work, such firm or firms shall be selected and shall perform such audit or audit work as provided in K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 to through 46-1127, inclusive, and amendments thereto. If the legislative post audit committee specifies that the post auditor is to perform such audit or audit work, the post auditor shall perform such audit or audit work as directed by the legislative post audit committee pursuant to K.S.A. 46-1106, and amendments thereto, and, if the audit or audit work is performed to comply with federal government audit requirements, in accordance with specifications for the conduct of such audit or audit work established by the contract audit committee.

Sec. 29. On and after July 1, 2019, K.S.A. 46-1123 is hereby amended to read as follows: 46-1123. (a) In the procurement of a firm or firms to
perform a financial compliance audit or audit work, the post auditor shall encourage firms engaged in the lawful practice of their profession to place their names on the list maintained by the post auditor of bidders to receive invitations for bid on post audit contracts.

(b) The post auditor shall establish specifications, with the advice of the head of each state agency to be audited, for the conduct by a firm or firms of the financial compliance audit. The specifications shall be used in preparing invitations for bid and evaluating the bids received.

(c) For all financial compliance audits of state agencies to be performed by a firm or firms, the post auditor shall issue an invitation for bid to all firms who have requested to be on the bidders’ list and others who request a copy after notice in the Kansas register. The invitation shall request information on the firm’s qualifications, the qualifications of staff to be assigned to the job, the firm’s technical approach to the audit and the fee. The post auditor shall evaluate the bids received in response to the invitations and for each audit shall prepare a list of at least three and not more than five firms which are, in the opinion of the post auditor, qualified to perform such audit. Such list shall be submitted to the contract audit committee.

(d) Two or more separate financial compliance audits may be combined by the contract audit committee for the purpose of procuring audit services for all such audits from a single firm, and in each such case such combined audits shall be construed to be a single audit for all purposes under K.S.A. 46-1123, and amendments thereto, and K.S.A. 46-1125 through 46-1127, inclusive, and amendments thereto.

Sec. 30. On and after July 1, 2019, K.S.A. 46-1125 is hereby amended to read as follows: 46-1125. (a) The contract audit committee may conduct discussions with each of the firms submitted by the post auditor and then shall select a firm or firms from such listing to provide the financial compliance audit in accordance with the legislative post audit act.

(b) The contract audit committee shall consider, in making their selection, qualifications of the firm and staff, the technical proposal and fee.

(c) If the contract audit committee is unable to contract with any of the selected firms, the contract audit committee shall request the post auditor to provide another list of firms to be reviewed by the contract audit committee and, upon receipt of such list, the contract audit committee shall proceed in accordance with the provisions of this section.

Sec. 31. On and after July 1, 2019, K.S.A. 46-1126 is hereby amended to read as follows: 46-1126. (a) Each contract for a financial compliance audit of a state agency entered into under K.S.A. 46-1123 and 46-1125, and amendments to these sections thereto, shall be entered into between the post auditor and the firm selected to perform the financial compliance audit. Each such contract shall require the firm selected to perform the financial compliance audit to submit evidence which is sat-
isfactory to the contract audit committee that the firm has general professional liability insurance or specific professional liability insurance which is adequate for such audit.

(b) In addition to the requirements in subsection (a), each such contract for financial compliance audit services shall specify the responsibilities undertaken by the firm selected to perform such audit and that such firm shall be responsible for all material errors and omissions in the performance of such contract.

(c) Such contracts shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

Sec. 32. On and after July 1, 2019, K.S.A. 46-1127 is hereby amended to read as follows: 46-1127. (a) The contract audit committee shall monitor the performance of the firm or firms conducting a financial compliance audit pursuant to a contract entered into under K.S.A. 46-1126, and amendments thereto, to insure that such audit is performed in accordance with the specifications developed for the conduct of such audit. The firm or firms selected to perform such audit shall submit a written audit report at the conclusion of the audit to the post auditor who shall distribute the complete audit report to members of the legislative post audit committee, the governor, the director of accounts and reports, the director of the budget, the secretary of administration, any state agency which is audited and other persons or agencies as may be required by the specifications.

(b) In the performance of such audit, the officers and employees of the firm or firms performing the audit shall be subject to the same duty of confidentiality applicable to the post auditor and officers and employees of the division of post audit under the legislative post audit act and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the financial compliance audit.

Sec. 33. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1128 is hereby amended to read as follows: 46-1128. (a) Except as provided by subsections (b), (c) and (d) of this section and by K.S.A. 46-1106(d), (e) and (g)(b), (c) and (e), and amendments thereto, each audit report prepared by the division of post audit or by a firm under the legislative post audit act, and each finding, conclusion, opinion or recommendation contained in the audit report, shall be confidential and shall not be disclosed pursuant to the provisions of the open records act or under any other law until: (1) The time of the next scheduled meeting of the legislative post audit committee held after distribution of the report to members of such committee; or (2) the time of the next scheduled meeting of another legislative committee held after distribution of the report to the members of such committee as authorized by the legislative post audit committee.

(b) The legislative post audit committee may authorize a specific con-
fidential distribution of any audit report, prior to any such presentation of the audit report, by motion adopted by the legislative post audit committee or by rule adopted by the committee, in accordance with such motion or rule. Each person who receives an audit report pursuant to any such motion or rule authorizing a specific confidential distribution of the audit report shall keep the audit report and each finding, conclusion, opinion or recommendation contained in the audit report confidential until the audit report is presented to the legislative post audit committee or another legislative committee at an open meeting of the committee.

(c) The post auditor, or the post auditor’s designee may make a limited distribution of preliminary audit findings, conclusions or recommendations to any person affected by the audit as part of the process of conducting the audit. Such preliminary audit findings, conclusions, opinions or recommendations shall be confidential and shall not be subject to disclosure pursuant to the provisions of the open records act or any other law, except as provided in K.S.A. 46-1106(d), (e) and (g)(b), (c) and (e), and amendments thereto.

(d) The legislative post auditor may report in writing outside of a regularly scheduled meeting to the legislative post audit committee, the joint committee on information technology, and the chief information technology officers of the executive, legislative and judicial branches, when, in the opinion of the post auditor, it appears that an information technology project being audited under K.S.A. 2017 Supp. 46-1135, and amendments thereto, is at risk due to a failure to meet key milestones, or failure to receive sufficient deliverables after a contract payment, significant cost overruns, or when the post auditor finds the project is not being efficiently and effectively implemented in accordance with its original stated purpose and goals.

(e) As used in this section, “audit report” means the written report of any financial-compliance audit, performance audit, or any other audit or audit work conducted under the legislative post audit act by the division of post audit or by a firm under the legislative post audit act; and any other words and phrases used in this section shall have the meanings respectively ascribed thereto by K.S.A. 46-1112, and amendments thereto.

(f) This section shall be part of and supplemental to the legislative post audit act.

Sec. 34. On and after July 1, 2019, K.S.A. 2017 Supp. 46-1135 is hereby amended to read as follows: 46-1135. (a) The legislative division of post audit shall conduct information technology audits as directed by the legislative post audit committee. Audit work performed under this section may include:

(1) Assessment of security practices of information technology systems maintained or administered by any state agency or any entity subject
Ch. 89
2018 Session Laws of Kansas

780
to audit under the provisions of K.S.A. 46-1114(c), and amendments thereto; and

(2) continuous audits of ongoing information technology projects by any state agency or any entity subject to audit under the provisions of K.S.A. 46-1114(c), and amendments thereto, including systems development and implementation.

(b) Written reports on the results of such auditing shall be furnished to:

(1) The entity which is being audited;

(2) the chief information technology officer of the branch of government that the entity being audited is part of;

(3) (A) the governor, if the entity being audited is an executive branch entity;

(B) the legislative coordinating council, if the entity being audited is a legislative entity; or

(C) the chief justice of the Kansas supreme court, if the entity being audited is a judicial entity;

(4) the legislative post audit committee;

(5) the joint committee on information technology; and

(6) such other persons or agencies as may be required by law or by the specifications of the audit or as otherwise directed by the legislative post audit committee.

(c) The provisions of K.S.A. 46-1106(e), and amendments thereto, shall apply to any audit or audit work conducted pursuant to this section.

(d) This section shall be part of and supplemental to the legislative post audit act.

Sec. 35. On and after July 1, 2019, K.S.A. 74-2424 is hereby amended to read as follows: 74-2424. (a) The secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, or the director of property valuation, information contained in tax reports, renditions or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the tax laws. Such information shall not be used for any other purpose than that of the administration of the tax laws of this or another state or of the United States, except that the post auditor shall have access to all such information in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106(e), and amendments thereto.

(b) Notwithstanding the provisions of this section, the secretary of revenue may:

(1) Communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes,
interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer; and

(2) communicate to the executive director of the Kansas racing commission information as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act.

Sec. 36. On and after July 1, 2019, K.S.A. 2017 Supp. 74-4921 is hereby amended to read as follows: 74-4921. (1) There is hereby created in the state treasury the Kansas public employees retirement fund. All employee and employer contributions shall be deposited in the state treasury to be credited to the Kansas public employees retirement fund. The fund is a trust fund and shall be used solely for the exclusive purpose of providing benefits to members and member beneficiaries and defraying reasonable expenses of administering the fund. Investment income of the fund shall be added or credited to the fund as provided by law. All benefits payable under the system, refund of contributions and overpayments, purchases or investments under the law and expenses in connection with the system unless otherwise provided by law shall be paid from the fund. The director of accounts and reports is authorized to draw warrants on the state treasurer and against such fund upon the filing in the director's office of proper vouchers executed by the chairperson or the executive director of the board. As an alternative, payments from the fund may be made by credits to the accounts of recipients of payments in banks, savings and loan associations and credit unions. A payment shall be so made only upon the written authorization and direction of the recipient of payment and upon receipt of such authorization such payments shall be made in accordance therewith. Orders for payment of such claims may be contained on (a) a letter, memorandum, telegram, computer printout or similar writing, or (b) any form of communication, other than voice, which is registered upon magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used for the electronic communication of messages.

(2) The board shall have the responsibility for the management of the fund and shall discharge the board's duties with respect to the fund solely in the interests of the members and beneficiaries of the system for the exclusive purpose of providing benefits to members and such member's beneficiaries and defraying reasonable expenses of administering the fund and shall invest and reinvest moneys in the fund and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of the fund within the limitations and according to the powers, duties and purposes as prescribed by this section.
(3) Moneys in the fund shall be invested and reinvested to achieve the investment objective which is preservation of the fund to provide benefits to members and member beneficiaries, as provided by law and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this act. No moneys in the fund shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(4) In investing and reinvesting moneys in the fund and in acquiring, retaining, managing and disposing of investments of the fund, the board shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the fund so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar funds, considering the probable income as well as the probable safety of their capital.

(5) Notwithstanding subsection (4): (a) Total investments in common stock may be made in the amount of up to 60% of the total book value of the fund;

(b) the board may invest or reinvest moneys of the fund in alternative investments if the following conditions are satisfied:

(i) The total of the annual net commitment to alternative investments does not exceed 5% of the total market value of investment assets of the fund as measured from the end of the preceding calendar year;

(ii) if in addition to the system, there are at least two other qualified institutional buyers, as defined by section (a)(1)(i) of rule 144A, securities act of 1933;

(iii) the system’s share in any individual alternative investment is limited to an investment representing not more than 20% of any such individual alternative investment;

(iv) the system has received a favorable and appropriate recommendation from a qualified, independent expert in investment management or analysis in that particular type of alternative investment;

(v) the alternative investment is consistent with the system’s investment policies and objectives as provided in subsection (6);

(vi) the individual alternative investment does not exceed more than 2.5% of the total alternative investments made under this subsection. If the alternative investment is made pursuant to participation by the system in a multi-investor pool, the 2.5% limitation contained in this subsection is applied to the underlying individual assets of such pool and not to investment in the pool itself. The total of such alternative investments made pursuant to participation by the system in any one individual multi-investor pool shall not exceed more than 20% of the total of alternative
investments made by the system pursuant to this subsection. Nothing in
this subsection requires the board to liquidate or sell the system’s holdings
in any alternative investments made pursuant to participation by the sys-
tem in any one individual multi-investor pool held by the system on the
effective date of this act, unless such liquidation or sale would be in the
best interest of the members and beneficiaries of the system and be pru-
dent under the standards contained in this section. The 20% limitation
contained in this subsection shall not have been violated if the total of
such investment in any one individual multi-investor pool exceeds 20%
of the total alternative investments of the fund as a result of market forces
acting to increase the value of such a multi-investor pool relative to the
rest of the system’s alternative investments; however, the board shall not
invest or reinvest any moneys of the fund in any such individual multi-
investor pool until the value of such individual multi-investor pool is less
than 20% of the total alternative investments of the fund;

(vii) the board has received and considered the investment manager’s
due diligence findings submitted to the board as required by subsection
(6)(c);

(viii) prior to the time the alternative investment is made, the system
has in place procedures and systems to ensure that the investment is
properly monitored and investment performance is accurately measured;
and

(ix) the total of alternative investments does not exceed 15% of the
total investment assets of the fund. The 15% limitation contained in this
subsection shall not have been violated if the total of such alternative
investments exceeds 15% of the total investment assets of the fund, based
on the fund total market value, as a result of market forces acting to
increase the value of such alternative investments relative to the rest of
the system’s investments. However, the board shall not invest or reinvest
any moneys of the fund in alternative investments until the total value of
such alternative investments is less than 15% of the total investment assets
of the fund based on the market value. If the total value of the alternative
investments exceeds 15% of the total investment assets of the fund, the
board shall not be required to liquidate or sell the system’s holdings in
any alternative investment held by the system, unless such liquidation or
sale would be in the best interest of the members and beneficiaries of
the system and is prudent under the standards contained in this section.

For purposes of this act, “alternative investment” includes a broad
group of investments that are not one of the traditional asset types of
public equities, fixed income, cash or real estate. Alternative investments
are generally made through limited partnership or similar structures, are
not regularly traded on nationally recognized exchanges and thus are rel-
atively illiquid, and exhibit lower correlations with more liquid asset types
such as stocks and bonds. Alternative investments generally include, but
are not limited to, private equity, private credit, hedge funds, infrastruc-
ture, commodities and other investments which have the characteristics described in this paragraph; and

(c) except as otherwise provided, the board may invest or reinvest moneys of the fund in real estate investments if the following conditions are satisfied:

(i) The system has received a favorable and appropriate recommendation from a qualified, independent expert in investment management or analysis in that particular type of real estate investment;

(ii) the real estate investment is consistent with the system’s investment policies and objectives as provided in subsection (6); and

(iii) the system has received and considered the investment manager’s due diligence findings.

(6) Subject to the objective set forth in subsection (3) and the standards set forth in subsections (4) and (5) the board shall formulate policies and objectives for the investment and reinvestment of moneys in the fund and the acquisition, retention, management and disposition of investments of the fund. Such policies and objectives shall include:

(a) Specific asset allocation standards and objectives;

(b) establishment of criteria for evaluating the risk versus the potential return on a particular investment;

(c) a requirement that all investment managers submit such manager’s due diligence findings on each investment to the board or investment advisory committee for approval or rejection prior to making any alternative investment;

(d) a requirement that all investment managers shall immediately report all instances of default on investments to the board and provide the board with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment; and

(e) establishment of criteria that would be used as a guideline for determining when no additional add-on investments or reinvestments would be made and when the investment would be liquidated.

The board shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(7) The board may enter into contracts with one or more persons whom the board determines to be qualified, whereby the persons undertake to perform the functions specified in subsection (2) to the extent provided in the contract. Performance of functions under contract so entered into shall be paid pursuant to rates fixed by the board subject to provisions of appropriation acts and shall be based on specific contractual fee arrangements. The system shall not pay or reimburse any expenses of persons contracted with pursuant to this subsection, except that after approval of the board, the system may pay approved investment related expenses subject to provisions of appropriation acts. The board shall require that a person contracted with to obtain commercial insurance which
provides for errors and omissions coverage for such person in an amount to be specified by the board, provided that such coverage shall be at least the greater of $500,000 or 1% of the funds entrusted to such person up to a maximum of $10,000,000. The board shall require a person contracted with to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board, with corporate surety authorized to do business in this state. Such persons contracted with the board pursuant to this subsection and any persons contracted with such persons to perform the functions specified in subsection (2) shall be deemed to be agents of the board and the system in the performance of contractual obligations.

(8) (a) In the acquisition or disposition of securities, the board may rely on the written legal opinion of a reputable bond attorney or attorneys, the written opinion of the attorney of the investment counselor or managers, or the written opinion of the attorney general certifying the legality of the securities.

(b) The board shall employ or retain qualified investment counselors or may negotiate with a trust company to assist and advise in the judicious investment of funds as herein provided.

(9) (a) Except as provided in subsection (7) and this subsection, the custody of money and securities of the fund shall remain in the custody of the state treasurer, except that the board may arrange for the custody of such money and securities as it considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safe-keeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale. The services provided by the banks or trust companies shall be paid pursuant to rates fixed by the board subject to provisions of appropriation acts.

(b) The state treasurer and the board shall collect the principal and interest or other income of investments or the proceeds of sale of securities in the custody of the state treasurer and pay same when so collected into the fund.

(c) The principal and interest or other income or the proceeds of sale of securities as provided in clause (a) of this subsection (9) shall be reported to the state treasurer and the board and credited to the fund.

(10) The board shall with the advice of the director of accounts and reports establish the requirements and procedure for reporting any and all activity relating to investment functions provided for in this act in order to prepare a record monthly of the investment income and changes made during the preceding month. The record will reflect a detailed summary of investment, reinvestment, purchase, sale and exchange transactions and such other information as the board may consider advisable to reflect a true accounting of the investment activity of the fund.

(11) The board shall provide for an examination of the investment
program annually. The examination shall include an evaluation of current investment policies and practices and of specific investments of the fund in relation to the objective set forth in subsection (3), the standard set forth in subsection (4) and other criteria as may be appropriate, and recommendations relating to the fund investment policies and practices and to specific investments of the fund as are considered necessary or desirable. The board shall include in its annual report to the governor as provided in K.S.A. 74-4907, and amendments thereto, a report or a summary thereof covering the investments of the fund.

(12) (a) Any internal assessment or examination of alternative investments of the system performed by any person or entity employed or retained by the board which evaluates or monitors the performance of alternative investments shall be reported to the legislative post auditor so that such report may be reviewed in accordance with the annual financial-compliance audits conducted pursuant to K.S.A. 46-1106 section 8, and amendments thereto.

(b) The board shall prepare and submit an alternative investment report to the joint committee on pensions, investments and benefits prior to January 1, 2016. Such report shall include a review of alternative investments of the system with an emphasis on the effects of changes in law pursuant to this act and includes specific investment cost and market value information of each individual alternative investment.

Sec. 37. On and after July 1, 2019, K.S.A. 2017 Supp. 75-5133 is hereby amended to read as follows: 75-5133. (a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary’s designee may:

(1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or the attorney general’s designee;

(3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of K.S.A. 46-1106(g)(e), and amendments thereto;
(4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to ensure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;

(6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each business location maintained by the retailer and such retailer’s sales or use tax registration or account number;

(7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);

(8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator’s name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser’s tax identification number assigned by the department of revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;

(9) release or publish liquor brand registration information provided by suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;

(10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address,
license type, license number, license expiration date and the process agent contact information;

(11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;

(12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;

(13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;

(14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and amendments thereto;

(15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in K.S.A. 22-4701(c), and amendments thereto, or to any law enforcement officer, as defined in K.S.A. 2017 Supp. 21-5111, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation;

(16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department;

(17) provide information concerning remittance by sellers, as defined in K.S.A. 2017 Supp. 12-5363, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in K.S.A. 2017 Supp. 12-5363, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees;

(18) release or publish charitable gaming information obtained in charitable gaming licensee and registration applications and renewals in accordance with the Kansas charitable gaming act, K.S.A. 2017 Supp. 75-5171 et seq., and amendments thereto. The information to be released is limited to: The name, address, phone number, license registration number and email address of the organization, distributor or of premises; and
provide to the attorney general confidential information for purposes of determining compliance with or enforcing K.S.A. 50-6a01 et seq., and amendments thereto, the master settlement agreement referred to therein and all agreements regarding disputes under the master settlement agreement. The secretary and the attorney general may share the information specified under this subsection with any of the following:

(A) Federal, state or local agencies for the purposes of enforcement of corresponding laws of other states; and

(B) a court, arbitrator, data clearinghouse or similar entity for the purpose of assessing compliance with or making calculations required by the master settlement agreement or agreements regarding disputes under the master settlement agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).

d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.

Sec. 38. On and after July 1, 2019, K.S.A. 2017 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106(e), K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of ad-
vising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary’s designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106(e) or K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2017 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2017 Supp. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2017 Supp. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer’s name, last known address and residency status to the Kansas department of wildlife, parks and tourism to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department for children and families for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of
the title IV-D proceeding. As used in this section, “title IV-D case” means a case being administered pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals’ reported compensation is in compliance with the Kansas public employees retirement act, K.S.A. 74-4901 et seq., and amendments thereto;

(13) (i) provide taxpayer information of persons suspected of violating K.S.A. 2017 Supp. 44-766, and amendments thereto, to the secretary of labor or such secretary’s designee for the purpose of determining compliance by any person with the provisions of subsection (i)(3)(D) of K.S.A. 44-703(i)(3)(D) and K.S.A. 2017 Supp. 44-766, and amendments thereto. The information to be provided shall include all relevant information in the possession of the department of revenue necessary for the secretary of labor to make a proper determination of compliance with the provisions of subsection (i)(3)(D) of K.S.A. 44-703(i)(3)(D) and K.S.A. 2017 Supp. 44-766, and amendments thereto, and to calculate any unemployment
contribution taxes due. Such information to be provided by the department of revenue shall include, but not be limited to, withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto, and the results or status of such audit or investigation;

(ii) any person receiving tax information under the provisions of this paragraph shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality; and

(iii) each of the secretary of labor and the secretary of revenue may adopt rules and regulations necessary to effect the provisions of this paragraph;

(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, “associated persons” includes spouses or dependents listed on income tax returns; and

(15) after receipt of information pursuant to subsection (f), forward such information and provide the following reported Kansas individual income tax information for each listed defendant, if available, to the state board of indigents’ defense services in an electronic format and in the manner determined by the secretary: (A) The defendant’s name; (B) social security number; (C) Kansas adjusted gross income; (D) number of exemptions claimed; and (E) the relevant tax year of such records. Any social security number provided to the secretary and the state board of indigents’ defense services pursuant to this section shall remain confidential.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) For the purpose of determining whether a defendant is financially able to employ legal counsel under the provisions of K.S.A. 22-4504, and amendments thereto, in all felony cases with appointed counsel where the defendant’s social security number is accessible from the records of the district court, the court shall electronically provide the defendant’s name, social security number, district court case number and county to
Sec. 39. K.S.A. 2017 Supp. 75-7209 is hereby amended to read as follows: 75-7209. (a) Whenever an agency proposes an information technology project, such agency shall prepare and submit to the chief information technology officer of the branch of state government of which the agency is a part of a project budget estimate therefor, and for each amendment or revision thereof, in accordance with this section. Each information technology project budget estimate shall be in such form as required by the director of the budget, in consultation with the chief information technology architect, and by this section. In each case, the agency shall prepare and include as a part of such project budget estimate a plan consisting of a written program statement describing the project. The program statement shall:

(1) Include a detailed description of and justification for the project, including: (A) An analysis of the programs, activities and other needs and intended uses for the additional or improved information technology; (B) a statement of project scope including identification of the organizations and individuals to be affected by the project and a definition of the functionality to result from the project; and (C) an analysis of the alternative means by which such information technology needs and uses could be satisfied;

(2) describe the tasks and schedule for the project and for each phase of the project, if the project is to be completed in more than one phase;

(3) include a financial plan showing: (A) The proposed source of funding and categorized expenditures for each phase of the project; and (B) cost estimates for any needs analyses or other investigations, consulting or other professional services, computer programs, data, equipment, buildings or major repairs or improvements to buildings and other items or services necessary for the project; and

(4) include a cost-benefit statement based on an analysis of qualitative as well as financial benefits.

(b) (1) Before one or more state agencies proposing an information technology project begin implementation of the project, the project plan, including the architecture and the cost-benefit analysis, shall be approved by the head of each state agency proposing the project and by the chief information technology officer of each branch of state government of which the agency or agencies are a part. Approval of those projects that
involve telecommunications services shall also be subject to the provisions of K.S.A. 75-4709, 75-4710 and 75-4712, and amendments thereto.

(2) All specifications for bids or proposals related to an approved information technology project of one or more state agencies shall be reviewed by the chief information technology officer of each branch of state government of which the agency or agencies are a part.

(3) (A) Agencies are prohibited from contracting with a vendor to implement the project if that vendor prepared or assisted in the preparation of the program statement required under subsection (a), the project planning documents required under subsection (b)(1), or any other project plans prepared prior to the project being approved by the chief information technology officer as required under subsection (b)(1).

(B) Information technology projects with an estimated cumulative cost of less than $5,000,000 are exempted from the provisions of subparagraph (A).

(C) The provisions of subparagraph (A) may be waived with prior written permission from the chief information technology officer.

(c) Annually at the time specified by the chief information technology officer of the branch of state government of which the agency is a part, each agency shall submit to such officer:

(1) A copy of a three-year strategic information technology plan that sets forth the agency’s current and future information technology needs and utilization plans for the next three ensuing fiscal years, in such form and containing such additional information as prescribed by the chief information technology officer; and

(2) any deviations from the state information technology architecture adopted by the information technology executive council.

(d) The provisions of this section shall not apply to the information network of Kansas (INK).

Sec. 40. K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, is hereby amended to read as follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any provider’s books and records concerning the collection and remittance of fees pursuant to this act. The cost of any such audit shall be paid from the 911 state grant fund.

(c) (1) On or before December 31, 2018, and at least once every five years thereafter, the division of post audit shall conduct an audit of the 911 system to determine:(A) Whether the moneys received by PSAPs pursuant to this act are being used appropriately; (2) (B) whether the amount of moneys collected pursuant to this act is adequate; and (3) (C) the status of 911 service implementation. The auditor to conduct such
audit shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the 911 state grant fund shall reimburse the division of post audit for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the LCPA, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(d) (1) On or before December 31, 2018, the division of post audit shall conduct an audit of the budget and expenditures of the 911 coordinating council. In conducting such audit, the division shall examine: (A) The annual expenses and financial needs, including personnel, of the council; (B) the total annual operating expenses of the council that are included in the 2.5% cap on expenditures pursuant to K.S.A. 2017 Supp. 12-5364(i), and amendments thereto; (C) the current and projected contractual expenses of the council; (D) the expenditures and distribution of moneys from the 911 state grant fund by the council; and (E) whether the moneys expended by the council are being used pursuant to this act. The auditor, to conduct such audit, shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing the audit pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(e) The legislature shall review this act at the regular 2014 legislative session and at the regular legislative session every five years thereafter.

Sec. 42. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 10, 2018.
Published in the Kansas Register May 24, 2018.

CHAPTER 90

HOUSE BILL No. 2571

AN ACT concerning arbitration; enacting the uniform arbitration act of 2000; relating to mediation or arbitration of disputes concerning trust instruments; amending K.S.A. 50-6,100 and 66-1712 and repealing the existing sections; also repealing K.S.A. 5-401, 5-402, 5-403, 5-404, 5-405, 5-406, 5-407, 5-408, 5-409, 5-410, 5-411, 5-412, 5-413, 5-414, 5-415, 5-416, 5-417, 5-418, 5-419, 5-420, 5-421 and 5-422.

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

New Section 1. As used in sections 1 through 31, and amendments thereto:
(a) “Arbitration organization” means an association, agency, board, commission or other entity that is neutral and initiates, sponsors or administers an arbitration proceeding or is involved in the appointment of an arbitrator;
(b) “arbitrator” means an individual appointed to render an award, alone or with others, in a controversy that is subject to an agreement to arbitrate;
(c) “court” means a court of competent jurisdiction in this state;
(d) “knowledge” means actual knowledge;
(e) “person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation or any other legal or commercial entity; and
(f) “record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

New Sec. 2. (a) Except as otherwise provided in sections 1 through 31, and amendments thereto, a person gives notice to another person by taking action that is reasonably necessary to inform the other person in ordinary course, whether or not the other person acquires knowledge of the notice.
(b) A person has notice if the person has knowledge of the notice or has received notice.
(c) A person receives notice when it comes to the person’s attention or the notice is delivered at the person’s place of residence or place of
business, or at another location held out by the person as a place of
delivery of such communications.

New Sec. 3. (a) Sections 1 through 31, and amendments thereto,
govern an agreement to arbitrate made on or after July 1, 2018.
(b) Sections 1 through 31, and amendments thereto, govern an agree-
ment to arbitrate made before July 1, 2018, if all parties to the agreement
or to the arbitration proceeding so agree in the record.

New Sec. 4. (a) Except as otherwise provided in subsections (b) and
(c), a party to an agreement to arbitrate or to an arbitration proceeding
may waive or the parties may vary the effect of, the requirements of
sections 1 through 31, and amendments thereto, to the extent permitted
by law.
(b) Before a controversy arises that is subject to an agreement to
arbitrate, a party to the agreement may not:
(1) Waive or agree to vary the effect of the requirements of sections
5(a), 6(a), 8, 17(a) or (b), 26 or 28, and amendments thereto;
(2) agree to unreasonably restrict the right under section 9, and
amendments thereto, to notice of the initiation of an arbitration proceed-
ing;
(3) agree to unreasonably restrict the right under section 12, and
amendments thereto, to disclosure of any facts by a neutral arbitrator; or
(4) waive the right under section 16, and amendments thereto, of a
party to an agreement to arbitrate to be represented by a lawyer at any
proceeding or hearing under sections 1 through 31, and amendments
thereto, but an employer and a labor organization may waive the right to
representation by a lawyer in a labor arbitration.
(c) A party to an agreement to arbitrate or arbitration proceeding may
not waive, or the parties may not vary the effect of, the requirements of
this section or section 3, 7, 14, 18, 20(d) or (e), 22, 23, 24, 25(a) or (b),
29, 30 or 31, and amendments thereto.

New Sec. 5. (a) Except as otherwise provided in section 28, and
amendments thereto, an application for judicial relief under sections 1
through 31, and amendments thereto, must be made by motion to the
court and heard in the manner provided by law or rule of court for making
and hearing motions.
(b) Unless a civil action involving the agreement to arbitrate is pend-
ing, notice of an initial motion to the court under this act must be served
in the manner provided by law for the service of a summons in a civil
action. Otherwise, notice of the motion must be given in the manner
provided by law or rule of court for serving motions in pending cases.

New Sec. 6. (a) An agreement contained in a record to submit to
arbitration any existing or subsequent controversy arising between the
parties to the agreement is valid, enforceable and irrevocable, except
upon a ground that exists at law or in equity for the revocation of a con-
tact.

(b) The court shall decide whether an agreement to arbitrate exists
or a controversy is subject to an agreement to arbitrate.

(c) An arbitrator shall decide whether a condition precedent to ar-
bitrability has been fulfilled and whether a contract containing a valid
agreement to arbitrate is enforceable.

(d) If a party to a judicial proceeding challenges the existence of, or
claims that a controversy is not subject to, an agreement to arbitrate, the
arbitration proceeding may continue, pending final resolution of the issue
by the court, unless the court otherwise orders.

New Sec. 7. (a) On motion of a person showing an agreement to
arbitrate and alleging another person’s refusal to arbitrate, pursuant to the
agreement:

(1) If the refusing party does not appear or does not oppose the mo-
tion, the court shall order the parties to arbitrate; and

(2) if the refusing party opposes the motion, the court shall proceed
summarily to decide the issue and order the parties to arbitrate, unless it
finds that there is no enforceable agreement to arbitrate.

(b) On motion of a person alleging that an arbitration proceeding has
been initiated or threatened, but that there is no agreement to arbitrate,
the court shall proceed summarily to decide the issue. If the court finds
that there is an enforceable agreement to arbitrate, it shall order the
parties to arbitrate.

(c) If the court finds that there is no enforceable agreement, it may
not, pursuant to subsections (a) or (b), order the parties to arbitrate.

(d) The court may not refuse to order arbitration because the claim
subject to arbitration lacks merit or grounds for the claim have not been
established.

(e) If a proceeding involving a claim referable to arbitration under an
alleged agreement to arbitrate is pending in court, a motion under this
section must be made in that court. Otherwise, a motion under this sec-
tion may be made in any court as provided in section 27, and amendments
thereto.

(f) If a party makes a motion to the court to order arbitration, the
court on just terms shall stay any judicial proceeding that involves a claim
alleged to be subject to the arbitration until the court renders a final
decision under this section.

(g) If the court orders arbitration, the court on just terms shall stay
any judicial proceeding that involves a claim subject to the arbitration. If
a claim subject to the arbitration is severable, the court may limit the stay
to that claim.

New Sec. 8. (a) Before an arbitrator is appointed and is authorized
and able to act, the court, upon motion of a party to an arbitration pro-
ceeding and for good cause shown, may enter an order for provisional remedies to protect the effectiveness of the arbitration proceeding to the same extent and under the same conditions as if the controversy were the subject of a civil action.

(b) After an arbitrator is appointed and is authorized and able to act:
   (1) The arbitrator may issue such orders for provisional remedies, including interim awards, as the arbitrator finds necessary to protect the effectiveness of the arbitration proceeding and to promote the fair and expeditious resolution of the controversy, to the same extent and under the same conditions as if the controversy were the subject of a civil action; and
   (2) a party to an arbitration proceeding may move the court for a provisional remedy only if the matter is urgent and the arbitrator is not able to act timely or the arbitrator cannot provide an adequate remedy.

(c) A party does not waive a right of arbitration by making a motion under subsection (a) or (b).

New Sec. 9. (a) A person initiates an arbitration proceeding by giving notice in a record to the other parties to the agreement to arbitrate in the agreed manner between the parties or, in the absence of agreement, by certified or registered mail, return receipt requested and obtained, or by service as authorized for the commencement of a civil action. The notice must describe the nature of the controversy and the remedy sought.

(b) Unless a person objects for lack or insufficiency of notice under section 15(c), and amendments thereto, not later than the beginning of the arbitration hearing, the person, by appearing at the hearing, waives any objection to lack of or insufficiency of notice.

New Sec. 10. (a) Except as otherwise provided in subsection (c), upon motion of a party to an agreement to arbitrate or to an arbitration proceeding, the court may order consolidation of separate arbitration proceedings as to all or some of the claims if:
   (1) There are separate agreements to arbitrate or separate arbitration proceedings between the same persons or one of them is a party to a separate agreement to arbitrate or a separate arbitration proceeding with a third person;
   (2) the claims subject to the agreements to arbitrate arise in substantial part from the same transaction or series of related transactions;
   (3) the existence of a common issue of law or fact creates the possibility of conflicting decisions in the separate arbitration proceedings; and
   (4) prejudice resulting from a failure to consolidate is not outweighed by the risk of undue delay or prejudice to the rights of or hardship to parties opposing consolidation.

(b) The court may order consolidation of separate arbitration pro-
ceedings as to some claims and allow other claims to be resolved in separate arbitration proceedings.

(c) The court may not order consolidation of the claims of a party to an agreement to arbitrate if the agreement prohibits consolidation.

New Sec. 11. (a) If the parties to an agreement to arbitrate agree on a method for appointing an arbitrator, that method must be followed, unless the method fails. If the parties have not agreed on a method, the agreed method fails or an arbitrator appointed fails or is unable to act and a successor has not been appointed, the court, on motion of a party to the arbitration proceeding, shall appoint the arbitrator. An arbitrator so appointed has all the powers of an arbitrator designated in the agreement to arbitrate or appointed pursuant to the agreed method.

(b) An individual who has a known, direct and material interest in the outcome of the arbitration proceeding or a known, existing and substantial relationship with a party may not serve as an arbitrator required by an agreement to be neutral.

New Sec. 12. (a) Before accepting appointment, an individual who is requested to serve as an arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement to arbitrate and arbitration proceeding and to any other arbitrators any known facts that a reasonable person would consider likely to affect the impartiality of the arbitrator in the arbitration proceeding, including:

(1) A financial or personal interest in the outcome of the arbitration proceeding; and

(2) an existing or past relationship with any of the parties to the agreement to arbitrate or the arbitration proceeding, their counsel or representatives, a witness or other arbitrators.

(b) An arbitrator has a continuing obligation to disclose to all parties to the agreement to arbitrate and arbitration proceeding and to any other arbitrators any facts that the arbitrator learns after accepting appointment that a reasonable person would consider likely to affect the impartiality of the arbitrator.

(c) If an arbitrator discloses a fact required by subsection (a) or (b) to be disclosed and a party timely objects to the appointment or continued service of the arbitrator based upon the fact disclosed, the objection may be a ground under section 23(a)(2), and amendments thereto, for vacating an award made by the arbitrator.

(d) If the arbitrator did not disclose a fact as required by subsection (a) or (b), upon timely objection by a party, the court under section 23(a)(2), and amendments thereto, may vacate the award.

(e) An arbitrator appointed as a neutral arbitrator who does not disclose a known, direct and material interest in the outcome of the arbitration proceeding or a known, existing and substantial relationship with a
party is presumed to act with evident partiality under section 23(a)(2),
and amendments thereto.

(f) If the parties to an arbitration proceeding agree to the procedures
of an arbitration organization or any other procedures for challenges to
arbitrators before an award is made, substantial compliance with those
procedures is a condition precedent to a motion to vacate an award on
that ground under section 23(a)(2), and amendments thereto.

New Sec. 13. If there is more than one arbitrator, the powers of an
arbiterator must be exercised by a majority of the arbitrators, but all of
them shall conduct the hearing under section 15(c), and amendments
thereto.

New Sec. 14. (a) An arbitration organization acting in that capacity is
immune from civil liability to the same extent as a judge of a court of this
state acting in a judicial capacity.

(b) The immunity afforded by this section supplements any immunity
under other law.

(c) The failure of an arbitrator to make a disclosure required by sec-
tion 12, and amendments thereto, does not cause any loss of immunity
under this section.

(d) In a judicial, administrative or similar proceeding, an arbitrator
or representative of an arbitration organization is not competent to testify,
and may not be required to produce records as to any statement, conduct,
decision or ruling occurring during the arbitration proceeding, to the
same extent as a judge of a court of this state acting in a judicial capacity.
This subsection does not apply:

(1) To the extent necessary to determine the claim of an arbitrator,
arbitration organization or representative of the arbitration organization
against a party to the arbitration proceeding; or

(2) to a hearing on a motion to vacate an award under section 23(a)(1)
or (2), and amendments thereto, if the movant establishes prima facie
that a ground for vacating the award exists.

(e) If a person commences a civil action against an arbitrator, arbi-
tration organization or representative of an arbitration organization arising
from the services of an arbitrator, organization or representative or if a
person seeks to compel an arbitrator or a representative of an arbitration
organization to testify or produce records in violation of subsection (d),
and the court decides that the arbitrator, arbitration organization or rep-
resentative of an arbitration organization is immune from civil liability or
that the arbitrator or representative of the organization is not competent
to testify, the court shall award to the arbitrator, organization or rep-
resentative reasonable attorney fees and other reasonable expenses of liti-
gation.

New Sec. 15. (a) An arbitrator may conduct an arbitration in such
manner as the arbitrator considers appropriate for a fair and expeditious
disposition of the proceeding. The authority conferred upon the arbitrator includes the power to hold conferences with the parties to the arbitration proceeding before the hearing and, among other matters, determine the admissibility, relevance, materiality and weight of any evidence.

(b) An arbitrator may decide a request for summary disposition of a claim or particular issue:

(1) If all interested parties agree; or

(2) upon request of one party to the arbitration proceeding, if that party gives notice to all other parties to the proceeding and the other parties have a reasonable opportunity to respond.

(c) If an arbitrator orders a hearing, the arbitrator shall set a time and place and give notice of the hearing not less than five days before the hearing begins. Unless a party to the arbitration proceeding makes an objection to lack or insufficiency of notice not later than the beginning of the hearing, the party's appearance at the hearing waives the objection. Upon request of a party to the arbitration proceeding and for good cause shown, or upon the arbitrator's own initiative, the arbitrator may adjourn the hearing from time to time as necessary but may not postpone the hearing to a time later than that fixed by the agreement to arbitrate for making the award unless the parties to the arbitration proceeding consent to a later date. The arbitrator may hear and decide the controversy upon the evidence produced, although a party who was duly notified of the arbitration proceeding did not appear. The court, on request, may direct the arbitrator to conduct the hearing promptly and render a timely decision.

(d) At a hearing under subsection (c), a party to the arbitration proceeding has a right to be heard, to present evidence material to the controversy, and to cross-examine witnesses appearing at the hearing.

(e) If an arbitrator ceases or is unable to act during the arbitration proceeding, a replacement arbitrator must be appointed in accordance with section 11, and amendments thereto, to continue the proceeding and to resolve the controversy.

New Sec. 16. A party to an arbitration proceeding may be represented by a lawyer.

New Sec. 17. (a) An arbitrator may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing and may administer oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for enforcement of subpoenas in a civil action.

(b) In order to make the proceedings fair, expeditious and most cost effective, upon request of a party to or a witness in an arbitration proceeding, an arbitrator may permit a deposition of any witness to be taken for use as evidence at the hearing, including a witness who cannot be
subpoenaed for or is unable to attend a hearing. The arbitrator shall de-
termine the conditions under which the deposition is taken.

(c) An arbitrator may permit such discovery as the arbitrator decides
is appropriate in the circumstances, taking into account the needs of the
parties to the arbitration proceeding and other affected persons and the
desirability of making the proceeding fair, expeditious and cost effective.

(d) If an arbitrator permits discovery under subsection (c), the arbi-
trator may order a party to the arbitration proceeding to comply with the
arbitrator’s discovery-related orders, issue subpoenas for the attendance
of a witness and for the production of records and other evidence at a
discovery proceeding, and take action against a noncomplying party to
the extent a court could, if the controversy were the subject of a civil
action in this state.

(e) An arbitrator may issue a protective order to prevent the disclo-
sure of privileged information, confidential information, trade secrets and
other information protected from disclosure to the extent a court could,
if the controversy were the subject of a civil action in this state.

(f) All laws compelling a person under subpoena to testify and all fees
for attending a judicial proceeding, a deposition or a discovery proceeding
as a witness apply to an arbitration proceeding as if the controversy were
the subject of a civil action in this state.

(g) The court may enforce a subpoena or discovery-related order for
the attendance of a witness within this state and for the production of
records and other evidence issued by an arbitrator in connection with an
arbitration proceeding in another state upon conditions determined by
the court as to make the arbitration proceeding fair, expeditious and cost
effective. A subpoena or discovery-related order issued by an arbitrator
in another state must be served in the manner provided by law for service
of subpoenas in a civil action in this state and, upon motion to the court
by a party to the arbitration proceeding or the arbitration, enforced in
the manner provided by law for enforcement of subpoenas in a civil action
in this state.

New Sec. 18. If an arbitrator makes a pre-award ruling in favor of a
party to the arbitration proceeding, the party may request the arbitrator
to incorporate the ruling into an award under section 19, and amendments
thereto. A prevailing party may make a motion to the court for an exped-
dited order to confirm the award under section 22, and amendments
thereto, in which case the court shall summarily decide the motion. The
court shall issue an order to confirm the award, unless the court vacates,
modifies or corrects the award under section 23 or 24, and amendments
thereto.

New Sec. 19. (a) An arbitrator shall make a record of an award. The
record must be signed or otherwise authenticated by an arbitrator who
concurs with the award. The arbitrator or the arbitration organization
shall give notice of the award, including a copy of the award, to each party to the arbitration proceeding.

(b) An award must be made within the time specified by the agreement to arbitrate or, if not specified therein, within the time ordered by the court. The court may extend or the parties to the arbitration proceeding may agree in a record to extend the time. The court or the parties may do so within or after the time specified or ordered. A party waives any objection that an award was not timely made unless the party gives notice of the objection to the arbitrator before receiving notice of the award.

New Sec. 20. (a) On motion to an arbitrator by a party to an arbitration proceeding, the arbitrator may modify or correct an award:

1. Upon a ground stated in section 24(a)(1) or (3), and amendments thereto;
2. because the arbitrator has not made a final and definite award upon a claim submitted by the parties to the arbitration proceeding; or
3. to clarify the award.

(b) A motion under subsection (a) must be made and notice given to all parties within 20 days after the movant receives notice of the award.

(c) A party to the arbitration proceeding must give notice of any objection to the motion within 10 days after receipt of the notice.

(d) If a motion to the court is pending under section 22, 23 or 24, and amendments thereto, the court may submit the claim to the arbitrator to consider whether to modify or correct the award:

1. Upon a ground stated in section 24(a)(1) or (3), and amendments thereto;
2. because the arbitrator has not made a final and definite award upon a claim submitted by the parties to the arbitration proceeding; or
3. to clarify the award.

(e) An award modified or corrected pursuant to this section is subject to sections 19(a), 22, 23 and 24, and amendments thereto.

New Sec. 21. (a) An arbitrator may award punitive damages or other exemplary relief if such an award is authorized by law in a civil action involving the same claim and the evidence produced at the hearing justifies the award under the legal standards otherwise applicable to the claim.

(b) An arbitrator may award reasonable attorney fees and other reasonable expenses of arbitration if such an award is authorized by law in a civil action involving the same claim or by the agreement of the parties to the arbitration proceeding.

(c) As to all remedies other than those authorized by subsections (a) and (b), an arbitrator may order such remedies as the arbitrator considers just and appropriate under the circumstances of the arbitration proceeding. The fact that such a remedy could not or would not be granted by
the court is not a ground for refusing to confirm an award under section 22, and amendments thereto, or for vacating an award under section 23, and amendments thereto.

(d) An arbitrator’s expenses and fees, together with other expenses, must be paid as provided in the award.

(e) If an arbitrator awards punitive damages or other exemplary relief under subsection (a), the arbitrator shall specify in the award the basis in fact justifying and the basis in law authorizing the award and state separately the amount of punitive damages or other exemplary relief.

New Sec. 22. After a party to an arbitration proceeding receives notice of an award, the party may make a motion to the court for an order confirming the award, at which time the court shall issue a confirming order, unless the award is modified or corrected pursuant to section 20 or 24, and amendments thereto, or is vacated pursuant to section 23, and amendments thereto.

New Sec. 23. (a) Upon motion to the court by a party to an arbitration proceeding, the court shall vacate an award made in the arbitration proceeding if:

(1) The award was procured by corruption, fraud or other undue means;
(2) there was:
(A) Evident partiality by an arbitrator appointed as a neutral arbitrator;
(B) corruption by an arbitrator; or
(C) misconduct by an arbitrator prejudicing the rights of a party to the arbitration proceeding;
(3) an arbitrator refused to postpone the hearing upon showing of sufficient cause for postponement, refused to consider evidence material to the controversy, or otherwise conducted the hearing contrary to section 15, and amendments thereto, so as to prejudice substantially the rights of a party to the arbitration proceeding;
(4) an arbitrator exceeded the arbitrator’s powers;
(5) there was no agreement to arbitrate, unless the person participated in the arbitration proceeding without raising the objection under section 15(c), and amendments thereto, not later than the beginning of the arbitration hearing; or
(6) the arbitration was conducted without proper notice of the initiation of an arbitration as required in section 9, and amendments thereto, so as to prejudice substantially the rights of a party to the arbitration proceeding.

(b) A motion under this section must be filed within 90 days after the movant receives notice of the award pursuant to section 19, and amendments thereto, or within 90 days after the movant receives notice of the award pursuant to section 20, and amendments thereto, unless the
movant alleges that the award was procured by corruption, fraud or other
undue means, in which case, the motion must be made within 90 days
after the ground is known or, by the exercise of reasonable care, would
have been known by the movant.

(c) If the court vacates an award on a ground other than that set forth
in subsection (a)(5), it may order a rehearing. If the award is vacated on
a ground stated in subsection (a)(1) or (2), the rehearing must be before
a new arbitrator. If the award is vacated on a ground stated in subsection
(a)(3), (4) or (6), the rehearing must be before the arbitrator who made
the award or the arbitrator’s successor. The arbitrator must render the
decision in the rehearing within the same time as that provided in section
19(b), and amendments thereto, for an award.

(d) If the court denies a motion to vacate an award, it shall confirm
the award unless a motion to modify or correct the award is pending.

New Sec. 24. (a) Upon motion made within 90 days after the movant
receives notice of the award pursuant to section 19, and amendments
thereto, or within 90 days after the movant receives notice of a modified
or corrected award pursuant to section 20, and amendments thereto, the
court shall modify or correct the award if:

(1) There was an evident mathematical miscalculation or an evident
mistake in the description of a person, thing or property referred to in
the award;

(2) the arbitrator has made an award on a claim not submitted to the
arbitrator and the award may be corrected without affecting the merits
of the decision upon the claims submitted; or

(3) the award is imperfect in a matter of form not affecting the merits
of the decision on the claims submitted.

(b) If a motion made under subsection (a) is granted, the court shall
modify or correct and confirm the award as modified or corrected. Oth-
erwise, unless a motion to vacate is pending, the court shall confirm the
award.

(c) A motion to modify or correct an award pursuant to this section
may be joined with a motion to vacate the award.

New Sec. 25. (a) Upon granting an order confirming, vacating without
directing a rehearing, modifying or correcting an award, the court shall
enter a judgment in conformity therewith. The judgment may be re-
corded, docketed and enforced as any other judgment in a civil action.

(b) A court may allow reasonable costs of the motion and subsequent
judicial proceedings.

(c) On application of a prevailing party to a contested judicial pro-
ceeding under section 22, 23 or 24, and amendments thereto, the court
may add reasonable attorney fees and other reasonable expenses of liti-
gation incurred in a judicial proceeding after the award is made to a
judgment confirming, vacating without directing a rehearing, modifying or correcting an award.

New Sec. 26. (a) A court of this state having jurisdiction over the controversy and the parties may enforce an agreement to arbitrate.

(b) An agreement to arbitrate providing for arbitration in this state confers exclusive jurisdiction on the court to enter judgment on an award under sections 1 through 31, and amendments thereto.

New Sec. 27. A motion pursuant to section 5, and amendments thereto, must be made in the court of the county in which the agreement to arbitrate specifies the arbitration hearing is to be held or, if the hearing has been held, in the court of the county in which it was held. Otherwise, the motion may be made in the court of any county in which an adverse party resides or has a place of business or, if no adverse party has a residence or place of business in this state, in the court of any county in this state. All subsequent motions must be made in the court hearing the initial motion unless the court otherwise directs.

New Sec. 28. (a) An appeal may be taken from:

(1) An order denying a motion to compel arbitration;
(2) an order granting a motion to stay arbitration;
(3) an order confirming or denying confirmation of an award;
(4) an order modifying or correcting an award;
(5) an order vacating an award without directing a rehearing; or
(6) a final judgment entered pursuant to sections 1 through 31, and amendments thereto.

(b) An appeal under this section must be taken as from an order or judgment in a civil action.

New Sec. 29. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

New Sec. 30. The provisions of sections 1 through 31, and amendments thereto, governing the legal effect, validity and enforceability of electronic records or electronic signatures and of contracts performed with the use of such records or signatures conform to the requirements of section 102 of the electronic signatures in global and national commerce act.

New Sec. 31. Sections 1 through 31, and amendments thereto, do not affect an action or proceeding commenced or right accrued before sections 1 through 31, and amendments thereto, take effect. Subject to section 3, and amendments thereto, an arbitration agreement made before the effective date of sections 1 through 31, and amendments thereto, is governed by article 4 of chapter 5 of the Kansas Statutes Annotated, prior to its repeal.

New Sec. 32. (a) (1) Except as provided in subsection (a)(2), a pro-
vision in a trust instrument requiring the mediation or arbitration of disputes between or among beneficiaries, a fiduciary, a person granted non-fiduciary powers under the trust instrument, or any combination thereof, is enforceable.

(2) A provision in a trust instrument requiring the mediation or arbitration of a dispute relating to the validity of a trust is not enforceable, unless all interested persons to the dispute consent to mediation or arbitration of such dispute.

(b) This section shall be part of and supplemental to the Kansas uniform trust code.

Sec. 33. K.S.A. 50-6,100 is hereby amended to read as follows: 50-6,100. (a) Each consumer shall have the option of submitting any dispute arising under this act to arbitration. Upon application of the consumer all manufacturers shall submit to such arbitration.

(b) Such arbitration shall be conducted in accordance with the provisions of the uniform arbitration act (K.S.A. 5-401 et seq., sections 1 through 31, and amendments thereto). Any agreement to arbitrate entered into under this section shall ensure the personal objectivity of the arbitrators and the right of each party to present its case, to be in attendance during any presentation made by the other party and to rebut or refute such presentation.

Sec. 34. K.S.A. 66-1712 is hereby amended to read as follows: 66-1712. (a) When any person desires to carry out temporarily any function or activity in closer proximity to any high voltage overhead line than is permitted by this act, the person or persons responsible for the function or activity shall notify the public utility which owns or operates the high voltage overhead line of the function or activity and shall make appropriate arrangements with the public utility for temporary barriers, temporary deenergization and grounding of the conductors, temporary rerouting of electric current or temporary relocating of the conductors before proceeding with any function or activity which would impair the clearances required by this act.

(b) A person or persons requesting a public utility to provide temporary clearances or other safety precautions shall be responsible for payment of only those costs incurred by such utility in the temporary rerouting of electric current or the temporary relocating of the conductors. Upon request, a public utility shall provide a written costs estimate for the work needed to provide temporary rerouting of electric current or temporary relocating of the conductors. Unless otherwise agreed to, or unless circumstances require a longer period of time before work commences in order to assure continuity of service to electric customers, a public utility shall commence work on such temporary rerouting of electric current, temporary relocating of the conductors, temporary barriers or temporary deenergization and grounding of the conductors as may be
appropriate, within seven working days after such notification has been made in accordance with subsection (a) of K.S.A. 66-1712(a), and amendments thereto.

(c) If a person requesting a public utility to provide temporary rerouting of electric current or the temporary relocating of the conductors disagrees with the reasonableness of the written costs estimate or the description of the work to be performed, the following options are available to such person:

(1) Such person under protest may pay the utility for the work in accordance with the written cost estimate, but shall be entitled to seek recovery of all or any part of the money so paid in an arbitration proceeding as hereinafter provided; or

(2) prior to directing the work to be performed, the person or persons may submit to binding arbitration, as hereinafter provided, to resolve the issue of the reasonableness of the written cost estimate or the description or extent of the work to be performed by the public utility under such estimate.

(d) Disputes submitted to binding arbitration under this section shall be submitted in accordance with the procedures set forth in K.S.A. 5-401 et seq., sections 1 through 31, and amendments thereto. The decision of the arbitrator or arbitrators as to the reasonableness of the costs or the necessity of the work to be performed shall be final and binding upon the parties.

Sec. 35. K.S.A. 5-401, 5-402, 5-403, 5-404, 5-405, 5-406, 5-407, 5-408, 5-409, 5-410, 5-411, 5-412, 5-413, 5-414, 5-415, 5-416, 5-417, 5-418, 5-419, 5-420, 5-421, 5-422, 50-6,100 and 66-1712 are hereby repealed.

Sec. 36. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 10, 2018.

CHAPTER 91

Senate Substitute for HOUSE BILL No. 2129

An act concerning the department of administration; relating to exemption from monumental building surcharge for the division of post audit; energy audits, requirements; certain state contracts; payroll deductions for indemnity insurance; amending K.S.A. 75-3743, 75-3744, 75-6521, 75-6522 and 75-6523 and K.S.A. 2017 Supp. 75-37,128 and repealing the existing sections.

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

New Section 1. The division of post audit is hereby exempt from paying any monumental building surcharge charged and collected by the
department of administration or any other state agency that is levied against all state agency-leased square footage in Shawnee county.

Sec. 2. K.S.A. 2017 Supp. 75-37,128 is hereby amended to read as follows: 75-37,128. (a) The secretary of administration shall adopt rules and regulations, within 18 months of the effective date of this act, for state agencies for the conduct of an energy audit at least every five years on all state-owned real property. On or before the first day of the 2010 regular session of the legislature and on or before the first day of each ensuing regular session of the legislature, the secretary of administration shall submit a written report to the joint committee on state building construction, the house committee on energy and utilities and the senate committee on utilities, or their successors, and an electronic copy to the legislature, identifying state-owned real property locations in which an excessive amount of energy is being used in accordance with rules and regulations adopted, within 18 months after the effective date of this act, by the secretary of administration concerning energy efficiency performance standards for state-owned real property.

(b) (1) Except as provided in subsection (b)(2), the secretary of administration shall not approve a new lease or a renewal or extension of an existing lease of non-state owned real property unless the lessor has submitted an energy audit for such real property that is the subject of such lease. Within 18 months after the effective date of this act, the secretary of administration shall adopt rules and regulations establishing energy efficiency performance standards which shall apply to leased space and improvements which the lessor shall be required to address based on such energy audit.

(2) An energy audit shall not be required if the secretary of administration determines that it is not economically feasible to conduct such energy audit, and the secretary of administration provides the rationale for that determination in written form to the joint committee on state building construction.

Sec. 3. K.S.A. 75-3743 is hereby amended to read as follows: 75-3743. Whenever the secretary of administration or any division head of the department of administration shall so require, certain specified contracts and leases of any state agency shall be approved as to form or execution by the attorney general. A copy of every contract or lease extending for a term longer than one year shall be filed with the director of accounts and reports. All orders or requisitions for supplies, materials, and equipment and contractual services shall be made on forms prescribed by the director of accounts and reports, unless a purchase order is required for each payment against a contract.

Sec. 4. K.S.A. 75-3744 is hereby amended to read as follows: 75-3744. Except as otherwise provided in this act and rules and regulations adopted thereunder:
(2)(a) Every contract subject to the approval of the attorney general shall be signed by the administrative head of the affected state agency. No such contract shall be valid or effective without the approval and signature of the director of purchases and the countersignature of the director of accounts and reports.

(2)(b) All other purchase orders and contracts issued or entered into by the division of purchases shall be signed by the director of purchases. Such purchase orders or contracts shall show on their face that an appropriation fund or allotment has been encumbered for the full amount of the liability.

Sec. 5. K.S.A. 75-6521 is hereby amended to read as follows: 75-6521. As used in K.S.A. 75-6521 through 75-6523, and amendments thereto:

(a) “Commission” means the Kansas state employees health care commission established pursuant to K.S.A. 75-6502, and amendments thereto.

(b) “Director” means the director of accounts and reports.

(c) “Employee” means any person who is an elected or appointed officer or any employee of the state in the classified service or unclassified service under the Kansas civil service act, other than persons who are employed on a seasonal or temporary basis.

(d) “Long-term care insurance” means any long-term care insurance policy that is authorized to be sold in the state of Kansas.

(e) “Indemnity insurance” means any supplemental liability insurance policy that protects an individual against loss arising from a specific cause and that is authorized to be sold in the state of Kansas.

(f) “State” means the state of Kansas and any state agency as defined in subsection (3) of K.S.A. 75-3701, and amendments thereto.

Sec. 6. K.S.A. 75-6522 is hereby amended to read as follows: 75-6522. (a) The Kansas state employees health care commission shall offer to all employees long-term care insurance and indemnity insurance to all employees. The commission may enter into one or more group insurance contracts to provide such long-term care insurance.

(b) The Kansas state employees health care commission is hereby authorized to negotiate and enter into contracts with qualified insurers for the purpose of providing long-term care insurance and indemnity insurance. The commission shall advertise for proposals, shall negotiate with not less than three firms or other parties submitting proposals, and shall select from among those submitting proposals the firm or other contracting party to contract with for the purpose of entering into contracts for long-term care insurance and indemnity insurance.

(c) The provisions of K.S.A. 75-4317 through 75-4320a, inclusive, and amendments thereto, shall not apply to meetings of the Kansas state employees health care commission when the commission meets solely for
the purpose of discussing and preparing strategies for negotiations for contracts for long-term care insurance or indemnity insurance.

(d) Contracts entered into pursuant to this section shall not be subject to the provisions of K.S.A. 75-3738 through 75-3740, inclusive, and amendments thereto. Such contracts may be for terms of not more than three years and may be renegotiated and renewed. All such contracts shall be subject to the limits of appropriations made or available therefor and subject to the provisions of appropriations acts relating thereto.

(e) In exercising and performing the powers, duties and functions prescribed by this section, the Kansas state employees health care commission may adopt rules and regulations and enter into such contracts as may be necessary.

Sec. 7. K.S.A. 75-6523 is hereby amended to read as follows: 75-6523.

(a) The purchase of long-term care insurance and indemnity insurance by an employee shall be voluntary, and the cost of such insurance shall be paid by the employee. The cost of such insurance for such employee shall be established by the Kansas state employees health care commission.

(b) Periodic deductions from state payrolls may be made in accordance with procedures prescribed by the secretary of administration to cover the costs of the long-term care insurance and indemnity insurance payable to employees. All moneys deducted pursuant to this section shall be remitted to the commission and deposited in the cafeteria benefits fund in the manner provided by K.S.A. 75-6513, and amendments thereto.

Sec. 8. K.S.A. 75-3743, 75-3744, 75-6521, 75-6522 and 75-6523 and K.S.A. 2017 Supp. 75-37,128 are hereby repealed.

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

Approved May 10, 2018.

CHAPTER 92
HOUSE BILL No. 2523

AN ACT concerning law enforcement officers; relating to the office of sheriff; qualifications for office; crime of unlawful sexual relations; Kansas law enforcement training act; definitions; amending K.S.A. 2017 Supp. 19-801b, 21-5512, 74-5602 and 74-5605 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 19-801b is hereby amended to read as
follows: 19-801b. (a) No person shall be eligible for nomination, election or appointment to the office of sheriff unless such person:

1. Is a citizen of the United States and a qualified elector of the county;

2. possesses a high-school education or its recognized equivalent; and

3. has never been convicted of or pleaded guilty or entered a plea of nolo contendere to any felony charge, a misdemeanor crime of domestic violence as defined in K.S.A. 74-5602, and amendments thereto, or to any violation of any federal or state laws or city ordinances relating to gambling, liquor or narcotics.

(b) Every person elected to the office of sheriff for the first time, or anyone reelected or appointed to the office after having been out of the office for five years or more shall be required to attend the law enforcement training center as established by K.S.A. 74-5601 et seq., and amendments thereto, and satisfactorily complete the required training course of not less than 320 hours, unless such person has satisfactorily completed such training course within the five years prior to election or appointment, passes a written competency test and firearms proficiency qualification course developed and administered by the Kansas law enforcement training center or unless the commission, as defined in subsection (b) of K.S.A. 74-5602, and amendments thereto, waives the requirements of this subsection as provided in K.S.A. 74-5608a, and amendments thereto. Unless the requirements are waived, any person elected or appointed to the office of sheriff who has not attended the law enforcement training center shall hold office on a provisional basis, and such person shall attend the next scheduled training program at the law enforcement training center and satisfactorily complete such training program or the one subsequent to it, or shall forfeit such office.

2. has not been convicted of a crime that would constitute a misdemeanor crime of domestic violence or a felony under the laws of this state;

3. has not been convicted of a misdemeanor related to gambling, liquor or narcotics within five years immediately preceding the date of election or appointment; and

4. has: (A) Graduated from a high school accredited by the state board of education or the appropriate accrediting agency of another state jurisdiction; (B) obtained a high school education from a nonaccredited private secondary school as defined in K.S.A. 2017 Supp. 72-4345, and amendments thereto; or (C) obtained the equivalent of a high school education as defined by rules and regulations of the Kansas commission on peace officers’ standards and training.

(b) Unless the commission waives the training requirements of this subsection pursuant to K.S.A. 74-5608a, and amendments thereto, any person elected or appointed to the office of sheriff:
(1) Shall possess current full-time law enforcement certification from the commission;

(2) if such person has allowed such full-time certification to lapse due to more than five years since employment as a Kansas law enforcement officer, shall:

(A) Pass the next scheduled written competency test and firearms proficiency qualification course developed and administered by the Kansas law enforcement training center that is available for such person to attend after election or appointment to the office of sheriff, or the subsequent scheduled written competency test and firearms proficiency qualification course; or

(B) satisfactorily complete the next scheduled full-time basic training course required by K.S.A. 74-5607a, and amendments thereto, that is available for such person to attend after election or appointment to the office of sheriff, or the one subsequent to it; or

(3) if such person has not obtained full-time certification by the commission, shall satisfactorily complete the next scheduled full-time basic training course required by K.S.A. 74-5607a, and amendments thereto, that is available for such person to attend after election or appointment to the office of sheriff, or the one subsequent to it.

(c) Unless the training requirements of subsection (b) are waived by the commission, any person elected or appointed to the office of sheriff who does not meet the training requirements of subsection (b) shall complete such training requirements, or forfeit such office.

(d) Each newly elected sheriff of each county who is required to attend the law enforcement training center shall be hired as a deputy sheriff and shall be paid a salary as deputy sheriff while attending the law enforcement training center. The tuition, board, room and travel expense for the sheriff-elect at the law enforcement training center shall be paid by the county.

Sec. 2. K.S.A. 2017 Supp. 21-5512 is hereby amended to read as follows: 21-5512. (a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:

(1) The offender is an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services for a correctional institution, and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate;

(2) the offender is a parole officer, volunteer for the department of corrections or the employee or volunteer of a contractor who is under contract to provide supervision services for persons on parole, conditional release or postrelease supervision and the person with whom the offender
is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole, conditional release or postrelease supervision and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is an inmate who has been released and is currently on parole, conditional release or postrelease supervision;

(3) the offender is a law enforcement officer, an employee of a jail, or the employee of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such jail;

(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility or sanctions house;

(5) the offender is an employee of the department of corrections or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility;

(6) the offender is an employee of the department of corrections or the employee of a contractor who is under contract to provide direct supervision and offender control services to the department of corrections and:

(A) The person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been:
   (i) Released on conditional release from a juvenile correctional facility under the supervision and control of the department of corrections or juvenile community supervision agency; or
   (ii) placed in the custody of the department of corrections under the supervision and control of the department of corrections or juvenile community supervision agency; and

(B) the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision;

(7) the offender is an employee of the Kansas department for aging and disability services or the Kansas department for children and families or the employee of a contractor who is under contract to provide services in an aging and disability or children and families institution or to the Kansas department for aging and disability services or the Kansas de-
partment for children and families and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a patient in such institution or in the custody of the secretary for aging and disability services or the secretary for children and families;

(8) the offender is a worker, volunteer or other person in a position of authority in a family foster home licensed by the department of health and environment and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a patient in such institution or in the custody of the secretary for aging and disability services or the secretary for children and families;

(9) the offender is a teacher or other person in a position of authority and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a student enrolled at the school where the offender is employed. If the offender is the parent of the student, the provisions of subsection (b) of K.S.A. 2017 Supp. 21-5604(b), and amendments thereto, shall apply, not this subsection;

(10) the offender is a court services officer or the employee of a contractor who is under contract to provide supervision services for persons under court services supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been placed on probation under the supervision and control of court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services;

(11) the offender is a community correctional services officer or the employee of a contractor who is under contract to provide supervision services for persons under community corrections supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been assigned to a community correctional services program under the supervision and control of community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of community corrections;

(12) the offender is a surety or an employee of a surety and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is the subject of a surety or bail bond agreement with such surety and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is the subject of a surety or bail bond agreement with such surety; or
(13) the offender is a law enforcement officer and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is interacting with such law enforcement officer during the course of a traffic stop, a custodial interrogation, an interview in connection with an investigation, or while the law enforcement officer has such person detained.

(b) Unlawful sexual relations as defined in:

(1) Subsection (a)(5) is a severity level 4, person felony; and
(2) subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11) or (a)(12) or (a)(13) is a severity level 5, person felony.

(c) (1) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of K.S.A. 2017 Supp. 21-5503, and amendments thereto, the provisions of K.S.A. 2017 Supp. 21-5503, and amendments thereto, shall apply, not this section.

(2) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of subsection (b)(1) of K.S.A. 2017 Supp. 21-5506(b)(1), and amendments thereto, the provisions of subsection (b)(1) of K.S.A. 2017 Supp. 21-5506(b)(1), and amendments thereto, shall apply, not this section.

(3) If an offender violates the provisions of this section by engaging in sodomy which would constitute a violation of subsection (a)(3), (a)(4) or (b) of K.S.A. 2017 Supp. 21-5504(a)(3), (a)(4) or (b), and amendments thereto, the provisions of subsection (a)(3), (a)(4) or (b) of K.S.A. 2017 Supp. 21-5504(a)(3), (a)(4) or (b), and amendments thereto, shall apply, not this section.

(4) If an offender violates the provisions of this section by engaging in lewd fondling or touching which would constitute a violation of subsection (b)(2) of K.S.A. 2017 Supp. 21-5506(b)(2), and amendments thereto, the provisions of subsection (b)(2) of K.S.A. 2017 Supp. 21-5506(b)(2), and amendments thereto, shall apply, not this section.

(d) As used in this section:

(1) “Correctional institution” means the same as in K.S.A. 75-5202, and amendments thereto;
(2) “inmate” means the same as in K.S.A. 75-5202, and amendments thereto;
(3) “parole officer” means the same as in K.S.A. 75-5202, and amendments thereto;
(4) “postrelease supervision” means the same as in K.S.A. 2017 Supp. 21-6803, and amendments thereto;
(5) “juvenile detention facility” means the same as in K.S.A. 2017 Supp. 38-2302, and amendments thereto;
(6) “juvenile correctional facility” means the same as in K.S.A. 2017 Supp. 38-2302, and amendments thereto;
(7) “sanctions house” means the same as in K.S.A. 2017 Supp. 38-2302, and amendments thereto;
(8) “institution” means the same as in K.S.A. 76-12a01, and amendments thereto;
(9) “teacher” means and includes teachers, coaches, supervisors, principals, superintendents and any other professional employee in any public or private school offering any of grades kindergarten through 12;
(10) “community corrections” means the entity responsible for supervising adults and juvenile offenders for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the community corrections act, K.S.A. 75-5290, and amendments thereto, and the revised Kansas juvenile justice code, K.S.A. 2017 Supp. 38-2301 et seq., and amendments thereto;
(11) “court services” means the entity appointed by the district court that is responsible for supervising adults and juveniles placed on probation and misdemeanants placed on parole by district courts of this state;
(12) “juvenile community supervision agency” means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the department of corrections; and
(13) “surety” means the same as in K.S.A. 22-2809a, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:
(a) “Training center” means the law enforcement training center within the university of Kansas, created by K.S.A. 74-5603, and amendments thereto.
(b) “Commission” means the Kansas commission on peace officers’ standards and training, created by K.S.A. 74-5606, and amendments thereto, or the commission’s designee.
(c) “Chancellor” means the chancellor of the university of Kansas, or the chancellor’s designee.
(d) “Director of police training” means the director of police training at the law enforcement training center.
(e) “Director” means the executive director of the Kansas commission on peace officers’ standards and training.
(f) “Law enforcement” means the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof.
(g) “Police officer” or “law enforcement officer” means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to: The sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff’s of-


...
ment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of law enforcement related work per year.

(j) “Misdemeanor crime of domestic violence” means a violation of domestic battery as provided by K.S.A. 21-3412a, prior to its repeal, or K.S.A. 2017 Supp. 21-5414, and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim against a person with whom the offender is involved or has been involved in a “dating relationship” or is a “family or household member” as defined in K.S.A. 2017 Supp. 21-5414, and amendments thereto, at the time of the offense.

(k) “Auxiliary personnel” means members of organized nonsalaried groups who operate as an adjunct to a police or sheriff’s department, including reserve officers, posses and search and rescue groups.

(l) “Active law enforcement certificate” means a certificate which attests to the qualification of a person to perform the duties of a law enforcement officer and which has not been suspended or revoked by action of the Kansas commission on peace officers’ standards and training and has not lapsed by operation of law as provided in K.S.A. 74-5622, and amendments thereto.

Sec. 4. K.S.A. 2017 Supp. 74-5605 is hereby amended to read as follows: 74-5605. (a) Every applicant for certification shall be an employee of a state, county or city law enforcement agency, a municipal university police officer, a railroad policeman appointed pursuant to K.S.A. 66-524, and amendments thereto; an employee of the tribal law enforcement agency of an Indian nation that has entered into a tribal-state gaming compact with this state; a manager or employee of the horsethief reservoir benefit district pursuant to K.S.A. 2017 Supp. 82a-2212, and amendments thereto; or a school security officer designated as a school law enforcement officer pursuant to K.S.A. 2017 Supp. 72-6146, and amendments thereto.

(b) Prior to admission to a course conducted at the training center or at a certified state or local law enforcement agency, the applicant’s appointing authority or agency head shall furnish to the director of police training and to the commission a statement certifying that the applicant has been found to meet the minimum requirements of certification established by this subsection. The commission may rely upon the statement of the appointing authority or agency head as evidence that the applicant meets the minimum requirements for certification to issue a provisional
certification. Each applicant for certification shall meet the following minimum requirements:

1. Be a United States citizen;
2. have been fingerprinted and a search of local, state and national fingerprint files made to determine whether the applicant has a criminal record;
3. not have been convicted of a crime that would constitute a felony under the laws of this state, a misdemeanor crime of domestic violence or a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission;
4. have: (A) graduated from a high school accredited by the Kansas state board of education or the appropriate accrediting agency of another state jurisdiction or have; (B) obtained a high school education from a nonaccredited private secondary school as defined in K.S.A. 2017 Supp. 72-4345, and amendments thereto; or (C) obtained the equivalent of a high school education as defined by rules and regulations of the commission;
5. be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer;
6. have completed an assessment, including psychological testing approved by the commission, to determine that the applicant does not have a mental or personality disorder that would adversely affect the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment;
7. be free of any physical or mental condition which adversely affects the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment; and
8. be at least 21 years of age.

(c) The commission may deny a provisional or other certification upon a finding that the applicant has engaged in conduct for which a certificate may be revoked, suspended or otherwise disciplined as provided in K.S.A. 74-5616, and amendments thereto. When it appears that grounds for denial of a certification exist under this subsection, after a conditional offer of employment has been made to an applicant seeking appointment as a police officer or law enforcement officer, the applicant’s appointing authority or agency head may request an order from the commission to determine whether a provisional certification will be issued to that applicant.

(d) As used in this section, “conviction” includes rendering of judgment by a military court martial pursuant to the uniform code of military justice, by a court of the United States or by a court of competent jurisdiction in any state, whether or not expunged; and any diversion or deferred judgment agreement entered into for a misdemeanor crime of domestic violence or a misdemeanor offense that the commission deter-
mines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations by the commission and any diversion agreement or deferred judgment entered into on or after July 1, 1995, for a felony.

Sec. 5. K.S.A. 2017 Supp. 19-801b, 21-5512, 74-5602 and 74-5605 are hereby repealed.

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

Approved May 10, 2018.

CHAPTER 93
SENATE BILL No. 180
(Amends Chapter 26)

AN ACT concerning law enforcement; relating to hiring practices and consideration of prior employment records; open records act; Kansas law enforcement training act; central registry; amending K.S.A. 2017 Supp. 45-220, as amended by section 2 of 2018 House Bill No. 2459, and 74-5611a and repealing the existing sections.

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

New Section 1. (a) A hiring agency shall require each applicant interviewed by such agency for a law enforcement officer position who has been employed by another state or local law enforcement agency or governmental agency to execute a written waiver that: (1) Explicitly authorizes each state or local law enforcement agency or governmental agency that has employed the applicant to disclose the applicant’s files to the hiring agency; and (2) releases the hiring agency and each state or local law enforcement agency or governmental agency that employed the applicant from any liability related to the use and disclosure of the applicant’s files. An applicant who refuses to execute the written waiver shall not be considered for employment by the hiring agency. The hiring agency shall include the written waiver with each request for information submitted to a state or local law enforcement agency or governmental agency that has employed the applicant.

(b) Except as provided in subsection (c), a state or local law enforcement agency or governmental agency that receives a written waiver described in subsection (a) shall disclose the applicant’s files to the hiring agency not more than 21 days after such receipt. Such law enforcement agency or governmental agency may choose to disclose the applicant’s files by either: (1) Providing copies to the hiring agency; or (2) allowing the hiring agency to review the files at the law enforcement agency’s office or governmental agency’s office.

(c) (1) A state or local law enforcement agency or governmental
agency is not required to disclose the applicant’s files pursuant to subsection (b) if such agency is prohibited from providing the files pursuant to a binding nondisclosure agreement to which such agency is a party, and such agreement was executed before July 1, 2018.

(2) A state or local law enforcement agency or governmental agency is required to disclose the applicant’s files pursuant to subsection (b) if such files are subject to a binding nondisclosure agreement to which such agency is a party, and such agreement was executed on or after July 1, 2018, but the disclosure shall be limited to files necessary to determine the qualifications and fitness of the applicant for performance of duties in a law enforcement officer position.

(3) A state or local law enforcement agency or governmental agency may redact personally identifiable information of persons other than the applicant in files disclosed to the hiring agency.

(d) A state or local law enforcement agency or governmental agency shall not be liable for complying with the provisions of this section in good faith or participating in an official oral interview with an investigator regarding the applicant.

(e) Except as provided in subsection (f), or except as necessary for such agency’s internal hiring processes, files obtained pursuant to this section shall not be disclosed by the hiring agency.

(f) Files obtained pursuant to this section shall constitute, for the purposes of the open records act, a record of the state or local law enforcement agency or governmental agency that made, maintained or kept such files. Such files shall not be subject to a request for inspection and copying under the open records act directed toward the hiring agency obtaining the files. The official custodian of such files, for the purposes of the open records act, shall be the official custodian of the records of such state or local law enforcement agency or governmental agency. Except in a civil action involving negligent hiring, such files shall not be subject to discovery, subpoena or other process directed toward the hiring agency obtaining the files.

(g) As used in this section:

(1) “Files” means all performance reviews or other files related to job performance, commendations, administrative files, grievances, previous personnel applications, personnel-related claims, disciplinary actions, internal investigation files, suspensions, investigation-related leave, documents concerning termination or other departure from employment, all complaints and all early warning information. “Files” shall not include nonperformance documents or data, including, but not limited to, medical files, schedules, pay and benefit information or similar administrative data or information.

(2) “Early warning information” means information from a databased management tool designed to identify officers who may be exhibiting precursors of problems on the job that can result in providing those of-
ficers with counseling or training to divert them away from conduct that may become a disciplinary matter.

(3) “Governmental agency” means the state or subdivision of the state with oversight of the state or local law enforcement agency.

(4) “Hiring agency” means a state or local law enforcement agency processing an application for employment, regardless of whether the applicant is ultimately hired.

(5) “State or local law enforcement agency” means any public agency employing a law enforcement officer as defined in K.S.A. 74-5602, and amendments thereto.

Sec. 2. K.S.A. 2017 Supp. 45-220, as amended by section 2 of 2018 House Bill No. 2459, is hereby amended to read as follows: 45-220. (a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency’s essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by subsection (c), a public agency shall not require that a request contain more information than the requester’s name and address and the information necessary to ascertain the records to which the requester desires access and the requester’s right of access to the records. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) If access to public records of an agency or the purpose for which the records may be used is limited pursuant to K.S.A. 45-221 or K.S.A. 2017 Supp. 45-230, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

(1) The requester has a right of access to the records and the basis of that right; or

(2) the requester does not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any
(d) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency’s records. The public agency may require that any person desiring to inspect or obtain copies of the agency’s records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(e) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(f) Each public agency shall provide, upon request of any person, the following information:

(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).

(2) The title and address of the official custodian of the agency’s records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.

(3) The fees, if any, charged for access to or copies of the agency’s records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency’s records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

(g) (1) Except for requests of summary data compiled from information submitted by multiple criminal justice agencies or as otherwise provided by law, requests for records submitted to the central repository or any other repositories supporting the criminal justice information system that are maintained by the Kansas bureau of investigation pursuant to K.S.A. 22-4704 and 22-4705, and amendments thereto, shall be directed to the criminal justice agency from which the records originated.

(2) As used in this subsection, the terms “central repository,” “criminal justice agency” and “criminal justice information system” have the same meanings as defined in K.S.A. 22-4701, and amendments thereto.

(h) Except for requests of summary data compiled from information submitted by multiple law enforcement agencies or as otherwise provided by law, requests for records submitted to the Kansas asset seizure and forfeiture repository that are maintained by the Kansas bureau of investigation pursuant to section 1 of 2018 House Bill No. 2459, and amendments thereto, shall be directed to the law enforcement agency from which the records originated.

(i) Requests for records defined as “files” pursuant to section 1, and
amendments thereto, submitted to a state or local law enforcement agency or governmental agency shall be directed to the state or local law enforcement agency or governmental agency that made, maintained or kept such files, as required by section 1, and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 74-5611a is hereby amended to read as follows: 74-5611a. (a) (1) The commission shall establish and maintain a central registry of all Kansas police officers or law enforcement officers. (2) The purpose of the registry is to be a resource for all agencies who appoint or elect police or law enforcement officers to use when reviewing employment applications of such officers. The registry shall be made available only to those agencies who appoint or elect police or law enforcement officers. Include all records received or created by the commission pursuant to this section and all records related to violations of the Kansas law enforcement training act, including, but not limited to, records of complaints received or maintained by the commission. (3) All records contained in the registry are confidential and shall not be disclosed pursuant to the Kansas open records act, except such records may be disclosed as provided in subsections (a)(4) and (a)(5) and the Kansas administrative procedure act. The provisions of this paragraph shall expire on July 1, 2023, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023. (4) Records contained in the registry, other than investigative files, shall be disclosed: (A) To an agency that certifies, appoints or elects police or law enforcement officers; (B) to the person who is the subject of the information, but the commission may require disclosure in such a manner as to prevent identification of any other person who is the subject or source of the information; (C) in any proceeding conducted by the commission in accordance with the Kansas administrative procedure act, or in an appeal of an order of the commission entered in a proceeding, or to a party in such proceeding or that party’s attorney; (D) to a municipal, state or federal licensing, regulatory or enforcement agency with jurisdiction over acts or conduct similar to acts or conduct that would constitute grounds for action under this act; and (E) to the director of police training when such disclosure is relevant to the exercise of the authority granted in K.S.A. 74-5604a(b), and amendments thereto. (5) The following records may be disclosed to any person pursuant to the Kansas open records act: (A) A record containing only: (i) A police or law enforcement officer’s name;
(ii) the name of a police or law enforcement officer’s current employer;
(iii) the police or law enforcement officer’s dates of employment with the police or law enforcement officer’s current employer;
(iv) the name of previous law enforcement employers and the dates of employment with each employer;
(v) a summary of the trainings completed by the police or law enforcement officer as reported to the commission; and
(vi) the status of the police or law enforcement officer’s certification under this act; and

(B) statewide summary data without personally identifiable information.

(6) The provisions of K.S.A. 45-221(a), and amendments thereto, shall apply to any records disclosed pursuant to subsection (a)(4) or (a)(5).

(b) The director shall provide forms for registration and shall refuse any registration not submitted on such form in full detail.

(c) Within 30 days of appointment, election or termination, every city, county and state agency, every school district and every community college shall submit the name of any person appointed or elected to or terminated from the position of police officer or law enforcement officer within its jurisdiction.

(d) Upon termination, the agency head shall include a report explaining the circumstances under which the officer resigned or was terminated. Such termination report shall be available to the terminated officer and any law enforcement agency to which the terminated officer later applies for a position as a police officer or law enforcement officer. The terminated officer may submit a written statement in response to the termination and any such statement shall be included in the registry file concerning such officer. The director shall adopt a format for the termination report.

(e) The agency, agency head and any officer or employee of the agency shall be absolutely immune from civil liability:

(1) For the report made in accordance with subsection (d); and

(2) when responding in writing to a written request concerning a current or former officer from a prospective law enforcement agency of that officer for the report made in accordance with subsection (d) and for the disclosure of such report.

Sec. 4. K.S.A. 2017 Supp. 45-220, as amended by section 2 of 2018 House Bill No. 2459, and 74-5611a are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 10, 2018.
Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2017 Supp. 59-29a02 is hereby amended to read as follows: 59-29a02. As used in this act:

(a) “Sexually violent predator” means any person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in repeat acts of sexual violence and who has serious difficulty in controlling such person’s dangerous behavior.

(b) “Mental abnormality” means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others.

(c) “Likely to engage in repeat acts of sexual violence” means the person’s propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.

(d) “Sexually motivated” means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant’s sexual gratification.

(e) “Sexually violent offense” means:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2017 Supp. 21-5506(a), and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2017 Supp. 21-5506(b), and amendments thereto;

(4) criminal sodomy, as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505(a)(2) and (a)(3), prior to its repeal, or subsection (a)(3) and (a)(4) of K.S.A. 2017 Supp. 21-5504(a)(3) and (a)(4), and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2017 Supp. 21-5504(b), and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2017 Supp. 21-5508(a), and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A.
21-3511, prior to its repeal, or subsection (b) of K.S.A. 2017 Supp. 21-5508(b), and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2017 Supp. 21-5505(b), and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2017 Supp. 21-5604(b), and amendments thereto;

(11) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent offense as defined in subparagraphs paragraphs (1) through (11) or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this section;

(12) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 and 21-3303, prior to their repeal, or K.S.A. 2017 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent offense as defined in this subsection; or

(13) any act which either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this act, has been determined beyond a reasonable doubt to have been sexually motivated.

(f) “Agency with jurisdiction” means that agency which releases upon lawful order or authority a person serving a sentence or term of confinement and includes the department of corrections, the Kansas department for aging and disability services and the prisoner review board.

(g) “Person” means an individual who is a potential or actual subject of proceedings under this act.

(h) “Treatment staff” means the persons, agencies or firms employed by or contracted with the secretary to provide treatment, supervision or other services at the sexually violent predator facility.

(i) “Transitional release” means any halfway house, work release, sexually violent predator treatment facility or other placement designed to assist the person’s adjustment and reintegration into the community once released from commitment.

(j) “Secretary” means the secretary for aging and disability services.

(k) “Conditional release” means approved placement in the community for a minimum of five years while under the supervision of the person’s court of original commitment and monitored by the secretary for aging and disability services.

(l) “Conditional release monitor” means an individual appointed by the court to monitor the person’s compliance with the treatment plan while placed on conditional release and who reports to the court. Such monitor shall not be a court services officer.
Ch. 94  2018 Session Laws of Kansas

(m) “Progress review panel” means individuals appointed by the secretary for aging and disability services to evaluate a person’s progress in the sexually violent predator treatment program.

Sec. 2. K.S.A. 2017 Supp. 59-29a07 is hereby amended to read as follows: 59-29a07. (a) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If such determination that the person is a sexually violent predator is made by a jury, such determination shall be by unanimous verdict of such jury. Such determination may be appealed in the manner provided for civil cases in article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the secretary for aging and disability services for control, care and treatment until such time as the person’s mental abnormality or personality disorder has so changed that the person is safe to be at large. Such control, care and treatment shall be provided at a facility operated by the Kansas department for aging and disability services.

(b) At all times, persons committed for control, care and treatment by the Kansas department for aging and disability services pursuant to the Kansas sexually violent predator act shall be kept in a secure facility and such persons shall be segregated on different units from any other patient under the supervision of the secretary for aging and disability services and commencing June 1, 1995, such persons committed pursuant to the Kansas sexually violent predator act shall be kept in a facility or building separate from any other patient under the supervision of the secretary. The provisions of this subsection shall not apply to any reintroduction, transitional release or conditional release facility or building utilized in any transitional release program or conditional release program.

(c) The Kansas department for aging and disability services is authorized to enter into an interagency agreement with the department of corrections for the confinement of such persons. Such persons who are in the confinement of the secretary of corrections pursuant to an interagency agreement shall be housed and managed separately from offenders in the custody of the secretary of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from such offenders.

(d) If any person while committed to the custody of the secretary pursuant to the Kansas sexually violent predator act shall be taken into custody by any law enforcement officer as defined in K.S.A. 2017 Supp. 21-5111, and amendments thereto, pursuant to any parole revocation proceeding or any arrest or conviction for a criminal offense of any nature, upon the person’s release from the custody of any law enforcement officer, the person shall be returned to the custody of the secretary for
further treatment pursuant to the Kansas sexually violent predator act. During any such period of time a person is not in the actual custody or supervision of the secretary, the secretary shall be excused from the provisions of K.S.A. 59-29a08, and amendments thereto, with regard to providing that person an annual examination, annual notice and annual report to the court, except that the secretary shall give notice to the court as soon as reasonably possible after the taking of the person into custody that the person is no longer in treatment pursuant to the Kansas sexually violent predator act and notice to the court when the person is returned to the custody of the secretary for further treatment.

(e) If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person’s release.

(f) Upon a mistrial, the court shall direct that the person be held at an appropriate secure facility, including, but not limited to, a county jail, until another trial is conducted. Any subsequent trial following a mistrial shall be held within 90 days of the previous trial, unless such subsequent trial is continued as provided in K.S.A. 59-29a06, and amendments thereto.

(g) If the person charged with a sexually violent offense has been found incompetent to stand trial and is about to be released pursuant to K.S.A. 22-3305, and amendments thereto, and such person’s commitment is sought pursuant to subsection (a), the court shall first hear evidence and determine whether the person did commit the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person’s incompetence or developmental disability affected the outcome of the hearing, including its effect on the person’s ability to consult with and assist counsel and to testify on such person’s own behalf, the extent to which the evidence could be reconstructed without the assistance of the person and the strength of the prosecution’s case. If after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable by the person, on that issue and may proceed to consider whether the person should be committed pursuant to this section.

Sec. 3. K.S.A. 2017 Supp. 59-29a08 is hereby amended to read as follows: 59-29a08. (a) Each person committed under the Kansas sexually violent predator act shall have a current examination of the person’s mental condition made once every year. The secretary shall provide the person
with an annual written notice of the person’s right to petition the court for release over the secretary’s objection. The notice shall contain a waiver of rights. The secretary shall also forward the annual report, as well as the annual notice and waiver form, to the court that committed the person under the Kansas sexually violent predator act. The court shall file the notice and the report upon receipt and forward the file-stamped copy to the attorney general. The attorney general shall forward a file-stamped copy of the annual written notice and annual report to the secretary upon receipt.

(b) The person must file a request for an annual review hearing within 45 days after the date the court files the annual written notice. Failure to request a hearing within 45 days pursuant to this subsection waives the person’s right to a hearing until the next annual report is filed by the court. A contested annual review hearing for transitional release shall consist of consideration about whether the person is entitled to transitional release. Only a person in transitional release shall be permitted to petition for conditional release. Only a person in conditional release shall be permitted to petition for final discharge after a minimum of five years has passed in which the person has been free of violations of conditions of such person’s treatment plan, as provided in K.S.A. 59-29a19(e), and amendments thereto.

(c) The person may retain, or if the person is indigent and so requests the court may appoint, an examiner pursuant to K.S.A. 60-235, and amendments thereto, and the examiner shall have access to all available records concerning the person. If the person is indigent and makes a request for an examiner, the court shall determine whether the services are necessary and shall determine the reasonable compensation for such services. The court, before appointing an examiner, shall consider factors including the person’s compliance with institutional requirements and the person’s participation in treatment to determine whether the person’s progress justifies the costs of an examination. The appointment of an examiner is discretionary.

(d) At the annual review hearing, the burden of proof shall be upon the person to show probable cause to believe the person’s mental abnormality or personality disorder has significantly changed so that the person is safe to be placed in transitional release. The report, or a copy thereof, of the findings of a qualified expert shall be admissible into evidence in the annual review hearing in the same manner and with the same force and effect as if the qualified expert had testified in person. If the person does not participate in the prescribed treatment plan, the person is presumed to be unable to show probable cause to believe the person is safe to be released.

(e) The person shall have a right to have an attorney represent the person at the annual review hearing to determine probable cause, but the person is not entitled to be present at the hearing.
(f) If the person does not file a petition requesting a hearing pursuant to subsection (b), the court that committed the person under the Kansas sexually violent predator act shall then conduct an in camera annual review of the status of the person’s mental condition and determine whether the person’s mental abnormality or personality disorder has significantly changed so that an annual review hearing is warranted. The court shall enter an order reflecting its determination.

(g) If the court at the annual review hearing determines that probable cause exists to believe that the person’s mental abnormality or personality disorder has significantly changed so that the person is safe to be placed in transitional release, then the court shall set a hearing for transitional release on the issue. The person shall be entitled to be present and entitled to the assistance of counsel. The attorney general shall represent the state and shall have a right to have the person evaluated by experts chosen by the state. The person shall also have the right to have experts evaluate the person on the person’s behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing for transitional release shall be upon the state to prove beyond a reasonable doubt that the person’s mental abnormality or personality disorder remains such that the person is not safe to be placed in transitional release and if transitionally released is likely to engage in repeat acts of sexual violence.

(h) If, after the hearing for transitional release, the court is convinced beyond a reasonable doubt that the person is not appropriate for transitional release, the court shall order that the person remain in secure commitment. Otherwise, the court shall order that the person be placed in transitional release.

(i) If the court determines that the person should be placed in transitional release, the secretary shall transfer the person to the transitional release program. The secretary may contract for services to be provided in the transitional release program. During any period the person is in transitional release, that person shall comply with any rules or regulations the secretary may establish for this program and every directive of the treatment staff of the transitional release program.

(j) At any time during which the person is in the transitional release program and the treatment staff determines that the person has violated any rule, regulation or directive associated with the transitional release program, the treatment staff may remove the person from the transitional release program and return the person to the secure commitment facility, or may request the district court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody and return the person to the secure commitment facility. Any such request may be made verbally or by telephone, but shall be followed in written, facsimile or electronic form delivered to the court by not later than 5:00
p.m. of the first day the district court is open for the transaction of business after the verbal or telephonic request was made.

(k) Upon the person being returned to the secure commitment facility from the transitional release program, notice thereof shall be given by the secretary to the court. The court shall set the matter for a hearing within two working days of receipt of notice of the person’s having been returned to the secure commitment facility and cause notice thereof to be given to the attorney general, the person and the secretary. The attorney general shall have the burden of proof to show probable cause that the person violated conditions of transitional release. The hearing shall be to the court. At the conclusion of the hearing the court shall issue an order returning the person to the secure commitment facility or to the transitional release program, and may order such other further conditions with which the person must comply if the person is returned to the transitional release program.

(l) For the purposes of this section, if the person is indigent and without counsel, the court shall appoint counsel to assist such person.

Sec. 4. K.S.A. 2017 Supp. 59-29a11 is hereby amended to read as follows: 59-29a11. (a) If a person has previously filed a petition for transitional release, conditional release or final discharge without the secretary for aging and disability services approval and the court determined either upon review of the petition or following a hearing, that the person’s petition was frivolous or that the person’s condition had not significantly changed so that it is safe for the person to be at large, then the court shall deny the subsequent petition, unless the petition contains facts upon which a court could find the condition of the petitioner had significantly changed so that a hearing was warranted. Upon receipt of a first or subsequent petition from committed persons without the secretary’s approval, the court shall endeavor whenever possible to review the petition and determine if the petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

(b) No transitional release or conditional release facility or building shall be located within 2,000 feet of a licensed child care facility, an established place of worship, any residence in which a child under 18 years of age resides, or the real property of any school upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through 12. This subsection shall not apply to any state institution or facility.

(c) Transitional release or conditional release facilities or buildings shall be subject to all regulations applicable to other property and buildings located in the zone or area that are imposed by any municipality through zoning ordinance, resolution or regulation, such municipality’s
building regulatory codes, subdivision regulations or other nondiscriminatory regulations.

(d) On and after July 1, 2015, the secretary for aging and disability services shall place no more than 16 sexually violent predators in any one county on transitional release or conditional release.

(e) The secretary for aging and disability services shall submit an annual report to the governor and the legislature during the first week of the regular legislative session detailing activities related to the transitional release and conditional release of sexually violent predators. The report shall include the status of such predators who have been placed in transitional release or conditional release including the number of any such predators and their locations; information regarding the number of predators who have been returned to the sexually violent predator treatment program at Larned state hospital along with the reasons for such return; and any plans for the development of additional transitional release or conditional release facilities.

Sec. 5. K.S.A. 2017 Supp. 59-29a19 is hereby amended to read as follows: 59-29a19. (a) If the court determines that the person should be placed on conditional release, the court, based upon the recommendation of the treatment staff and progress review panel, shall establish a plan of treatment which the person shall be ordered to follow. This plan of treatment may include, but shall not be limited to: Provisions as to where the person shall reside and with whom, taking prescribed medications, attending individual and group counseling and any other type of treatment, maintaining employment, having no contact with children, not frequenting facilities, locations, events or otherwise in which children are likely to be present and not engaging in activities in which contact with children is likely having no direct contact with individuals that match the person's victim template, travel restrictions, searches, home visits, substance abuse testing and registration requirements. Upon a showing by the person that the person accepts the plan of treatment and is prepared to follow it, the court shall release the person from the transitional release program.

(b) After a minimum of five years have passed in which the person has been free of violations of conditions of such person's treatment plan, the treatment staff, or other professionals directed by the court may examine such person to determine if the person's mental abnormality or personality disorder has changed so as to warrant such person being considered for final discharge. The person preparing the report shall forward the report to the court. The court shall review the same. If the court determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be entitled to final discharge, the court shall set a formal hearing on the issue. The attorney general shall have the burden of proof to show beyond a reasonable doubt that the person's mental abnormality or per-
sonality disorder remains such that such person is not appropriate for final discharge. The person shall have the same rights as enumerated in K.S.A. 59-29a06, and amendments thereto. Subsequent to either a court review or a hearing, the court shall issue an appropriate order with findings of fact. The order of the court shall be provided to the attorney general, the person and the secretary.

(c) If, after a hearing, the court is convinced beyond a reasonable doubt that the person is not appropriate for final discharge, the court shall continue custody of the person with the secretary for placement in a secure facility, transitional release program or conditional release program. Otherwise, the court shall order the person finally discharged. In the event the court does not order final discharge of the person, the person still retains the right to annual reviews.

(d) At any time during which the person is on conditional release and the professional person designated by the court in the treatment plan to monitor the person's compliance with it determines that the person has violated any material condition of that plan, that professional person may request the district court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody and return the person to the secure commitment facility. Any such request may be made verbally or by telephone, but shall be followed in written, facsimile or electronic copy form delivered to the court not later than 5:00 p.m. of the first day the district court is open for the transaction of business after the verbal or telephonic request was made.

(e) Upon the person being returned to the secure commitment facility from conditional release, notice thereof shall be given by the secretary to the court. The court shall set the matter for a hearing within two working days of receipt of notice of the person's having been returned to the secure commitment facility and cause notice thereof to be given to the attorney general, the person and the secretary. The attorney general shall have the burden of proof to show probable cause that the person violated conditions of conditional release. The hearing shall be to the court. At the conclusion of the hearing the court shall issue an order returning the person to the secure commitment facility, to the transitional release program or to conditional release, and may order such other further conditions with which the person must comply if the person is returned to either the transitional release program or to conditional release.

(b) The conditional release monitor shall monitor the person's compliance with the plan of treatment ordered by the court while on conditional release. The conditional release monitor shall report the person's progress on conditional release to the court. At any time during which the person is on conditional release and the conditional release monitor determines that the person has violated any material condition of the plan, the conditional release monitor may request the district court to issue an emergency ex parte order directing any law enforcement officer to take
the person into custody and return the person to the secure commitment facility. Any such request shall be made by sworn affidavit setting forth with specificity the grounds for the entry of such emergency ex parte order provided to the court by personal deliver, telefacsimile communication or electronic means prior to the entry of such order and notice of such request shall be given to the person’s counsel, or if the person is unrepresented, to the person.

(c) A current examination of the person’s mental condition shall be made in accordance with K.S.A. 59-29a08, and amendments thereto, and submitted to the court and the secretary once each year.

(d) Upon the person being returned to the secure commitment facility from conditional release, notice shall be given by the secretary to the court. The court shall set the matter for a hearing within two working days of receipt of notice of the person’s having been returned to the secure commitment facility and cause notice to be given to the attorney general, the person and the secretary. The attorney general shall have the burden of proof to show probable cause that the person violated conditions of conditional release. The hearing shall be to the court. At the conclusion of the hearing, the court shall issue an order returning the person to the secure commitment facility, to transitional release, or to conditional release, and may order such other further conditions with which the person must comply if the person is returned to either transitional release or conditional release.

(e) After a minimum of five years has passed in which the person has been free of violations of conditions of such person’s treatment plan, the treatment staff, or other treatment providers directed by the court, may examine such person to determine if the person’s mental abnormality or personality disorder has significantly changed so as to warrant such person being considered for final discharge. The individual preparing the report shall forward the report to the court. The court shall review the same. If the court determines that probable cause exists to believe that the person’s mental abnormality or personality disorder has so changed that the person is safe to be entitled to final discharge, the court shall set a formal hearing on the issue. The attorney general shall have the burden of proof to show beyond a reasonable doubt that the person’s mental abnormality or personality disorder remains such that such person is not appropriate for final discharge. The person shall have the same rights as enumerated in K.S.A. 59-29a06, and amendments thereto. Subsequent to either a court review or a hearing, the court shall issue an appropriate order with findings of fact. The order of the court shall be provided to the attorney general, the person and the secretary.

(f) If, after a hearing, the court is convinced beyond a reasonable doubt that the person is not appropriate for final discharge, the court shall continue custody of the person with the secretary for placement in a secure facility, or on transitional or conditional release. Otherwise, the
court shall order the person finally discharged. In the event the court does not order final discharge of the person, the person still retains the right to annual reviews.

(g) The final discharge shall not prevent the person from being prosecuted for any criminal acts which the person is alleged to have committed or from being subject in the future to a subsequent commitment under this act.

Sec. 6. K.S.A. 2017 Supp. 59-29a22 is hereby amended to read as follows: 59-29a22. (a) As used in this section:

(1) “Person” means any individual:

(A) Who is receiving services for mental illness and who is admitted, detained, committed, transferred or placed in the custody of the secretary for aging and disability services under the authority of K.S.A. 22-3219, 22-3302, 22-3303, 22-3428a, 22-3429, 22-3430, 59-29a05, 75-5209 and 76-1306, and amendments thereto.

(B) In the custody of the secretary for aging and disability services after being found a sexually violent predator pursuant to the Kansas sexually violent predator act, including any sexually violent predator placed on transitional release.

(2) “Restraints” means the application of any devices, other than human force alone, to any part of the body of the person for the purpose of preventing the person from causing injury to self or others.

(3) “Seclusion” means the placement of a person, alone, in a room, where the person’s freedom to leave is restricted and where the person is not under continuous observation.

(4) “Emergency lockdown” means a safety measure used to isolate all or a designated number of persons greater than one to their rooms for a period necessary to ensure a safe and secure environment.

(5) “Individual person management plan” means a safety measure used to isolate an individual person when the person presents a safety or security risk that cannot be addressed through routine psychiatric methods.

(b) Each person shall have the following statutory rights:

(1) Upon admission or commitment, to be informed orally and in writing of the person’s rights under this section. Copies of this section shall be posted conspicuously in each facility, and shall be available to the person’s guardian and immediate family.

(2) To refuse to perform labor which is of financial benefit to the facility in which the person is receiving treatment or service. Privileges or release from the facility may not be conditioned upon the performance of any labor which is regulated by this subsection. Tasks of a personal housekeeping nature are not considered compensable labor. A person may voluntarily engage in therapeutic labor which is of financial benefit
to the facility if such labor is compensated in accordance with a plan approved by the department and if:

(A) The labor is an integrated part of the person's treatment plan;

(B) the labor is supervised by a staff member who is qualified to oversee the therapeutic aspects of the activity;

(C) the person has given written informed consent to engage in such labor and has been informed that such consent may be withdrawn at any time; and

(D) the labor involved is evaluated for its appropriateness by the staff of the facility at least once every 180 days.

(3) To receive adequate treatment appropriate for such person's condition.

(4) To be informed of such person's treatment and care and to participate in the planning of such treatment and care.

(5) To refuse to consent to the administration of any medication prescribed for medical or psychiatric treatment, except in a situation in which the person is in a mental health crisis and less restrictive or intrusive measures have proven to be inadequate or clinically inappropriate. Treatment for a mental health crisis shall include medication or treatment necessary to prevent serious physical harm to the person or to others. After full explanation of the benefits and risks of such medication, the medication may be administered over the person's objection, except that the objection shall be recorded in the person's medical record and at the same time written notice thereof shall be forwarded to the medical director of the treatment facility or the director's designee. Within five days after receiving such notice, excluding Saturdays, Sundays and legal holidays, the medical director or designee shall deliver to the person's medical provider the medical director's or designee's written decision concerning the administration of that medication, and a copy of that decision shall be placed in the person's medical record.

(A) Medication may not be used as punishment, for the convenience of staff, as a substitute for a treatment program or in quantities that interfere with a person's treatment program.

(B) A person will have the right to have explained the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other treatments ordered.

(6) To be subjected to restraint, seclusion, emergency lockdown, individual person management plan, or any combination thereof, only as provided in this subsection.

(A) Restraints, seclusion, or both, may be used in the following circumstances:

(i) If it is determined by medical staff to be necessary to prevent immediate substantial bodily injury to the person or others and that other alternative methods to prevent such injury are not sufficient to accomplish
this purpose. When used, the extent of the restraint or seclusion applied to the person shall be the least restrictive measure necessary to prevent such injury to the person or others, and the use of restraint or seclusion in a treatment facility shall not exceed three hours without medical reevaluation. When restraints or seclusion are applied, there shall be monitoring of the person’s condition at a frequency determined by the treating physician or licensed psychologist, which shall be no less than once per each 30 minutes. The superintendent of the treatment facility or a physician or licensed psychologist shall sign a statement explaining the treatment necessity for the use of any restraint or seclusion and shall make such statement a part of the permanent treatment record of the person.  

(ii) For security reasons during transport to or from the person’s unit, including, but not limited to, transport to another treatment or health care facility, another secure facility or court. Any person committed or transferred to a hospital or other health care facility for medical care may be isolated for security reasons within a locked area.

(B) Emergency lockdown may be used in the following circumstances:

(i) When necessary as an emergency measure as needed for security purposes, to deal with an escape or attempted escape, the discovery of a dangerous weapon or explosive device in the unit or facility or the receipt of reliable information that a dangerous weapon or explosive device is in the unit or facility, to prevent or control a riot or the taking of a hostage or for the discovery of contraband or a unit-wide search. An emergency lockdown order may be authorized only by the superintendent of the facility or the superintendent’s designee.

(ii) During a period of emergency lockdown, the status of each person shall be reviewed every 30 minutes to ensure the safety of the person, and each person who is locked in a room without a toilet shall be given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated.

(iii) The facility shall have a written policy covering the use of emergency lockdown that ensures the safety of the individual is secured and that there is regular, frequent monitoring by trained staff to care for bodily needs as may be required.

(iv) An emergency lockdown order may only be in effect for the period of time needed to preserve order while dealing with the situation and may not be used as a substitute for adequate staffing.

(C) Individual person management plan may be used in any of the following situations:

(i) As needed when a person demonstrates or threatens substantial injury to others, and routine psychiatric methods have been ineffective or are unlikely to be effective in reducing such risk.

(ii) As needed for safety or security purposes, to deal for the behavioral management in situations including, but not limited to:
(a) Dealing with an escape or attempted escape;
(b) the discovery of a dangerous weapon or explosive device in the unit or facility or the receipt of reliable information that a dangerous weapon or explosive device is in the unit or facility;
(c) to prevent or control a riot or;
(d) the taking of a hostage or;
(e) the disruption of the therapeutic environment on the unit; or
(f) for the discovery of contraband.

(iii) The status of the person shall be reviewed every 30 minutes to ensure the safety of the person.

(D) Restraint, seclusion, emergency lockdown, individual person management plan, or any combination thereof, may be used in any other situation deemed necessary by treatment staff for the safety of a person or persons, facility staff or visitors. In all situations, restraint, seclusion, emergency lockdown, or individual person management plan shall never be used as a punishment or for the convenience of staff.

(E) A person may be locked or restricted in such person’s room during the night shift if such person resides in a unit in which each room is equipped with a toilet and sink or, if a person does not have a toilet in the room, if such person is given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated.

(7) To not be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the person or the written consent of a parent or legal guardian, if such person is a minor or has a legal guardian provided that the guardian has obtained authority to consent to such from the court which has venue over the guardianship following a hearing held for that purpose.

(8) To individual religious worship within the facility if the person desires such an opportunity, as long as it complies with applicable laws and facility rules and policies. The provisions for worship shall be available to all persons on a nondiscriminatory basis. No individual may be coerced into engaging in any religious activities.

(9) To a humane psychological and physical environment within the hospital facilities. All facilities shall be designed to afford patients with comfort and safety, to promote dignity and ensure privacy. Facilities shall also be designed to make a positive contribution to the effective attainment of the treatment goals of the hospital.

(10) To confidentiality of all treatment records and, as permitted by other applicable state or federal laws, to inspect and, upon receipt of payment of reasonable costs, to receive a copy of such records. The head of any treatment facility or designee who has the records may refuse to disclose portions of such records if the head of the treatment facility or designee states in writing that such disclosure will likely be injurious to the welfare of the person.
(11) Except as otherwise provided, to not be filmed or taped, unless the person signs an informed and voluntary consent that specifically authorizes a named individual or group to film or tape the person for a particular purpose or project during a specified time period. The person may specify in such consent periods during which, or situations in which, the person may not be filmed or taped. If a person is legally incompetent, such consent shall be granted on behalf of the person by the person’s guardian. A person may be filmed or taped for security purposes without the person’s consent.

(12) To be informed in writing upon or at a reasonable time after admission, of any liability that the patient or any of the patient’s relatives may have for the cost of the patient’s care and treatment and of the right to receive information about charges for care and treatment services.

(13) To be treated with respect and recognition of the patient’s dignity and individuality by all employees of the treatment facility.

(14) To send and receive sealed mail to or from legal counsel, the courts, the secretary for aging and disability services, the superintendent of the treatment facility, the agency designated as the developmental disabilities protection and advocacy agency pursuant to P.L. 94-103, as amended, private physicians and licensed psychologists. A person who is indigent may have reasonable access to letter-writing materials.

(15) To send and receive mail with reasonable limitations. A person’s mail is subject to physical examination and inspection for contraband, as defined by facility rules and policies.

(A) An officer or employee of the facility at which the person is placed may delay delivery of the mail to the person for a reasonable period of time to verify whether the mail contains contraband, as defined by facility rules and policies, or whether the person named as the sender actually sent the mail. If contraband is found, such contraband may be returned to the sender or confiscated by the facility. If the officer or staff member cannot determine whether the person named as the sender actually sent the mail, the officer or staff member may return the mail to the sender along with notice of the facility mail policy.

(B) The superintendent of the facility or the superintendent’s designee may, in accordance with the standards and the procedure under subsection (c), authorize a member of the facility treatment staff to read the mail, if the superintendent or the superintendent’s designee has reason to believe that the mail could pose a threat to security at the facility or seriously interfere with the treatment, rights, or safety of the person or others.

(C) A person may not receive through the mail any sexually explicit materials, items that are considered contraband, as defined by facility rules and policies, or items deemed to jeopardize the person’s individual treatment, another person’s treatment or the therapeutic environment of the facility.
(16) Reasonable access to a telephone to make and receive telephone calls within reasonable limits.

(17) To wear and use such person’s own clothing and toilet articles, as long as such wear and use complies with facility rules and policies, or to be furnished with an adequate allowance of clothes if none are available.

(18) To possess personal property in a reasonable amount, as long as the property complies with state laws and facility rules and policies, and be provided a reasonable amount of individual storage space pursuant to facility rules and policies. In no event shall a person be allowed to possess or store contraband.

(19) Reasonable protection of privacy in such matters as toileting and bathing.

(20) To see a reasonable number of visitors who do not pose a threat to the safety and security or therapeutic climate of the person, other persons, visitors or the facility.

(21) To present grievances under the procedures established by each facility on the person’s own behalf.

(22) To spend such person’s money as such person chooses with reasonable limitations, except under the following circumstances: (A) When restricted by facility rules and policies; or (B) to the extent that authority over the money is held by another, including the parent of a minor, a court-appointed guardian of the person’s estate or a representative payee. A treatment facility may, as a part of its security procedures, use a trust account in lieu of currency that is held by a person, and may establish reasonable policies governing account transactions.

(c) (1) A person’s rights under subsections (b)(15) to (b)(22) may be denied for cause by the superintendent of the facility or the superintendent’s designee, or when medically or therapeutically contraindicated as documented by the person’s physician, licensed psychologist or licensed master’s level psychologist in the person’s treatment record. The individual shall be informed in writing of the grounds for withdrawal of the right and shall have the opportunity for a review of the withdrawal of the right in an informal hearing before the superintendent of the facility or the superintendent’s designee. There shall be documentation of the grounds for withdrawal of rights in the person’s treatment record.

(2) Notwithstanding subsection (c)(1), when the facility makes an administrative decision that applies equally to all persons and there is a legitimate governmental reason for the decision, notice of the decision is all that is required.

(d) The secretary for aging and disability services shall establish procedures to assure protection of persons’ rights guaranteed under this section.

(e) No person may intentionally retaliate or discriminate against any person or employee for contacting or providing information to any state
official or to an employee of any state protection and advocacy agency, or for initiating, participating in, or testifying in a grievance procedure or in an action for any remedy authorized under this section.

(f) (1) Proceedings under this section or any other appeal concerning an action by the Kansas department for aging and disability services shall be governed under the Kansas administrative procedure act and the Kansas judicial review act. A person appealing any alleged violations of this section or any other agency determination shall exhaust all administrative remedies available through the Larned state hospital, including the sexual predator treatment program, before having any right to request a hearing under the Kansas administrative procedure act.

(2) A final agency determination shall include notice of the right to appeal such determination only to the office of administrative hearings. Within 30 days after service of a final agency determination and the notice of right to appeal, the appellant may file a request for hearing in writing with the office of administrative hearings for a review of that determination. Any request for hearing must be accompanied by a copy of the final agency determination, including all documentation submitted through Larned state hospital and all agency responses. Failure to timely request a hearing constitutes a waiver of the right to any review. The request shall be examined by the presiding officer assigned. If the appellant seeks to challenge the final agency determination on any grounds other than material facts in controversy or agency violation of a relevant rule, regulation or statute, the appellant shall express such allegations with particularity within the request for hearing. If it plainly appears from the face of the request and accompanying final agency determination that the appellant failed to state a claim on which relief could be granted, or the appellant failed to demonstrate exhaustion, the request shall be dismissed. The burden shall be on the appellant to prove by a preponderance of the evidence that the agency action violated a specific rule, regulation or statute. If the request for hearing does not allege a violation of a specific rule, regulation or statute, the burden shall be on the appellant to prove by a preponderance of the evidence that the agency had no legitimate government interest in taking such action. Any dispositive ruling of the hearing officer assigned by the office of administrative hearings shall be deemed an initial order under the Kansas administrative procedure act.

(3) The person shall participate by telephone or other electronic means at any hearing before the office of administrative hearings or any proceeding under the Kansas judicial review act, unless the presiding officer or court determines that the interests of justice require an in-person proceeding. Notwithstanding K.S.A. 77-609, and amendments thereto, if an in-person proceeding is necessary, such proceeding shall be conducted at the place where the person is committed.

(4) Except as otherwise provided in the Kansas sexually violent predator act and notwithstanding K.S.A. 77-609, and amendments thereto,
venue shall be in Pawnee county, Kansas, for all proceedings brought pursuant to the Kansas judicial review act.

Sec. 7. K.S.A. 2017 Supp. 59-29a02, 59-29a07, 59-29a08, 59-29a11, 59-29a19 and 59-29a22 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 10, 2018.

CHAPTER 95

HOUSE BILL No. 2438
(Amends Chapters 10 and 89)

AN ACT concerning the 911 coordinating council, certain audits; amending K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, and repealing the existing section; also repealing K.S.A. 2017 Supp. 12-5377, as amended by section 40 of 2018 Senate Bill No. 260.

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

Section 1. On and after July 1, 2018, K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, is hereby amended to read as follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any provider’s books and records concerning the collection and remittance of fees pursuant to this act. The cost of any such audit shall be paid from the 911 state grant fund.

(c) (1) On or before December 31, 2018, and at least once every five years thereafter, the division of post audit shall conduct an audit of the 911 system to determine: (A) Whether the moneys received by PSAPs pursuant to this act are being used appropriately; (B) whether the amount of moneys collected pursuant to this act is adequate; and (C) the status of 911 service implementation. The auditor to conduct such audit shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the 911 state grant fund shall be reimbursed for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating coun-
cil, the LCPA, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(d) On or before December 31, 2018, the division of post audit shall conduct an audit of the budget and expenditures of the 911 coordinating council. In conducting such audit, the division shall examine: (A) The annual expenses and financial needs, including personnel, of the council; (B) the total annual operating expenses of the council that are included in the 2.5% cap on expenditures pursuant to K.S.A. 2017 Supp.12-5364(i), and amendments thereto; (C) the current and projected contractual expenses of the council; (D) the expenditures and distribution of moneys from the 911 state grant fund by the council; and (E) whether the moneys expended by the council are being used pursuant to this act. The auditor, to conduct such audit, shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing the audit pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the division of post audit shall be reimbursed from the 911 state grant fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(e) The legislature shall review this act at the regular 2014 legislative session and at the regular legislative session every five years thereafter.

Sec. 2. K.S.A. 2017 Supp. 12-5377, as amended by section 40 of 2018 Senate Bill No. 260, is hereby repealed.

Sec. 3. On and after July 1, 2018, K.S.A. 2017 Supp. 12-5377, as amended by section 1 of 2018 House Bill No. 2435, is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 10, 2018.
Published in the Kansas Register May 24, 2018.
AN ACT concerning gaming; relating to lottery ticket vending machines and revenues derived therefrom; relating to instant bingo vending machines; concerning certain debt setoff agreements; amending K.S.A. 74-8719 and K.S.A. 2017 Supp. 74-8702, 74-8711, 74-8723, 75-5173, 75-6202 and 75-6204 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 74-8702 is hereby amended to read as follows: 74-8702. As used in the Kansas lottery act, unless the context otherwise requires:

(a) “Ancillary lottery gaming facility operations” means additional non-lottery facility game products and services not owned and operated by the state which may be included in the overall development associated with the lottery gaming facility. Such operations may include, but are not limited to, restaurants, hotels, motels, museums or entertainment facilities.

(b) “Commission” means the Kansas lottery commission.

(c) “Electronic gaming machine” means any electronic, electromechanical, video or computerized device, contrivance or machine authorized by the Kansas lottery which, upon insertion of cash, tokens, electronic cards or any consideration, is available to play, operate or simulate the play of a game authorized by the Kansas lottery pursuant to the Kansas expanded lottery act, including, but not limited to, bingo, poker, blackjack, keno and slot machines, and which may deliver or entitle the player operating the machine to receive cash, tokens, merchandise or credits that may be redeemed for cash. Electronic gaming machines may use bill validators and may be single-position reel-type, single or multi-game video and single-position multi-game video electronic game, including, but not limited to, poker, blackjack and slot machines. Electronic gaming machines shall be directly linked to a central computer at a location determined by the executive director for purposes of security, monitoring and auditing.

(d) “Executive director” means the executive director of the Kansas lottery.

(e) “Gaming equipment” means any electric, electronic, computerized or electromechanical machine, mechanism, supply or device or any other equipment, which is: (1) Unique to the Kansas lottery and used pursuant to the Kansas lottery act; and (2) integral to the operation of an electronic gaming machine or lottery facility game; and (3) affects the results of an electronic gaming machine or lottery facility game by determining win or loss.

(f) “Gaming zone” means: (1) The northeast Kansas gaming zone, which consists of Wyandotte county; (2) the southeast Kansas gaming zone, which consists of Crawford and Cherokee counties; (3) the south
central Kansas gaming zone, which consists of Sedgwick and Sumner counties; and (4) the southwest Kansas gaming zone, which consists of Ford county.

(g) “Gray machine” means any mechanical, electro-mechanical or electronic device, capable of being used for gambling, that is: (1) Not authorized by the Kansas lottery; (2) not linked to a lottery central computer system; (3) available to the public for play; or (4) capable of simulating a game played on an electronic gaming machine or any similar gambling game authorized pursuant to the Kansas expanded lottery act.

(h) (1) “Instant bingo vending machine” means a machine or electronic device that is purchased or leased by a licensee, as defined by K.S.A. 2017 Supp. 75-5173, and amendments thereto, from a distributor who has been issued a distributor registration certificate pursuant to K.S.A. 2017 Supp. 75-5184, and amendments thereto, or leased from the Kansas lottery in fulfillment of the Kansas lottery’s obligations under an agreement between the Kansas lottery and a licensee entered into pursuant to section 8, and amendments thereto, and the sole purpose of which is to:

(A) Dispense a printed physical instant bingo ticket after a purchaser inserts cash or other form of consideration into the machine; and

(B) allow purchasers to manually check the winning status of the instant bingo ticket.

(2) “Instant bingo vending machine” shall not:

(A) Provide a visual or audio representation of a bingo card or an electronic gaming machine;

(B) visually or functionally have the same characteristics of an electronic instant bingo game or an electronic gaming machine;

(C) automatically determine or display the winning status of any dispensed instant bingo ticket;

(D) extend or arrange credit for the purchase of an instant bingo ticket;

(E) dispense any winnings;

(F) dispense any prize;

(G) dispense any evidence of a prize other than an instant bingo ticket;

(H) provide free instant bingo tickets or any other item that can be redeemed for cash; or

(I) dispense any other form of a prize to a purchaser.

All physical instant bingo tickets dispensed by an instant bingo vending machine shall be purchased by a licensee, as defined by K.S.A. 2017 Supp. 75-5173, and amendments thereto, from a registered distributor.

No more than two instant bingo vending machines may be located on the premises of each licensee location.

(h)(i) “Kansas lottery” means the state agency created by this act to operate a lottery or lotteries pursuant to this act.
(i) “Lottery” or “state lottery” means the lottery or lotteries operated pursuant to this act.

(j) “Lottery facility games” means any electronic gaming machines and any other games which, as of January 1, 2007, are authorized to be conducted or operated at a tribal gaming facility, as defined in K.S.A. 74-9802, and amendments thereto, located within the boundaries of this state.

(k) “Lottery gaming enterprise” means an entertainment enterprise which includes a lottery gaming facility authorized pursuant to the Kansas expanded lottery act and ancillary lottery gaming facility operations that have a coordinated business or marketing strategy. A lottery gaming enterprise shall be designed to attract to its lottery gaming facility consumers who reside outside the immediate area of such enterprise.

(l) “Lottery gaming facility” means that portion of a building used for the purposes of operating, managing and maintaining lottery facility games.

(m) “Lottery gaming facility expenses” means normal business expenses, as defined in the lottery gaming facility management contract, associated with the ownership and operation of a lottery gaming facility.

(n) “Lottery gaming facility management contract” means a contract, subcontract or collateral agreement between the state and a lottery gaming facility manager for the management of a lottery gaming facility, the business of which is owned and operated by the Kansas lottery, negotiated and signed by the executive director on behalf of the state.

(o) “Lottery gaming facility manager” means a corporation, limited liability company, resident Kansas American Indian tribe or other business entity authorized to construct and manage, or manage alone, pursuant to a lottery gaming facility management contract with the Kansas lottery, and on behalf of the state, a lottery gaming enterprise and lottery gaming facility.

(p) “Lottery gaming facility revenues” means the total revenues from lottery facility games at a lottery gaming facility after all related prizes are paid.

(q) (1) “Lottery machine” means any machine or device that allows a player purchaser to insert cash or other form of consideration and may deliver as the result of an element of chance, regardless of the skill required by the player purchaser, a prize or evidence of a prize, including, but not limited to:

(A) Any machine or device in which the prize or evidence of a prize is determined by both chance and the player’s purchaser’s or players’ purchasers’ skill, including, but not limited to, any machine or device on which a lottery game or lottery games, such as poker or blackjack, are played; or

(B) any machine or device in which the prize or evidence of a prize
is determined only by chance, including, but not limited to, any slot machine or bingo machine; or

(C) any lottery ticket vending machine, such as a keno ticket vending machine, pull tab vending machine or an instant bingo vending machine.

(2) “Lottery machine” shall not mean:

(A) Any food vending machine defined by K.S.A. 36-501, and amendments thereto;

(B) any nonprescription drug machine authorized under K.S.A. 65-650, and amendments thereto;

(C) any machine which dispenses only bottled or canned soft drinks, chewing gum, nuts or candies;

(D) any machine excluded from the definition of gambling devices under subsection (d) of K.S.A. 21-4302(d), prior to its repeal, or K.S.A. 2017 Supp. 21-6403, and amendments thereto; or

(E) any electronic gaming machine or lottery facility game operated in accordance with the provisions of the Kansas expanded lottery act;

(F) any lottery ticket vending machine; or

(G) any instant bingo vending machine.

“Lottery retailer” means any person with whom the Kansas lottery has contracted to sell lottery tickets or shares, or both, to the public.

(1) “Lottery ticket vending machine” means a machine or similar electronic device owned or leased by the Kansas lottery, the sole purposes of which are to:

(A) Dispense a printed physical ticket, such as a lottery ticket, a keno ticket, a pull tab ticket or a coupon, the coupon of which must be redeemed through something other than a lottery ticket vending machine, after a purchaser inserts cash or other form of consideration into the machine;

(B) allow purchasers to manually check the winning status of a Kansas lottery ticket; and

(C) display advertising, promotions and other information pertaining to the Kansas lottery.

(2) “Lottery ticket vending machine” shall not:

(A) Provide a visual or audio representation of an electronic gaming machine;

(B) visually or functionally have the same characteristics of an electronic gaming machine;

(C) automatically determine or display the winning status of any dispensed ticket;

(D) extend or arrange credit for the purchase of a ticket;

(E) dispense any winnings;

(F) dispense any prize;

(G) dispense any evidence of a prize other than the lottery ticket, keno ticket, pull tab ticket or any free Kansas lottery ticket received as a result of the purchase of another Kansas lottery ticket;
(H) provide free games or any other item that can be redeemed for cash; or

(I) dispense any other form of a prize to a purchaser.

No more than two lottery ticket vending machines may be located at each Kansas lottery retailer selling location.

Lottery ticket vending machines may only dispense the printed physical lottery ticket, keno ticket or pull tab ticket, including any free Kansas lottery ticket received as a result of the purchase of another Kansas lottery ticket, and change from a purchase to the purchaser. Any winnings from a lottery ticket vending machine shall be redeemed only for cash or check by a lottery retailer or by cash, check or other prize from the office of the Kansas lottery.

(u) (1) “Major procurement” means any gaming product or service, including, but not limited to, facilities, advertising and promotional services, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and services unique to the Kansas lottery, but not including materials, supplies, equipment and services common to the ordinary operations of state agencies.

(2) “Major procurement” shall not mean any product, service or other matter covered by or addressed in the Kansas expanded lottery act or a lottery gaming facility management contract or racetrack gaming facility management contract executed pursuant to the Kansas expanded lottery act.

(v) “Net electronic gaming machine income” means all cash or other consideration utilized to play an electronic gaming machine operated at a racetrack gaming facility, less all cash or other consideration paid out to winning players as prizes.

(w) “Organization licensee” has the meaning provided by K.S.A. 74-8802, and amendments thereto.

(x) “Parimutuel licensee” means a facility owner licensee or facility manager licensee under the Kansas parimutuel racing act.

(y) “Parimutuel licensee location” means a racetrack facility, as defined in K.S.A. 74-8802, and amendments thereto, owned or managed by the parimutuel licensee. A parimutuel licensee location may include any existing structure at such racetrack facility or any structure that may be constructed on real estate where such racetrack facility is located.

(z) “Person” means any natural person, association, limited liability company, corporation or partnership.

(aa) “Prize” means any prize paid directly by the Kansas lottery pursuant to the Kansas lottery act or the Kansas expanded lottery act or any rules and regulations adopted pursuant to either act.

(bb) “Progressive electronic game” means a game played on an electronic gaming machine for which the payoff increases uniformly as the game is played and for which the jackpot, determined by application
of a formula to the income of independent, local or interlinked electronic gaming machines, may be won.

(a) “Racetrack gaming facility” means that portion of a parimutuel licensee location where electronic gaming machines are operated, managed and maintained.

(b) “Racetrack gaming facility management contract” means an agreement between the Kansas lottery and a racetrack gaming facility manager, negotiated and signed by the executive director on behalf of the state, for placement of electronic gaming machines owned and operated by the state at a racetrack gaming facility.

(c) “Racetrack gaming facility manager” means a parimutuel licensee specifically certified by the Kansas lottery to become a certified racetrack gaming facility manager and offer electronic gaming machines for play at the racetrack gaming facility.

(d) “Returned ticket” means any ticket which was transferred to a lottery retailer, which was not sold by the lottery retailer and which was returned to the Kansas lottery for refund by issuance of a credit or otherwise.

(e) “Share” means any intangible manifestation authorized by the Kansas lottery to prove participation in a lottery game, except as provided by the Kansas expanded lottery act.

(f) “Ticket” means any tangible evidence issued by the Kansas lottery to prove participation in a lottery game other than a lottery facility game.

(g) “Token” means a representative of value, of metal or other material, which is not legal tender, redeemable for cash only by the issuing lottery gaming facility manager or racetrack gaming facility manager and which is issued and sold by a lottery gaming facility manager or racetrack gaming facility manager for the sole purpose of playing an electronic gaming machine or lottery facility game.

(h) “Vendor” means any person who has entered into a major procurement contract with the Kansas lottery.

(i) “Video lottery machine” means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game authorized by the commission, including, but not limited to, bingo, poker, black jack and keno, and which uses a video display and microprocessors and in which, by chance, the player may receive free games or credits that can be redeemed for cash.

Sec. 2. K.S.A. 2017 Supp. 74-8711 is hereby amended to read as follows: 74-8711. (a) There is hereby established in the state treasury the lottery operating fund.

(b) Except as provided by K.S.A. 2017 Supp. 74-8724 and the Kansas expanded lottery act, and amendments thereto, the executive director shall remit all moneys collected from the sale of lottery tickets and shares
and any other moneys received by or on behalf of the Kansas lottery 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 lottery operating fund. Moneys credited to the fund shall be ex-
pended or transferred only as provided by this act. Expenditures from
such fund shall be made in accordance with appropriations acts upon
warrants of the director of accounts and reports issued pursuant to vouch-
ers approved by the executive director or by a person designated by the
executive director.

(c) Moneys in the lottery operating fund shall be used for:

(1) The payment of expenses of the lottery, which shall include all
costs incurred in the operation and administration of the Kansas lottery;
all costs resulting from contracts entered into for the purchase or lease
of goods and services needed for operation of the lottery, including but
not limited to supplies, materials, tickets, independent studies and sur-
veys, data transmission, advertising, printing, promotion, incentives, pub-
lic relations, communications and distribution of tickets and shares; and
reimbursement of costs of facilities and services provided by other state
agencies;

(2) the payment of compensation to lottery retailers;

(3) transfers of moneys to the lottery prize payment fund pursuant to
K.S.A. 74-8712, and amendments thereto;

(4) transfers to the state general fund pursuant to K.S.A. 74-8713,
and amendments thereto;

(5) transfers to the community crisis stabilization centers fund and
clubhouse model program fund of the Kansas department for aging and
disability services pursuant to subsection (e);

(6) transfers to the state gaming revenues fund pursuant to subsection
(d) and as otherwise provided by law; and

(6)(7) transfers to the county reappraisal fund as prescribed by law.

(d) The director of accounts and reports shall transfer moneys in the
lottery operating fund to the state gaming revenues fund created by
K.S.A. 79-4801, and amendments thereto, on or before the 15th day of
each month in an amount certified monthly by the executive director and
determined as follows, whichever is greater:

(1) An amount equal to the moneys in the lottery operating fund in
excess of those needed for the purposes described in subsections (c)(1)
through (e)(4) (c)(5); or

(2) except for pull-tab lottery tickets and shares, an amount equal to
not less than 30% of total monthly revenues from the sales of lottery
tickets and shares less estimated returned tickets. In the case of pull-tab
lottery tickets and shares, an amount equal to not less than 20% of the
total monthly revenues from the sales of pull-tab lottery tickets and shares
less estimated returned tickets.
(e) (1) Subject to the limitations set forth in paragraph (2), commencing in fiscal year 2019, on or before the 10th day of each month, the director of the lottery shall certify to the director of accounts and reports all net profits from the sale of lottery tickets and shares via lottery ticket vending machines. Of such certified amount, the director of accounts and reports shall transfer 75% from the lottery operating fund to the community crisis stabilization centers fund of the Kansas department for aging and disability services and 25% from the lottery operating fund to the clubhouse model program fund of the Kansas department for aging and disability services.

(2) Moneys transferred pursuant to paragraph (1) shall not exceed in the aggregate $4,000,000 in fiscal year 2019, and shall not exceed in the aggregate $8,000,000 in fiscal year 2020 and each fiscal year thereafter.

Sec. 3. K.S.A. 74-8719 is hereby amended to read as follows: 74-8719.

(a) It is unlawful for any person to purchase a lottery ticket or share, or to share in the lottery winnings of a person, knowing that such person is:

(1) the executive director, a member of the commission or an employee of the Kansas lottery;

(2) an officer or employee of a vendor contracting with the Kansas lottery to supply gaming equipment or tickets to the Kansas lottery for use in the operation of any lottery conducted pursuant to this act;

(3) a spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent or stepparent of a person described by subsection (a)(1) or (2); or

(4) a person who resides in the same household as any person described by subsection (a)(1) or (2).

(b) (1) Violation of subsection (a) is a class A nonperson misdemeanor upon conviction for a first offense.

(2) Violation of subsection (a) is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.

(c) Notwithstanding subsection (a), the executive director may authorize in writing any employee of the Kansas lottery and any employee of a lottery vendor to purchase a lottery ticket for the purposes of verifying the proper operation of the state lottery with respect to security, systems operation and lottery retailer contract compliance. Any prize awarded as a result of such ticket purchase shall become the property of the Kansas lottery and be added to the prize pools of subsequent lottery games.

(d) Certain classes of persons who, because of the unique nature of the supplies or services they provide for use directly in the operation of a lottery pursuant to this act, may be prohibited, in accordance with rules and regulations adopted by the commission, from participating in any lottery in which such supplies or services are used.

(e) Nothing in this section shall prohibit lottery retailers or their employees from purchasing lottery tickets and shares or from being paid a prize of a winning ticket or share.
(f) Each person who purchases a lottery ticket or share thereby agrees to be bound by rules and regulations adopted by the commission and by the provisions of this act.

(g) Any lottery ticket or share purchased by a person under 18 years of age shall be null and void and may not be claimed for a prize.

Sec. 4. K.S.A. 2017 Supp. 75-6202 is hereby amended to read as follows: 75-6202. As used in this act article 62 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto:

(a) “Debtor” means any person who:

(1) Owes a debt to the state of Kansas or any state agency or any municipality;

(2) owes support to an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2017 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended; or

(3) owes a debt to a foreign state agency.

(b) “Debt” means:

(1) Any liquidated sum due and owing to the state of Kansas, or any state agency, municipality or foreign state agency which has accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum. A debt shall not include special assessments except when the owner of the property assessed petitioned for the improvement and any successor in interest of such owner of property;

(2) any amount of support due and owing an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2017 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, which amount shall be considered a debt due and owing the district court trustee or the Kansas department for children and families for the purposes of this act; or

(3) any assessment of court costs, fines, fees, moneys expended by the state in providing counsel and other defense services to indigent defendants or other charges which a district court judgment has ordered to be paid to the court and which remain unpaid in whole or in part, and includes any interest or penalties on such unpaid amounts as provided for in the judgment or by law. Such amount also includes the cost of collection when the collection services of a contracting agent are utilized.

(c) “Refund” means any amount of income tax refund due to any person as a result of an overpayment of tax, and for this purpose, a refund due to a husband and wife resulting from a joint return shall be considered to be separately owned by each individual in the proportion of each
such spouse’s contribution to income, as the term “contribution to income” is defined by rules and regulations of the secretary of revenue.

(d) “Net proceeds collected” means gross proceeds collected through final setoff against a debtor’s earnings, refund or other payment due from the state or any state agency minus any collection assistance fee charged by the director of accounts and reports of the department of administration.

(e) “State agency” means any state office, officer, department, board, commission, institution, bureau, agency or authority or any division or unit thereof and any judicial district of this state or the clerk or clerks thereof. “State agency” also shall include any: (1) District court utilizing collection services pursuant to K.S.A. 75-719, and amendments thereto, to collect debts owed to such court; and (2) contracting agent, as defined in K.S.A. 75-719, and amendments thereto, with which a district court contracts to collect debts owed to such court. Such contracting agent may directly establish a debt setoff account with the director for the sole purpose of collecting debts owed to courts.

(f) “Person” means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, corporation, other entity or a governmental agency, unit or subdivision.

(g) “Director” means the director of accounts and reports of the department of administration.

(h) “Municipality” means any municipality as defined by K.S.A. 75-1117, and amendments thereto, or any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 et seq., and amendments thereto, and licensed pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto, or any mental health clinic organized pursuant to the provisions of K.S.A. 65-211 et seq., and amendments thereto, and licensed pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto.

(i) “Payor agency” means any state agency which holds money for, or owes money to, a debtor.

(j) “Foreign state or foreign state agency” means the states of Colorado, Missouri, Nebraska or Oklahoma or any agency of such states which has entered into a reciprocal agreement pursuant to K.S.A. 75-6215, and amendments thereto.

(k) “Facility owner licensee” shall have the same meaning as the term is defined in K.S.A. 74-8802, and amendments thereto.

(l) “Racetrack gaming facility manager” shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(m) “Lottery gaming facility manager” shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(n) “Prize” shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto, and any winnings from pari-
mutuel wagering as provided by the Kansas pari-mutuel racing act, K.S.A. 74-8801 et seq., and amendments thereto.

Sec. 5. K.S.A. 2017 Supp. 75-6204 is hereby amended to read as follows: 75-6204. (a) Subject to the limitations provided in this act, if a debtor fails to pay a debt or fails to pay to the state of Kansas or any state agency, foreign state agency, municipality or the federal department of the treasury an amount owed, the director may setoff such amount and a reasonable collection assistance fee determined in accordance with K.S.A. 75-6210, and amendments thereto, against any money held for, or any money owed to, such debtor by the state or any state agency or lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee.

(b) The director may enter into an agreement with a municipality for participation in the setoff program for the purpose of assisting in the collection of a debt as defined by K.S.A. 75-6202, and amendments thereto. The director shall include in any such agreement a provision requiring the municipality to certify that the municipality has made at least three attempts to collect a debt prior to submitting such debt to setoff pursuant to this act.

(c) The director shall enter into an agreement with a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee for participation in the setoff program for the purpose of assisting in the collection of a debt. The director shall include in any such agreement a provision agreeing to defend, indemnify and hold harmless a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee with regard to all claims, demands, suits, actions, damages, judgments, costs, charges and expenses, including attorney fees, that may be brought or asserted against a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee and that arise from the performance of an agreement to facilitate the collection of debts by a lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee.

(d) (1) Except as provided in subsection (c)(2), the director shall add the cost of collection and the debt for a total amount subject to setoff against a debtor.

(2) Any debts due and owing to an individual, the state of Kansas or an agency of another state that are being enforced by the Kansas department for children and families under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, shall not have the cost of collection added to the debt owed and subject to setoff. Such cost of collection shall be paid by the Kansas department for children and families.

New Sec. 6. (a) Prior to any lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee paying on behalf of the
state any moneys requiring the completion of an internal revenue service form W-2G, the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee shall cause the person winning the prize to be matched against the state debtor files maintained by the director of accounts and reports as prescribed under K.S.A. 75-6201 et seq., and amendments thereto. If such person is listed in the state debtor files, the prize shall be withheld by the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee to the extent of such person’s debt as set forth in the state debtor files.

(b) The lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee shall not be subject to any civil, criminal or administrative liability for any actions taken pursuant to this section, unless such actions are intentional, malicious or wanton by such lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee or employees or agents thereof. The state shall indemnify the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee for any and all expenses, losses, damages and attorney fees that arise directly or indirectly from the performance of activities related to this section. For the purposes of the fair debt collection practices act, and any other federal or state law, the lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee shall have all of the protections of the state under the Kansas tort claims act, K.S.A. 75-6101 et seq., and amendments thereto. The sole remedy at law for persons who claim prizes were wrongfully withheld pursuant to this section shall be to submit an appeal to the department of administration pursuant to K.S.A. 75-6201 et seq., and amendments thereto.

(c) Moneys withheld, based on the state debtor files, shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount in the state treasury and credit it to the department of administration’s setoff clearing fund.

(d) Nothing in this section shall apply to Native American tribal gaming facilities.

(e) This section shall be part of and supplemental to the state debt setoff program.

New Sec. 7. (a) The community crisis stabilization centers fund is hereby created in the state treasury and shall be administered by the Kansas department for aging and disability services. The community crisis stabilization centers fund shall consist of those moneys credited to the community crisis stabilization centers fund pursuant to K.S.A. 74-8711(e), and amendments thereto. All expenditures from the community crisis stabilization centers fund shall be for community crisis stabilization centers operated through community mental health centers, and shall be
made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for aging and disability services.

(b) The clubhouse model program fund is hereby created in the state treasury and shall be administered by the Kansas department for aging and disability services. The clubhouse model program fund shall consist of those moneys credited to the clubhouse model program fund pursuant to K.S.A. 74-8711(e), and amendments thereto. All expenditures from the clubhouse model program fund shall be for certified clubhouse model programs, and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for aging and disability services.

New Sec. 8. (a) The executive director of the Kansas lottery is authorized to enter into agreements with any nonprofit organization licensed under K.S.A. 2017 Supp. 75-5171 et seq., and amendments thereto, for the operation of instant bingo vending machines, as defined in K.S.A. 74-8702, and amendments thereto, to be located on the premises of such nonprofit organization, provided, that not more than two instant bingo vending machines may be located on the premises of such nonprofit organization. Such agreements shall provide for the remittance of the gross receipts from the sale of instant bingo tickets via any instant bingo vending machine to the nonprofit organization.

(b) All sales of instant bingo tickets via an instant bingo vending machine operated pursuant to an agreement shall be considered sales by the nonprofit organization, and all proceeds from such sales shall be remitted to the nonprofit organization.

Sec. 9. K.S.A. 2017 Supp. 74-8723 is hereby amended to read as follows: 74-8723. (a) The Kansas lottery and the office of executive director of the Kansas lottery, established by K.S.A. 74-8703, and amendments thereto, and the Kansas lottery commission, created by K.S.A. 74-8709, and amendments thereto, shall be and hereby are abolished on July 1, 2022.

(b) This section shall be part of and supplemental to the Kansas lottery act.

Sec. 10. K.S.A. 2017 Supp. 75-5173 is hereby amended to read as follows: 75-5173. As used in this act:

(a) “Act” means the Kansas charitable gaming act.

(b) “Administrator” means the administrator of charitable gaming designated by the secretary pursuant to K.S.A. 2017 Supp. 75-5186, and amendments thereto.

(c) “Bingo” or “games of bingo” means the games of call bingo and instant bingo.

(d) “Bingo face” or “face” means a piece of paper which is marked off into 25 squares arranged in five horizontal rows of five squares each
and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word “free.” No two bingo faces in the same game shall be identical. Faces shall be disposable and shall not be reused after the game in which a player has used such face.

(e) “Call bingo” means a game in which: (1) Each player pays a charge; (2) a prize or prizes are awarded to the winner or winners; (3) each player receives one or more cards or faces; and (4) each player covers the squares on each card or face as the operator of such game announces a number, letter or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically from a receptacle in which have been placed objects bearing numbers, letters or combinations of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first covering properly a predetermined and announced pattern of squares upon the card or face being used by such player or players.

“Call bingo” shall include any regular, special, mini and progressive game of bingo.

(f) “Charitable gaming” means bingo, including call bingo, and instant bingo and charitable raffles.

(g) “Charitable raffle” means a raffle conducted by a nonprofit religious, charitable, fraternal, educational or veterans’ organization.

(h) “Department” means the department of revenue.

(i) “Director” means the director of taxation.

(j) “Distributor” means any person or entity that sells or distributes instant bingo tickets, bingo cards or bingo faces.

(k) “Electronic gaming device” means a device that, as a result of the insertion of a coin or other object, operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value.

(l) “Instant bingo” means a game: (1) In which each player pays a charge; (2) in which a prize or prizes are awarded to the winner or winners; (3) in which each player receives one or more disposable pull-tab or break-open tickets which accord a player an opportunity to win something of value by opening or detaching the paper covering from the back of the ticket to reveal a set of numbers, letters, symbols or configurations, or any combination thereof; (4) which that is conducted by a licensee under this act; (5) the conduct of which must be in the presence of the players that may be dispensed by an instant bingo vending machine; and (6) which that does not utilize any dice, normal playing cards, instant ticket with a removable latex covering or slot machines.

Winners of instant bingo shall be determined either: (1) By a combination of letters, numbers or symbols determined and posted prior to the sale of instant bingo tickets; (2) by matching a letter, number or symbol under a tab of an instant bingo ticket with the winning letter, number or
symbol in a designated call game of bingo during the same session; or (3) by matching a letter, number or symbol under a tab of an instant bingo ticket with one or more letters, numbers or symbols announced in, or as a continuation of, a designated call game of bingo during the same session.

“Instant bingo” shall not include any game utilizing electronically generated or computer generated tickets.

(m) “Instant bingo vending machine” means the same as that term is defined in K.S.A. 74-8702, and amendments thereto.

(n) “Lessor” means the owner, co-owner, lessor or sublessor of premises upon which a licensee is permitted to manage, operate or conduct games of bingo.

(o) “Licensee” means any nonprofit organization holding a license to manage, operate or conduct games of bingo or charitable raffles pursuant to K.S.A. 2017 Supp. 75-5171 through 75-5188, and amendments thereto. A license shall be required for each affiliated organization of any state or national nonprofit religious, charitable, fraternal, educational or veteran’s organization.

(p) “Mini bingo” means a game of call bingo in which the prizes awarded are not less than 50% of the gross receipts derived from the sale of cards or faces for participation in the game.

(q) “Net proceeds” means the gross receipts received by the licensee from charges imposed on players for participation in games of bingo or raffles and any admission fees or charges less amounts actually paid as prizes in games of bingo or raffles and any tax payable by the licensee.

(r) “Nonprofit religious organization” means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and which religious organization maintains an established place of worship within this state and has a regular schedule of services or meetings at least on a weekly basis and has been determined by the administrator to be organized and created as a bona fide religious organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) or section 501(d) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit religious organization by the administrator.

(s) “Nonprofit charitable organization” means any organization which is organized and operated for:

(1) The relief of poverty, distress, or other condition of public concern within this state;
(2) financially supporting the activities of a charitable organization as defined in paragraph (1); or

(3) conferring direct benefits on the community at large; and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization and has been determined by the administrator to be organized and operated as a bona fide charitable organization and which has been exempted from the payment of federal income taxes as provided by sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6) and 501(c)(7) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit charitable organization by the administrator.

(t) “Nonprofit fraternal organization” means any organization within this state which exists for the common benefit, brotherhood, or other interests of its members and is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within this state and has been determined by the administrator to be organized and operated as a bona fide fraternal organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(8) or section 501(c)(10) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit fraternal organization by the administrator.

(u) “Nonprofit educational organization” means any public or private elementary or secondary school or institution of higher education which has been determined by the administrator to be organized and operated as a bona fide educational organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(3) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit educational organization by the administrator.

(v) “Nonprofit veterans’ organization” means any organization within this state or any branch, lodge or chapter of a national or state organization within this state, the membership of which consists exclusively of individuals who qualify for membership because they were or are members of the armed services or forces of the United States, or an auxiliary unit or society of such a nonprofit veterans’ organization, the membership of which consists exclusively of individuals who were or are members of the armed services or forces of the United States, or cadets, or are spouses, widows or widowers of individuals who were or are members of the armed services or forces of the United States, and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization, and has been determined by the administrator to be organized and operated as a bona fide veterans’ organization and which has been exempted from the payment of federal income taxes as provided by section 501(c)(4) or
501(c)(19) of the federal internal revenue code of 1986, as amended, or determined to be organized and operated as a bona fide nonprofit veterans' organization by the administrator.

(w) “Person” means any natural person, corporation, partnership, trust or association.

(x) “Premises” means any room, hall, building, enclosure or outdoor area used for the management, operation or conduct of a game of bingo by a licensee.

(y) “Progressive bingo” means a game of call bingo in which either the established prize amount or number of bingo balls or objects called, or both, may be increased from one session to the next scheduled session if no player completes the required pattern within the specified number of bingo balls or objects drawn. The player’s opportunity to win shall increase as the prize amount increases.

(z) “Raffle” means a game of chance in which each participant buys a ticket or tickets from a nonprofit organization with each ticket providing an equal chance to win a prize and the winner being determined by a random drawing.

(aa) “Reusable bingo card” means a reusable card which is marked off into 25 squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each, with each square being designated by a number, letter or combination of numbers and letters. Only the center square shall be designated with the word “free.” No two cards in the same game shall be identical.

(bb) “Secretary” means the secretary of revenue or the secretary’s designee.

(cc) “Session” means a day on which a licensee conducts games of bingo.

New Sec. 11. (a) Any person listed in subsections (b)(1), (2) or (3) may engage or direct a person under 18 years of age to violate the provisions of the Kansas lottery act in order to develop a program or system that determines and encourages compliance with the provisions of such act prohibiting sales of lottery tickets to persons under the age of 18 via lottery ticket vending machines.

(b) No person shall engage or direct a person under 18 years of age to violate any provision of the Kansas lottery act for purposes of determining compliance with the provisions of such act unless such person is:

(1) An officer having authority to enforce the provisions of the Kansas lottery act;

(2) an authorized representative of the attorney general, a county attorney or district attorney; or

(3) a lottery retailer, or such retailer’s designee, pursuant to a self-compliance program designed to increase compliance with the provisions of the Kansas lottery act and approved by the executive director.
New Section 1. Sections 1 through 8, and amendments thereto, shall be known and may be cited as the Kansas cybersecurity act.

New Sec. 2. As used in sections 1 through 8, and amendments thereto:
(a) “Act” means the Kansas cybersecurity act.
(b) “Breach” or “breach of security” means unauthorized access of data in electronic form containing personal information. Good faith access of personal information by an employee or agent of an executive branch agency does not constitute a breach of security, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use.
(c) “CISO” means the executive branch chief information security officer.
(d) “Cybersecurity” is the body of information technologies, processes and practices designed to protect networks, computers, programs and data from attack, damage or unauthorized access.
(e) “Cybersecurity positions” do not include information technology positions within executive branch agencies.
(f) “Data in electronic form” means any data stored electronically or digitally on any computer system or other database and includes recordable tapes and other mass storage devices.
(g) “Executive branch agency” means any agency in the executive branch of the state of Kansas, but does not include elected office agencies,
the adjutant general’s department, the Kansas public employees retirement system, regents’ institutions, or the board of regents.

(h) "KISO" means the Kansas information security office.

(i) (1) “Personal information” means:
   (A) An individual’s first name or first initial and last name, in combination with at least one of the following data elements for that individual:
      (i) Social security number;
      (ii) driver’s license or identification card number, passport number, military identification number or other similar number issued on a government document used to verify identity;
      (iii) financial account number or credit or debit card number, in combination with any security code, access code or password that is necessary to permit access to an individual’s financial account;
      (iv) any information regarding an individual’s medical history, mental or physical condition or medical treatment or diagnosis by a healthcare professional; or
      (v) an individual’s health insurance policy number or subscriber identification number and any unique identifier used by a health insurer to identify the individual; or
   (B) a user name or email address, in combination with a password or security question and answer that would permit access to an online account.

   (2) “Personal information” does not include information:
      (A) About an individual that has been made publicly available by a federal agency, state agency or municipality; or
      (B) that is encrypted, secured or modified by any other method or technology that removes elements that personally identify an individual or that otherwise renders the information unusable.

New Sec. 3. (a) There is hereby established the position of executive branch chief information security officer. The CISO shall be in the unclassified service under the Kansas civil service act, shall be appointed by the governor and shall receive compensation in an amount fixed by the governor.

(b) The CISO shall:
   (1) Report to the executive branch chief information technology officer;
   (2) serve as the state’s CISO;
   (3) serve as the executive branch chief cybersecurity strategist and authority on policies, compliance, procedures, guidance and technologies impacting executive branch cybersecurity programs;
   (4) ensure Kansas information security office resources assigned or provided to executive branch agencies are in compliance with applicable laws and rules and regulations;
(5) coordinate cybersecurity efforts between executive branch agencies;
(6) provide guidance to executive branch agencies when compromise of personal information or computer resources has occurred or is likely to occur as the result of an identified high-risk vulnerability or threat; and
(7) perform such other functions and duties as provided by law and as directed by the executive chief information technology officer.

New Sec. 4. (a) There is hereby established within and as a part of the office of information technology services the Kansas information security office. The Kansas information security office shall be administered by the CISO and be staffed appropriately to effect the provisions of the Kansas cybersecurity act.

(b) For the purpose of preparing the governor’s budget report and related legislative measures submitted to the legislature, the Kansas information security office, established in this section, shall be considered a separate state agency and shall be titled for such purpose as the “Kansas information security office.” The budget estimates and requests of such office shall be presented as from a state agency separate from the department of administration, and such separation shall be maintained in the budget documents and reports prepared by the director of the budget and the governor, or either of them, including all related legislative reports and measures submitted to the legislature.

(c) Under direction of the CISO, the KISO shall:
(1) Administer the Kansas cybersecurity act;
(2) assist the executive branch in developing, implementing and monitoring strategic and comprehensive information security risk-management programs;
(3) facilitate executive branch information security governance, including the consistent application of information security programs, plans and procedures;
(4) using standards adopted by the information technology executive council, create and manage a unified and flexible control framework to integrate and normalize requirements resulting from applicable state and federal laws, and rules and regulations;
(5) facilitate a metrics, logging and reporting framework to measure the efficiency and effectiveness of state information security programs;
(6) provide the executive branch strategic risk guidance for information technology projects, including the evaluation and recommendation of technical controls;
(7) assist in the development of executive branch agency cybersecurity programs that are in compliance with applicable state and federal laws and rules and regulations and standards adopted by the information technology executive council;
(8) coordinate the use of external resources involved in information security programs;
security programs, including, but not limited to, interviewing and negotiating contracts and fees;

(9) liaise with external agencies, such as law enforcement and other advisory bodies as necessary, to ensure a strong security posture;

(10) assist in the development of plans and procedures to manage and recover business-critical services in the event of a cyberattack or other disaster;

(11) assist executive branch agencies to create a framework for roles and responsibilities relating to information ownership, classification, accountability and protection;

(12) ensure a cybersecurity training program is provided to executive branch agencies at no cost to the agencies;

(13) provide cybersecurity threat briefings to the information technology executive council;

(14) provide an annual status report of executive branch cybersecurity programs of executive branch agencies to the joint committee on information technology and the house committee on government, technology and security; and

(15) perform such other functions and duties as provided by law and as directed by the CISO.

New Sec. 5. The executive branch agency heads shall:

(a) Be solely responsible for security of all data and information technology resources under such agency’s purview, irrespective of the location of the data or resources. Locations of data may include: (1) Agency sites; (2) agency real property; (3) infrastructure in state data centers; (4) third-party locations; and (5) in transit between locations;

(b) ensure that an agency-wide information security program is in place;

(c) designate an information security officer to administer the agency’s information security program that reports directly to executive leadership;

(d) participate in CISO-sponsored statewide cybersecurity program initiatives and services;

(e) implement policies and standards to ensure that all the agency’s data and information technology resources are maintained in compliance with applicable state and federal laws and rules and regulations;

(f) implement appropriate cost-effective safeguards to reduce, eliminate or recover from identified threats to data and information technology resources;

(g) include all appropriate cybersecurity requirements in the agency’s request for proposal specifications for procuring data and information technology systems and services;

(h) (1) submit a cybersecurity assessment report to the CISO by October 16 of each even-numbered year, including an executive summary
of the findings, that assesses the extent to which a computer, a computer
program, a computer network, a computer system, a printer, an interface
to a computer system, including mobile and peripheral devices, computer
software, or the data processing of the agency or of a contractor of the
agency is vulnerable to unauthorized access or harm, including the extent
to which the agency’s or contractor’s electronically stored information is
vulnerable to alteration, damage, erasure or inappropriate use;

(2) ensure that the agency conducts annual internal assessments of
its security program. Internal assessment results shall be considered confi-
dential and shall not be subject to discovery by or release to any person
or agency outside of the KISO or CISO. This provision regarding confi-
dentiality shall expire on July 1, 2023, unless the legislature reviews and
reenacts such provision pursuant to K.S.A. 45-229, and amendments
thereto, prior to July 1, 2023; and

(3) prepare or have prepared a summary of the cybersecurity assess-
ment report required in paragraph (1), excluding information that might
put the data or information resources of the agency or its contractors at
risk and submit such report to the house of representatives committee
on government, technology and security or its successor committee and
the senate committee on ways and means;

(i) participate in annual agency leadership training to ensure under-
standing of: (1) The information and information systems that support
the operations and assets of the agency; (2) the potential impact of com-
mon types of cyberattacks and data breaches on the agency’s operations
and assets; (3) how cyberattacks and data breaches on the agency’s op-
erations and assets could impact the operations and assets of other gov-
ernmental entities on the state enterprise network; (4) how cyberattacks
and data breaches occur; (5) steps to be undertaken by the executive
director or agency head and agency employees to protect their informa-
tion and information systems; and (6) the annual reporting requirements
required of the executive director or agency head; and

(j) ensure that if an agency owns, licenses or maintains computerized
data that includes personal information, confidential information or in-
formation, the disclosure of which is regulated by law, such agency shall,
in the event of a breach or suspected breach of system security or an
unauthorized exposure of that information:

(1) Comply with the notification requirements set out in K.S.A. 2017
Supp. 50-7a01 et seq., and amendments thereto, and applicable federal
laws and rules and regulations, to the same extent as a person who con-
ducts business in this state; and

(2) not later than 48 hours after the discovery of the breach, sus-
pected breach or unauthorized exposure, notify: (A) The CISO; and (B)
if the breach, suspected breach or unauthorized exposure involves elec-
tion data, the secretary of state.
New Sec. 6. (a) An executive branch agency head, with input from the CISO, may require employees or contractors of executive branch agencies, whose duties include collection, maintenance or access to personal information, to be fingerprinted and to submit to a state and national criminal history record check at least every five years.

(b) The fingerprints shall be used to identify the employee and to determine whether the employee or other such person has a record of criminal history in this state or another jurisdiction. The executive director or agency head shall submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The executive director or agency head may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identity of the employee or other such person and in the official determination of the qualifications and fitness of the employee or other such person to work in the position with access to personal information.

(c) Local and state law enforcement officers and agencies shall assist the executive director or agency head in the taking and processing of fingerprints of employees or other such persons. Local law enforcement officers and agencies may charge a fee as reimbursement for expenses incurred in taking and processing fingerprints under this section, to be paid by the executive branch agency employing or contracting the individual required to submit to fingerprinting and a criminal history record check.

New Sec. 7. Information collected to effectuate this act shall be considered confidential by the executive branch agency and KISO unless all data elements or information that specifically identifies a target, vulnerability or weakness that would place the organization at risk have been redacted, including: (a) System information logs; (b) vulnerability reports; (c) risk assessment reports; (d) system security plans; (e) detailed system design plans; (f) network or system diagrams; and (g) audit reports. The provisions of this section shall expire on July 1, 2023, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2023.

New Sec. 8. Executive branch agencies may pay for cybersecurity services from existing budgets, from grants or other revenues, or through a special assessment to offset costs. Any executive branch agency’s increase in fees or charges related to this act, including cybersecurity fees charged by the KISO, shall be fixed by rules and regulations adopted by the agency and shall be used only for cybersecurity and no other purpose. Service or transactions with an applied cybersecurity cost recovery fee may indicate the portion of the fee dedicated to cybersecurity on all receipts and transaction records.

Sec. 9. K.S.A. 2017 Supp. 75-7202 is hereby amended to read as
follows: 75-7202. (a) There is hereby established the information technology executive council which shall be attached to the office of information technology services for purposes of administrative functions.

(b) The council shall be composed of 17 voting members as follows: The secretary of administration; Two cabinet agency heads or such persons’ designees; the director of the budget; the executive chief information technology officer; the legislative chief information technology officer; the judicial chief information technology officer and the judicial administrator of the Kansas supreme court; the executive director of the Kansas board of regents; the commissioner of education; two representatives of the chief executive officer of the state board of regents or such person’s designee; one representative of cities; two representatives of counties; the network manager of the information network of Kansas (INK); and one representative from the private sector who is a chief executive officer or chief information technology officer with background and knowledge in technology and cybersecurity from the private sector, however, such representative or such representative’s employer shall not be an information technology or cybersecurity vendor that does business with the state of Kansas; one representative appointed by the Kansas criminal justice information system committee; one member of the senate ways and means committee appointed by the president of the senate or such member’s designee; one member of the senate ways and means committee appointed by the minority leader of the senate or such member’s designee; one member of the house government, technology and security committee or its successor committee appointed by the speaker of the house of representatives or such member’s designee; and one member of the house government, technology and security committee or its successor committee appointed by the minority leader of the house of representatives or such member’s designee. The chief information technology architect shall be a nonvoting member of the council. The two cabinet agency heads, the noncabinet agency heads, the representatives representative of cities, the representatives representative of counties and the representative from the private sector shall be appointed by the governor for a term not to exceed 18 months. Upon expiration of an appointed member’s term, the member shall continue to hold office until the appointment of a successor. Nonappointed members shall serve ex officio.

(c) The chairperson of the council shall be drawn from the chief information technology officers, with each chief information technology officer serving a one-year term. The term of chairperson shall rotate among the chief information technology officers on an annual basis.

(d) The council shall hold quarterly meetings and hearings in the city of Topeka or at such other places as the council designates, on call of the
chairperson executive chief information technology officer or on request of four or more members.

(e) Except for members specified as a designee in subsection (b), members of the council may not appoint an individual to represent them on the council and only members of the council may vote.

(f) Members of the council shall receive mileage, tolls and parking as provided in K.S.A. 75-3223, and amendments thereto, for attendance at any meeting of the council or any subcommittee meeting authorized by the council.

Sec. 10. K.S.A. 2017 Supp. 75-7202 is hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 11, 2018.

CHAPTER 98
Senate Substitute for HOUSE BILL No. 2028

AN ACT concerning health and healthcare; relating to the practice of telemedicine; Kansas medical assistance program; enacting the Kansas telemedicine act; amending K.S.A. 2017 Supp. 40-2,103 and 40-19c09 and repealing the existing sections.

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

New Section 1. (a) Sections 1 through 7, and amendments thereto, shall be known and may be cited as the Kansas telemedicine act.

(b) This section shall take effect on and after January 1, 2019.

New Sec. 2. (a) For purposes of Kansas telemedicine act:

(1) “Distant site” means a site at which a healthcare provider is located while providing healthcare services by means of telemedicine.

(2) “Healthcare provider” means a physician, licensed physician assistant, licensed advanced practice registered nurse or person licensed, registered, certified or otherwise authorized to practice by the behavioral sciences regulatory board.

(3) “Originating site” means a site at which a patient is located at the time healthcare services are provided by means of telemedicine.

(4) “Physician” means a person licensed to practice medicine and surgery by the state board of healing arts.

(5) “Telemedicine,” including “telehealth,” means the delivery of healthcare services or consultations while the patient is at an originating site and the healthcare provider is at a distant site. Telemedicine shall be provided by means of real-time two-way interactive audio, visual, or audio-visual communications, including the application of secure video conferencing or store-and-forward technology to provide or support health-
care delivery, that facilitate the assessment, diagnosis, consultation, treatment, education and care management of a patient’s healthcare. “Telemedicine” does not include communication between:

(A) Healthcare providers that consist solely of a telephone voice-only conversation, email or facsimile transmission; or

(B) a physician and a patient that consists solely of an email or facsimile transmission.

(b) This section shall take effect on and after January 1, 2019.

New Sec. 3. (a) The same requirements for patient privacy and confidentiality under the health insurance portability and accountability act of 1996 and 42 C.F.R. § 2.13, as applicable, that apply to healthcare services delivered via in-person contact shall also apply to healthcare services delivered via telemedicine. Nothing in this section shall supersede the provisions of any state law relating to the confidentiality, privacy, security or privileged status of protected health information.

(b) Telemedicine may be used to establish a valid provider-patient relationship.

(c) The same standards of practice and conduct that apply to healthcare services delivered via in-person contact shall also apply to healthcare services delivered via telemedicine.

(d) (1) A person authorized by law to provide and who provides telemedicine services to a patient shall provide the patient with guidance on appropriate follow-up care.

(2) (A) Except when otherwise prohibited by any other provision of law, when the patient consents and the patient has a primary care or other treating physician, the person providing telemedicine services shall send within three business days a report to such primary care or other treating physician of the treatment and services rendered to the patient in the telemedicine encounter.

(B) A person licensed, registered, certified or otherwise authorized to practice by the behavioral sciences regulatory board shall not be required to comply with the provisions of subparagraph (A).

(e) This section shall take effect on and after January 1, 2019.

New Sec. 4. (a) The provisions of this section shall apply to any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed on or after January 1, 2019. The provisions of this section shall also apply to the Kansas medical assistance program.

(b) No individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society, health maintenance
organization or the Kansas medical assistance program shall exclude an otherwise covered healthcare service from coverage solely because such service is provided through telemedicine, rather than in-person contact, or based upon the lack of a commercial office for the practice of medicine, when such service is delivered by a healthcare provider.

(c) The insured’s medical record shall serve to satisfy all documentation for the reimbursement of all telemedicine healthcare services, and no additional documentation outside of the medical record shall be required.

(d) Payment or reimbursement of covered healthcare services delivered through telemedicine may be established by an insurance company, nonprofit health service corporation, nonprofit medical and hospital service corporation or health maintenance organization in the same manner as payment or reimbursement for covered services that are delivered via in-person contact are established.

(e) Nothing in this section shall be construed to:

1) Prohibit an individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for telemedicine or the Kansas medical assistance program from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered individual’s health benefits plan;

2) mandate coverage for a healthcare service delivered via telemedicine if such healthcare service is not already a covered healthcare service, when delivered by a healthcare provider subject to the terms and conditions of the covered individual’s health benefits plan; or

3) allow an individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for telemedicine or the Kansas medical assistance program to require a covered individual to use telemedicine or in lieu of receiving an in-person healthcare service or consultation from an in-network provider.

(f) The provisions of K.S.A. 40-2248 and 40-2249a, and amendments thereto, shall not apply to this section.

(g) This section shall take effect on and after January 1, 2019.

New Sec. 5. (a) The state board of healing arts, following consultation with the state board of pharmacy and the board of nursing, shall adopt rules and regulations relating to the prescribing of drugs, including controlled substances, via telemedicine. Such rules and regulations shall be adopted by December 31, 2018.

(b) The state board of healing arts shall adopt such rules and regulations as may be necessary to effectuate the provisions of Kansas tele-
medicine act. Such rules and regulation, shall be adopted by December 31, 2018.

(c) The behavioral sciences regulatory board shall adopt such rules and regulations as may be necessary to effectuate the provisions of Kansas telemedicine act. Such rules and regulations shall be adopted by December 31, 2018.

New Sec. 6. Nothing in the Kansas telemedicine act shall be construed to authorize the delivery of any abortion procedure via telemedicine.

New Sec. 7. If any provision of the Kansas telemedicine act, or the application thereof to any person or circumstance, is held invalid or unconstitutional by court order, then the remainder of the Kansas telemedicine act and the application of such provision to other persons or circumstances shall not be affected thereby and it shall be conclusively presumed that the legislature would have enacted the remainder of the Kansas telemedicine act without such invalid or unconstitutional provision, except that the provisions of section 6, and amendments thereto, are expressly declared to be nonseverable.

New Sec. 8. (a) On and after January 1, 2019, the department of health and environment and any managed care organization providing state medicaid services under the Kansas medical assistance program shall provide coverage for speech-language pathology services and audiology services provided by a speech-language pathologist or audiologist licensed by the Kansas department for aging and disability services by means of telehealth, as defined in section 2, and amendments thereto, if such services would be covered by the Kansas medical assistance program when delivered via in-person contact.

(b) The department of health and environment shall implement and administer this section consistent with applicable federal laws and regulations and shall submit to the United States centers for medicare and medicaid services any state medicaid plan amendment, waiver request or other approval request necessary to implement this section.

(c) The department of health and environment shall adopt rules and regulations as may be necessary to implement and administer this section. Such rules and regulations shall be adopted on or before December 31, 2018.

(d) On or before January 13, 2020, the department of health and environment shall prepare an impact report that assesses the social and financial effects of the coverage mandated by this section, including the impacts listed in K.S.A. 40-2249(a) and (b), and amendments thereto, and shall submit such report to the legislature and the house of representatives standing committee on health and human services, the house of representatives standing committee on insurance, the senate standing
committee on public health and welfare and the senate standing committee on financial institutions and insurance.

Sec. 9. K.S.A. 2017 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 and 40-2,194, and sections 1 through 7, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 10. K.S.A. 2017 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to through 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to through 40-2116, inclusive, 40-2215 to through 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to through 40-2421, inclusive, and 40-3301 to through 40-3313, inclusive, and K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 and 40-2,194 and sections 1 through 7, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

Sec. 11. K.S.A. 2017 Supp. 40-2,103 and 40-19c09 are hereby repealed.

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

Approved May 12, 2018.
AN ACT concerning alcoholic beverages; defining alcoholic candy; confectionery products containing alcohol and adulterated food products; expanding hours of sales; authorizing sale of refillable and sealable containers by microbreweries; amending K.S.A. 65-664 and K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2017 Supp. 41-102, 41-308a, 41-308b, 41-354, 41-2614 and 41-2640 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act.

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

Section 1. K.S.A. 2017 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 as a beverage 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 by K.S.A. 41-2601, and amendments thereto.

(f) “Cereal malt beverage” has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(g) “Club” has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(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.

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

(j) "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.

(k) "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.

(l) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

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

(o) "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.

(p) "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.

(q) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills 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.

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

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

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

(u) "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.

(v) "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.

(\textit{v})(w) “Person” means any natural person, corporation, partnership,
trust or association.

(w)(x) “Powdered alcohol” means alcohol that is prepared in a pow-
dered or crystal form for either direct use or for reconstitution in a non-
alcoholic liquid.

(\textit{x})(y) “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 se-
cured by American wholesalers.

(y)(z) (1) “Retailer” means a person who sells at retail, or offers for
sale at retail, alcoholic liquors.

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

(x)(aa) “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 em-
ployee.

(aa)(bb) “Salesperson” means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agree-
ment 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.

(bb)(cc) “Secretary” means the secretary of revenue.

(cc)(dd) (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 tempo-
rary 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.

(dd)(ee) “To sell” includes to solicit or receive an order for, to keep
or expose for sale and to keep with intent to sell.

(ee)(ff) “Sleeve” means a package of two or more 50-milliliter (3.2-
fluid-ounce) containers of spirits.
“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.

“Supplier” means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

“Temporary permit” has the meaning provided by K.S.A. 41-2601, and amendments thereto.

“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 hard cider and any other product that is commonly known as a subset of wine.

Sec. 2. On and after April 1, 2019, K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, 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 as a beverage 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 by K.S.A. 41-2601, and amendments thereto.

(f) “Cereal malt beverage” has the meaning provided by K.S.A. 41-2701, and amendments thereto.
“Club” has the meaning provided by K.S.A. 41-2601, and amendments thereto.

“Director” means the director of alcoholic beverage control of the department of revenue.

“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.

“Domestic beer” means beer which contains not more than 10% alcohol by weight and which is manufactured in this state.

“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.

“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.

“Drinking establishment” has the meaning provided by K.S.A. 41-2601, and amendments thereto.

“Farm winery” means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

“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.

“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.

“Manufacturer” means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

“Manufacturer” does not include a microbrewery, microdistillery or a farm winery.

“Microbrewery” means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

“Microdistillery” means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

“Minor” means any person under 21 years of age.
“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.

“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.

“Person” means any natural person, corporation, partnership, trust or association.

“Powdered alcohol” means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a non-alcoholic liquid.

“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.

(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.

“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.

“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.

“Secretary” means the secretary of revenue.

(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.

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

(ef) “Sleeve” means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

(ff) “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.

(gg) “Supplier” means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

(hh) “Temporary permit” has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(jj) “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 hard cider and any other product that is commonly known as a subset of wine.

Sec. 3. K.S.A. 2017 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. 41-2645, and amendments thereto, and caterers;

(3) 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;

(4) 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), if the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) 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;

(6) 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;

(7) 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;

(8) 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

(9) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2017 Supp. 41-350, and amendments thereto.

(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), 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) 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.

(d) 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 except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of wine manufactured by the licensee and wine imported under subsection (e) 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) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) 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) 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) No farm winery or winery outlet 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.

(h) 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.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 4. K.S.A. 2017 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; and

(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, including 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) 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.

(e)(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)(f) 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 except Sunday and between 11 a.m. and 7 p.m. on Sunday. 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.

(e)(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.

(i)(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.

(i)(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-premises 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)(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. 5. K.S.A. 2017 Supp. 41-354 is hereby amended to read as follows: 41-354. (a) A microdistillery license shall allow:

1. The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;
2. the sale to spirit distributors of spirits, manufactured by the licensee;
3. the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;
4. 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 spirits 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;
5. if the licensee is also licensed as a club or drinking establishment, the sale of spirits and other alcoholic liquor for consumption on the li-
(c) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(e) A microdistillery may sell spirits 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 except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits 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) No microdistillery shall:

(d) The director may issue to the Kansas state fair or any bona fide group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such spirits 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 spirit to be imported, the quantity to be imported, the tasting programs for which the spirit is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the conduct of tasting programs for which such spirits are imported.
(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-premises 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.

(g) Whenever a microdistillery 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.

(h) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(i) 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.

(j) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 6. K.S.A. 2017 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 on its premises between the hours of 2:00 a.m. and 9:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor 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. 7. K.S.A. 2017 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 in a pitcher capable of containing not more than 64 fluid ounces;

(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) The secretary may adopt rules and regulations as necessary to implement the provisions of this subsection. (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 cus-
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 pro-
vided 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 cus-
tomer’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 pun-
ishable as provided by K.S.A. 41-2633, and amendments thereto.

(h) Violation of any provision of this section shall be grounds for sus-
pension 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 purposes of this section, the term “day” means from 6:00 a.m.
until 2:00 a.m. the following calendar day.

Sec. 8. K.S.A. 65-664 is hereby amended to read as follows: 65-664.
A food shall be deemed to be adulterated:

(a) (1) If it bears or contains any poisonous or deleterious substance
which may render it injurious to health; but in case the substance is not
an added substance such food shall not be considered adulterated under
this clause if the quantity of the substance in such food does not ordinarily
render it injurious to health; or (2) (A) it bears or contains any added
poisonous or added deleterious substance, other than one which is: (i) A
pesticide chemical in or on a raw agricultural commodity; (ii) a food ad-
ditive; or (iii) a color additive, which is unsafe within the meaning of
K.S.A. 65-667, and amendments thereto; or (B) it is a raw agricultural
commodity and it bears or contains a pesticide chemical which is unsafe
within the meaning of K.S.A. 65-667, and amendments thereto; or (C) it
is or it bears or contains any food additive which is unsafe within the
meaning of K.S.A. 65-667, and amendments thereto. Where a pesticide
chemical has been used in or on a raw agricultural commodity in con-
formity with an exemption granted or tolerance prescribed under K.S.A.
65-667, and amendments thereto, and such raw agricultural commodity
has been subjected to processing such as canning, cooking, freezing, de-
hydrating, or milling, the residue of such pesticide chemical remaining in
or on such processed food shall, notwithstanding the provisions of K.S.A.
65-667, and amendments thereto, and clause subparagraph (C) of this
subsection, not be deemed unsafe if such residue in or on the raw agricul-
tural commodity has been removed to the extent possible in good
manufacturing practice, and the concentration of such residue in the
processed food when ready to eat is not greater than the tolerance pre-
scribed for the raw agricultural commodity; or (3) it consists in whole or
in part of a diseased, contaminated, filthy, putrid, or decomposed sub-
stance, or is otherwise unfit for food; or (4) it has been produced, pre-
pared, packed, or held under insanitary conditions whereby it may have
become contaminated with filth, or whereby it may have been rendered
diseased, unwholesome, or injurious to health; or (5) it is the product of
a diseased animal or an animal which has died otherwise than by slaugh-
ter, or that has been fed upon the uncooked offal from a slaughterhouse;
or (6) its container is composed, in whole or in part, of any poisonous or
deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part omitted
or abstracted therefrom; or (2) any substance has been substituted wholly
or in part therefor; or (3) damage or inferiority has been concealed in any
manner; or (4) any substance has been added thereto or mixed or packed
therewith so as to increase its bulk or weight, or reduce its quality or
strength or make it appear better or of greater value than it is. This
subsection does not apply to any cured or smoked pork product by reason
of its containing added water.

(c) If it is confectionery and it bears or contains any alcohol or non-
nutritive article or substance except harmless coloring, harmless flavoring,
harmless resinous glaze not in excess of 4% of 1.04%, harmless natural
wax not in excess of 4% of 1.04%, harmless natural gum, and pectin.
This subsection does not apply to any confectionery by reason of its containing less than $\frac{1}{2}$ of not more than 1% by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(d) If it is or bears or contains any color additive which is unsafe within the meaning of K.S.A. 65-667, and amendments thereto.

Sec. 9. K.S.A. 65-664 and K.S.A. 2017 Supp. 41-102, 41-308a, 41-308b, 41-354, 41-2614 and 41-2640 are hereby repealed.

Sec. 10. On and after April 1, 2019, K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2017 Supp. 41-102, as amended by section 1 of this act, are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 14, 2018.
Published in the Kansas Register May 24, 2018.

CHAPTER 100

SENATE BILL No. 288

AN ACT repealing K.S.A. 69-102 and 69-103; concerning service of process; procuring adjournment for trial.

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

Section 1. K.S.A. 69-102 and 69-103 are hereby repealed.

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

Approved May 14, 2018.

CHAPTER 101

SENATE BILL No. 282

AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II and III; amending K.S.A. 2017 Supp. 21-5701, 65-4101, 65-4105, 65-4107 and 65-4109 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or
(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetyl fentanyl (N-[(1-phenethylpiperidin-4-yl)-N-phenylacetamide) .................. 9821
(2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidiny]-
    N-phenylacetamide) ........................................ 9815
(3) Acetylmethadol .............................................. 9601
(4) Acrylic fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide;
    acryloylfentanyl) ........................................ 9811
(5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide) 9551
(6) Allylprodine .................................................. 9602
(7) Alphacetylmethadol ......................................... 9603
    (except levo-alpha-acetylmethadol also known as levo-alpha-acetylmethadol,
    levomethadyl acetate or LAAM)
(8) Alphameprodine .............................................. 9604
(9) Alphamethadol .............................................. 9605
(10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]
     propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine) 9814
(11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-
     N-phenylpropionanilide) .................................. 9832
(12) Benzethidine ............................................... 9606
(13) Betacetylmethadol ......................................... 9607
(14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny]-
     N-phenylpropionanilide) .................................. 9830
(15) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-
     phenethyl)-3-methyl-4-piperidiny]-N-phenylpropionanilide) ................. 9831
(16) Beta-hydroxythiofentanyl (N-[1-(2-hydroxy-2-(thiophen-2-
     yl)ethyl)piperidin-4-yl]-N-phenylpropionanilide) .................................. 9836
(17) Betameprodine ............................................. 9608
(18) Betamethadol ............................................. 9609
(19) Betaprodine ................................................ 9611
(20) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide) ........ 9822
(21) Clonitazene ................................................ 9612
(22) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
     phenylecyclopentancarboxamide)
(23) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
     phenylecyclopropanecarboxamide) ........................................ 9845
(24) Dextromoramide ........................................... 9613
(25) Diampramide ............................................... 9615
(26) Diethylthiambutene ....................................... 9616
(27) Difenoxin .................................................. 9168
(28) Dimenoxadol ............................................... 9167
(29) Dimephetanol ............................................... 9618
(30) Dimethylthiambutene ...................................... 9619
(31) Dioxypropyl butyrate ..................................... 9621
(32) Dipipanone ................................................. 9622
(33) Ethylmethylthiambutene ................................... 9623
(34) Etonitazene ................................................ 9624
(35) Etoxeridine ................................................. 9625
Furanyl fentanyl \((\text{N-(1-phenethylpiperidin-4-y1)-N-phenylfuran-2-carboxamide})\) .................................................. 9834

Furethidine ........................................................................................................... 9626

Hydroxypropethidine .......................................................................................... 9627

Isobutyryl fentanyl \((\text{N-(1-phenethylpiperidin-4-y1)-N-phenylisobutryramide})\) .................................................. 9825

Ketobemidone ...................................................................................................... 9628

Levoronormamide ................................................................................................ 9629

Levophenacylmorphan ....................................................................................... 9631

Methoxyacetyl fentanyl \((2\text{-methoxy-N-(1-phenethylpiperidin-4-y1)-N-phenylacetamide})\) .................................................. 9833

3-Methylfentanyl \((\text{N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide})\) .................................................. 9813

3-Methylthiofentanyl \((\text{N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide})\) .................................................. 9814

Morpheridine ........................................................................................................ 9632

Ocfentanil \((\text{N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-y1)acetamide})\) .................................................. 9824

O-desmethyltramadol ........................................................................................... 9636

Some trade or other names: 2-\((\text{dimethylamino})\text{methyl-1-(3-hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-hydroxy(cyclohexyl)phenol}}\) .................................................. 9637

MPPP \((1\text{-methyl-4-phenyl-4-propionoxypiperidine})\) ............................................... 9661

MT-45 \((1\text{-cyclohexyl-4-(1,2-diphenylethyl)piperazine})\) .................................................. 9815

Noracymethadol .................................................................................................. 9633

Norlevorphanol ...................................................................................................... 9634

Normethadone ....................................................................................................... 9635

Norpropapone ........................................................................................................ 9636

Ortho-fluorofentanyl \((\text{N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-y1)propionamide;2-fluorofentanyl})\) .................................................. 9816

Para-chloroisobutyryl fentanyl \((\text{N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-y1)isobutyramide})\) .................................................. 9817

Para-fluorobutyryl fentanyl \((\text{N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-y1)butyramide})\) .................................................. 9824

Para-fluorofentanyl \((\text{N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide})\) .................................................. 9818

Para-fluorobutyryl fentanyl \((\text{N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-y1)isobutyramide, 4-fluorobutyryl fentanyl})\) .................................................. 9819

Para-methoxybutyryl fentanyl \((\text{N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-y1)butyramide})\) .................................................. 9820

PEPAP \((1-(\text{-2-phenethyl}-4-phenyl-4-acetoxy)piperidine})\) ............................................... 9633

Phenadoxone ......................................................................................................... 9637

Phenampromide .................................................................................................... 9638

Phenomorphan ...................................................................................................... 9647

Phenoperidine ........................................................................................................ 9641

Piritramide ............................................................................................................ 9642

Proheptazine ......................................................................................................... 9643

Properidine ............................................................................................................. 9644

Propiram ................................................................................................................. 9649

Racemoramide ...................................................................................................... 9645

Tetrahydrofurofuranyl fentanyl \((\text{N-(1-phenethylpiperidin-4-y1)-N-phenyltetrahydrofuran-2-carboxamide})\) .................................................. 9843

Thiofentanyl \((\text{N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide})\) .................................................. 9835

Tilidine .................................................................................................................... 9750

Trimeperidine ........................................................................................................ 9646
(75) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamidine)  

(76) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide)

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

<table>
<thead>
<tr>
<th></th>
<th>Chemical Name</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Acetorphine</td>
<td>9319</td>
</tr>
<tr>
<td>2</td>
<td>Acetyldihydrocodeine</td>
<td>9051</td>
</tr>
<tr>
<td>3</td>
<td>Benzylmorphine</td>
<td>9052</td>
</tr>
<tr>
<td>4</td>
<td>Codeine methylbromide</td>
<td>9070</td>
</tr>
<tr>
<td>5</td>
<td>Codeine-N-Oxide</td>
<td>9053</td>
</tr>
<tr>
<td>6</td>
<td>Cyprerorphine</td>
<td>9054</td>
</tr>
<tr>
<td>7</td>
<td>Desomorphine</td>
<td>9055</td>
</tr>
<tr>
<td>8</td>
<td>Dihydrinorphine</td>
<td>9145</td>
</tr>
<tr>
<td>9</td>
<td>Drotebanol</td>
<td>9335</td>
</tr>
<tr>
<td>10</td>
<td>Etorphine (except hydrochloride salt)</td>
<td>9056</td>
</tr>
<tr>
<td>11</td>
<td>Heroin</td>
<td>9200</td>
</tr>
<tr>
<td>12</td>
<td>Hydromorphinol</td>
<td>9301</td>
</tr>
<tr>
<td>13</td>
<td>Methylodesorphine</td>
<td>9302</td>
</tr>
<tr>
<td>14</td>
<td>Methylidihydrinorphine</td>
<td>9304</td>
</tr>
<tr>
<td>15</td>
<td>Morphine methylbromide</td>
<td>9305</td>
</tr>
<tr>
<td>16</td>
<td>Morphine methylsulfonate</td>
<td>9306</td>
</tr>
<tr>
<td>17</td>
<td>Morphine-N-Oxide</td>
<td>9307</td>
</tr>
<tr>
<td>18</td>
<td>Myrophine</td>
<td>9308</td>
</tr>
<tr>
<td>19</td>
<td>Nicocodeine</td>
<td>9309</td>
</tr>
<tr>
<td>20</td>
<td>Nicomorphine</td>
<td>9312</td>
</tr>
<tr>
<td>21</td>
<td>Normorphine</td>
<td>9313</td>
</tr>
<tr>
<td>22</td>
<td>Pholcodine</td>
<td>9314</td>
</tr>
<tr>
<td>23</td>
<td>Thebacon</td>
<td>9315</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Chemical Name</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Alpha-ethyltryptamine</td>
<td>7249</td>
</tr>
<tr>
<td></td>
<td>Some trade or other names: tryptamine; Monase; α-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α-ET; and AET.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>4-bromo-2,5-dimethoxy-amphetamine</td>
<td>7391</td>
</tr>
<tr>
<td></td>
<td>Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>2,5-dimethoxyamphetamine</td>
<td>7396</td>
</tr>
<tr>
<td></td>
<td>Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>4-methoxyamphetamine</td>
<td>7411</td>
</tr>
<tr>
<td></td>
<td>Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>5-methoxy-3,4-methylenedioxy-amphetamine</td>
<td>7401</td>
</tr>
<tr>
<td>6</td>
<td>4-methyl-2,5-dimethoxy-amphetamine</td>
<td>7395</td>
</tr>
<tr>
<td></td>
<td>Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; “DOM”; and “STP”.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>3,4-methylenedioxy amphetamine</td>
<td>7400</td>
</tr>
</tbody>
</table>
(8) 3,4-methylenedioxymethamphetamine (MDMA) ........................................... 7405
(9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA) ...................................................... 7404
(10) N-hydroxy-3,4-methylenedioxymethylamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA) ........................................ 7402
(11) 3,4,5-trimethoxy amphetamine ................................................................. 7390
(12) Bufotenine ................................................................. Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine. 7433
(13) Diethyltryptamine .......................................................... Some trade or other names: N,N-Diethyltryptamine; DET. 7434
(14) Dimethyltryptamine .......................................................... Some trade or other names: DMT. 7435
(15) Ibogaine .......................................................... Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano -5H-pyrido[1',2':1,2] azepino [5,4-b]indole; Tabernanthe iboga 7260
(16) Lysergic acid diethylamide .......................................................... 7315
(17) Marijuana ................................................................ 7360
(18) Mescaline ................................................................ 7381
(19) Paraethyl ................................................................ 7374
Some trade or other names: 3-Hexyl-l-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl. 7415
(20) Peyote ................................................................ 7415
Meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts. 7455
(21) N-ethyl-3-piperidyl benzilate .......................................................... 7482
(22) N-methyl-3-piperidyl benzilate .......................................................... 7484
(23) Psilocybin ................................................................ 7437
(24) Psilocyn ................................................................ 7438
Some trade or other names: Psilocin. 7458
(25) Ethylamine analog of phencyclidine Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE. 7470
(26) Pyrrolidine analog of phencyclidine Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP. 7470
(27) Thiophene analog of phencyclidine Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP. 7473
(28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine Some other names: TCPy. 7473
(29) 2,5-dimethoxy-4-ethylamphetamine Some trade or other names: DOET. 7399
(30) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
Datura stramonium, commonly known as gypsum weed or jimson weed,
all parts of the plant presently classified botanically as datura stramonium,
whether growing or not, the seeds thereof, any extract from any part of
such plant, and every compound, manufacture, salts, derivative, mixture or
preparation of such plant, its seeds or extracts.

N-benzylpiperazine ................................................................. 7493
Some trade or other names: BZP.

1-(3-[trifluoromethylphenyl])piperazine
Some trade or other names: TFMP.

4-Bromo-2,5-dimethoxypyhenethylamine .................................. 7392

2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical
isomers, salts and salts of optical isomers ................................. 7348

Alpha-methyltryptamine (other name: AMT) .............................. 7432

5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts
and salts of isomers ............................................................... 7439

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E) ................. 7509

2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D) ............. 7508

2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C) ............. 7519

2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I) ............... 7518

2-(4-Ethylthio)-2,5-dimethoxyphenethylamine (2C-T-2) ........ 7385

2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4) .... 7532

2-(2,5-Dimethoxyphenyl)ethanamine (2C-H) ......................... 7517

2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N) ............. 7521

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) ....... 7524

5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT) ................. 7431
Some trade or other names: 5-methoxy-3-[2-(dimethylamino)
ethyl]indole.

2-(4-Iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine .... 7538
Some trade or other names: 25I-NBOMe; 2C-I–NBOMe; 25I; Cinbi–5.

2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine .... 7537
Some trade or other names: 25C-NBOMe; 2C–C–NBOMe; 25C; Cinbi–82.

2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine .... 7536
Some trade or other names: 25B–NBOMe; 2C–B–NBOMe; 25B; Cinbi–36.

2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25H-NBOMe.

2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25D-NBOMe; 2C-D–NBOMe.

2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine
Some trade or other names: 25N-NBOMe; 2C-N–NBOMe.

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

Etizolam
Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-
thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine) ....................... 2572

Mecloqualone ................................................................. 2565

Gamma hydroxybutyric acid

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

(1) Aminorex ................................................................. 1585
Some other names: Aminoxaphen 2-amo-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine

(2) Fenethylline ............................................................ 1503

(3) N-ethylamphetamine .................................................. 1475

(4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) ............................................. 1590

(5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethylbenzeneethanamine; N,N-alpha-trimethylphenethylamine) ............. 1480

(6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone) ........ 1235

Substituted cathinones
Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

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

(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers ........................................... 9848

(2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers ......................... 9834

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

(1) Tetrahydrocannabinols .................................................. 7370
Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
(2) **Naphthoylindoles**

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

(3) **Naphthylmethylindoles**

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

(4) **Naphthoylpyrroles**

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

(5) **Naphthylmethylindenes**

Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, \textit{cyanoalkyl}, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.

(6) **Phenylacetylindoles**

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

(7) **Cyclohexylphenols**

Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, \textit{cyanoalkyl}, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.

(8) **Benzoylindoles**

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

(9) **2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone.**

Some trade or other names: WIN 55,212-2.

(10) **9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.**

Some trade or other names: HU-210, HU-211.
(11) Tetramethylcyclopropanoylindoles
Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranymethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or tetramethylcyclopropyl rings to any extent.

(12) Indole-3-carboxylate esters
Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.

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

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

(15) (1H-indazol-3-yl)methanones
Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

Sec. 2. K.S.A. 2017 Supp. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.
(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

1. Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, nalmefene, naloxone and naltrexone and their respective salts, but including the following:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Schedule Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raw opium</td>
<td>9600</td>
</tr>
<tr>
<td>Opium extracts</td>
<td>9610</td>
</tr>
<tr>
<td>Opium fluid</td>
<td>9620</td>
</tr>
<tr>
<td>Powdered opium</td>
<td>9639</td>
</tr>
<tr>
<td>Granulated opium</td>
<td>9640</td>
</tr>
<tr>
<td>Tincture of opium</td>
<td>9630</td>
</tr>
<tr>
<td>Codeine</td>
<td>9050</td>
</tr>
<tr>
<td>Ethylmorphine</td>
<td>9190</td>
</tr>
<tr>
<td>Etorphine hydrochloride</td>
<td>9059</td>
</tr>
<tr>
<td>Hydrocodone</td>
<td>9193</td>
</tr>
<tr>
<td>Hydromorphone</td>
<td>9150</td>
</tr>
<tr>
<td>Metopon</td>
<td>9260</td>
</tr>
<tr>
<td>Morphine</td>
<td>9300</td>
</tr>
<tr>
<td>Oxycodone</td>
<td>9143</td>
</tr>
<tr>
<td>Oxymorphone</td>
<td>9652</td>
</tr>
<tr>
<td>Thebaine</td>
<td>9333</td>
</tr>
<tr>
<td>Dihydroetorphine</td>
<td>9334</td>
</tr>
<tr>
<td>Oripavine</td>
<td>9330</td>
</tr>
</tbody>
</table>

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

3. Opium poppy and poppy straw.

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

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

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

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

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

<table>
<thead>
<tr>
<th>Substance</th>
<th>Schedule Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfentanil</td>
<td>9737</td>
</tr>
<tr>
<td>Alphaprodine</td>
<td>9010</td>
</tr>
<tr>
<td>Anileridine</td>
<td>9020</td>
</tr>
<tr>
<td>Bezitramide</td>
<td>9800</td>
</tr>
<tr>
<td>Bulk dextropropoxyphene (nondosage forms)</td>
<td>9273</td>
</tr>
</tbody>
</table>
(6) Carfentanil ................................................................. 9743
(7) Dihydromorphine ...................................................... 9120
(8) Diphenoxylate .......................................................... 9170
(9) Fentanyl ................................................................. 9801
(10) Isomethadone .......................................................... 9226
(11) Levomethadon .......................................................... 9210
(12) Levorphanol ............................................................. 9220
(13) Metazocine ............................................................. 9240
(14) Methadone .............................................................. 9250
(15) Methadone-intermediate, 4-cyano-2-dimethyl amino-4,4-diphenyl butane .... 9254
(16) Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-902
carboxylic acid .................................................................
(17) Pethidine (meperidine) .................................................. 9230
(18) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine ............... 9232
(19) Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4-carboxylate .......... 9233
(20) Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid ... 9234
(21) Phenazocine ............................................................. 9715
(22) Piminodine ............................................................... 9730
(23) Racemethorphan ......................................................... 9732
(24) Racemorphin ............................................................... 9733
(25) Sufentanil ................................................................. 9740
(26) Levo-alphacetyl methadol .............................................. 9648
    Some other names: levo-alpha-acetyl methadon, levomethadyl acetate or LAAM.
(27) Remifentanil ........................................................... 9739
(28) Tapentadol .............................................................. 9780
(29) Thiafentanil ............................................................. 9729

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

    (1) Amphetamine, its salts, optical isomers and salts of its optical isomers .......... 1100
    (2) Phenmetrazine and its salts ........................................... 1631
    (3) Methamphetamine, including its salts, isomers and salts of isomers .......... 1105
    (4) Methylphenidate ........................................................ 1724
    (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers .......... 1205

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

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

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

    (1) Immediate precursor to amphetamine and methamphetamine:
        (A) Phenylacetone ......................................................... 8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

(2) Immediate precursors to phencyclidine (PCP):
(A) 1-phenylcyclohexylamine .................................................. 7460
(B) 1-piperidinocyclohexanecarbonitrile (PCC) ............................ 8603

(3) Immediate precursor to fentanyl:
(A) 4-anilino-N-phenethyl-4-piperidine (ANPP) .......................... 8333

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

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

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

(1) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium ...... 9805
(2) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts .......................................................... 9806

Sec. 3. K.S.A. 2017 Supp. 65-4109 is hereby amended to read as follows: 65-4109. (a) The controlled substances listed in this section are included in schedule III and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:
(A) Amobarbital ................................................................. 2126
(B) Secobarbital ................................................................. 2316
(C) Pentobarbital ............................................................... 2271
or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:
(A) Amobarbital ................................................................. 2126
(B) Secobarbital ................................................................. 2316
(C) Pentobarbital ............................................................... 2271
or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules .................................................. 2100

(4) Chlorhexadol ................................................................. 2510

(5) Lysergic acid .............................................................. 7300

(6) Lysergic acid amide ......................................................... 7310

(7) Methyprylon .............................................................. 2575

(8) Sulfonethylmethane ......................................................... 2600

(9) Sulfonmethane ............................................................. 2605

(10) Tiletamine and zolazepam or any salt thereof ........................ 7295

Some trade or other names for a tiletamine-zolazepam combination product: Telazol Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon

(12) Ketamine, its salts, isomers, and salts of isomers .................... 7285

Some other names for ketamine: (±)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone

(13) Gamma hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma hydroxybutyric acid contained in a drug product for which an application has been approved under section 505 of the federal food, drug and cosmetic act

(14) Embutramide .............................................................. 2020

(15) Perampanel, its salts, isomers, and salts of isomers .................. 2261

Some other names for perampanel: 2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile

(c) Nalorphine ........................................................................... 9400

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

(1) Not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium ......................... 9803

(2) not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts .................. 9804

(3) not more than 1.8 grams of dihydrocodeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts .................. 9807

(4) not more than 300 milligrams of ethylmorphine or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts .............. 9808

(5) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts .......................... 9809

(6) not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts .......................... 9810

(7) any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, as set forth below:
(A) Buprenorphine .......................................................... 9064

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

(1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substance listed in schedule II, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 of title 21 of the code of federal regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same, except that it contains a lesser quantity of controlled substances. 1405

(2) Benzphetamine ............................................... 1228

(3) Chlorphentermine .......................................................... 1645

(4) Chlortermine .......................................................... 1647

(5) Phendimetrazine ..................................................... 1615

(f) Anabolic steroids ................................................................. 4000

“Anabolic steroid” means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

1. Boldenone
2. Chlorotestosterone (1-chlorotestosterone)
3. Clostebol
4. Dehydrochlormethyltestosterone
5. Dihydrotestosterone (4-dihydrotestosterone)
6. Drostanolone
7. Ethylestrenol
8. Flouxymesterone
9. Formebulone (formebolone)
10. Mesterolone
11. Methandienone
12. Methandriol
13. Methandrostenolone
14. Methasterone (3β,17β-dimethyl-5α-androstan-17β-ol-3-one)
15. Methenolone
16. Methylandrostenedione
17. Methylandrostenediol
18. Methylandrosterone
19. Norandrosterone
20. Oxandrolone
21. Oxymesterone
22. Oxymetholone
23. Prostanozol (17β-hydroxy-5α-androstano[3,2-c]pyrazole)
24. Stanolone
25. Stanozolol
26. Testolactone
27. Testosterone
28. Trenbolone
(1) 3β,17-dihydroxy-5α-androstane
(2) 3α,17β-dihydroxy-5α-androstane
(3) 5α-androstan-3,17-dione
(4) 1-androstenediol (3β,17β-dihydroxy-5α-androst-1-ene)
(5) 1-androstenediol (3α,17β-dihydroxy-5α-androst-1-ene)
(6) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene)
(7) 5-androstenediol (3β,17β-dihydroxy-androst-5-ene)
(8) 1-androstenedione ([5α]-androst-1-en-3,17-dione)
(9) 4-androstenedione (androst-4-en-3,17-dione)
(10) 5-androstenedione (androst-5-en-3,17-dione)
(11) bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one)
(12) boldenone (17β-hydroxyandrost-1,4-diene-3-one)
(13) boldione (androsta-1,4-diene-3,17-dione)
(14) calusterone (7β,17α-dimethyl-hydroxyandrost-4-en-3-one)
(15) clostebol (4-chloro-17β-hydroxyandrost-4-en-3-one)
(16) dehydrochloromethyltestosterone (4-chloro-17β-dihydroxyandrostane)
(17) deoxymethyltestosterone (17α-methyl-5α-androst-2-en-17β-ol) (also known as “nandrolone”)
(18) Δ1-dihydrotestosterone (17β-hydroxy-5α-androst-1-en-3-one) (also known as “1-testosterone”)
(19) 4-dihdrotestosterone (17β-hydroxyandrost-4-en-3-one)
(20) drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one)
(21) ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene)
(22) fluoxymesterone (9-fluoro-17α-methyl-17β-dihydroxyandrost-4-en-3-one)
(23) formebolone (2-formyl-17α-methyl-17β-hydroxyestr-4-ene)
(24) furazabol (17α-methyl-17β-hydroxyandrostan[2,3-c]-furazan)
(25) 13β-ethyl-17β-hydroxyandrostane-4-en-3-one
(26) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one)
(27) 4-hydroxy-19-nortestosterone (4,17β-dihydroxyestr-4-en-3-one)
(28) mestanolone (17α-methyl-17β-hydroxy-5α-androstan-3-one)
(29) mesterolone (1α-methyl-17β-hydroxy-[5α]-androstan-3-one)
(30) methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien-3-one)
(31) methandriol (17α-methyl-3β,17β-dihydroxyandrost-5-ene)
(32) methasterone (2α,17α-dimethyl-5α-androstan-17β-ol-3-one)
(33) methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3-one)
(34) 17α-methyl-3β,17β-dihydroxyandrostane
(35) 17α-methyl-3α,17β-dihydroxy-5α-androstane
(36) 17α-methyl-3β,17β-dihydroxyandrost-4-ene
(37) 17α-methyl-4-hydroxyandrolone (17α-methyl-4-hydroxy-17β-hydroxyestr-4-en-3-one)
(38) methylidenolone (17α-methyl-17β-hydroxyestr-4,9(10)-dien-3-one)
(39) methyltriienolone (17α-methyl-17β-hydroxyestr-4,9,11-trien-3-one)
(40) methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one)
(41) nandrolone (7α,17α-dimethyl-17β-hydroxyestr-4-en-3-one)
(42) 17α-methyl-Δ1-dihydrotestosterone (17β-hydroxy-17α-methyl-5α-androst-1-en-3-one) (also known as “17α-methyl-1-testosterone”)
(43) nandrolone (17β-hydroxyestr-4-en-3-one)
(44) 19-nor-4-androstenediol (3β, 17β-dihydroxyestr-4-ene)
(45) 19-nor-4-androstenediol (3α, 17β-dihydroxyestr-4-ene)
(46) 19-nor-5-androstenediol (3β, 17β-dihydroxyestr-5-ene)
(47) 19-nor-5-androstenediol (3α, 17β-dihydroxyestr-5-ene)
(48) 19-nor-4,9(10)-androstadenedione (estra-4,9(10)-dien-3,17-dione)
(49) 19-nor-4-androstenedione (estr-4-en-3,17-dione)
(50) 19-nor-5-androstenedione (estr-5-en-3,17-dione)
(51) norbolethone (13β,17α-diethyl-17β-hydroxygon-4-en-3-one)
(52) norclostebol (4-chloro-17β-hydroxyestr-4-en-3-one)
(53) norethandrolone (17α-ethoxy-17β-hydroxyestr-4-en-3-one)
(54) normethandrolone (17α-methyl-17β-hydroxyestr-4-en-3-one)
(55) oxandrolone (17α-methyl-17β-hydroxy-2-oxa-[5α]-androstan-3-one)
(56) oxymesterone (17α-methyl-4,17β-dihydroxyandrostan-4-en-3-one)
(57) oxymetholone (17α-methyl-2-hydroxymethylene-17β-hydroxy-[5α]-androstan-3-one)
(58) prostanolol (17β-hydroxy-5α-androstane-3,2-c-pyrazole)
(59) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-en-3-ol)
(60) stenbolone (17β-hydroxy-2-methyl-[5α]-androstan-3-one)
(61) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-one lactone)
(62) testosterone (17β-hydroxyandrost-4-en-3-one)
(63) tetrahydrogestrinone (13β,17α-diethyl-17β-hydroxygon-4,9,11-trien-3-one)
(64) trenbolone (17β-hydroxyestr-4,9,11-trien-3-one)
(65) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

(A) Except as provided in (B), such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States’ secretary of health and human services for such administration.

(B) If any person prescribes, dispenses or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subsection (f).

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

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved product . . .7369 Some other names for dronabinol: (6αR-trans)-6α,7,8,10a-tetrahydro-6-6-9-trimethyl-3-pentyl-6H-dibenzo(b,d)pyran-1-0l, or (-)-delta-9-(trans)-tetrahydrocannabinol.

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

Sec. 4. K.S.A. 2017 Supp. 21-5701 is hereby amended to read as

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

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

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

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

(2) “Controlled substance analog” does not include:

(A) A controlled substance;

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

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

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

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

(e) “Drug” means:

(1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;
(2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in *humans* or animals;
(3) substances, other than food, intended to affect the structure or any function of the body of *humans* or animals; and
(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

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

1. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
3. Isomerization devices used or intended for use in increasing the potency of any species of plant which *that* is a controlled substance;
4. Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used or intended for use in weighing or measuring controlled substances;
6. Diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances;
7. Separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;
9. Capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;
10. Containers and other objects used or intended for use in storing or concealing controlled substances;
11. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;
12. Objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:
   A. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with
or without screens, permanent screens, hashish heads or punctured metal bowls;

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

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

(D) smoking and carburetion masks;

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

(F) miniature cocaine spoons and cocaine vials;

(G) chamber smoking pipes;

(H) carburetor smoking pipes;

(I) electric smoking pipes;

(J) air-driven smoking pipes;

(K) chillums;

(L) bongs;

(M) ice pipes or chillers;

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

(O) wired cigarette papers; or

(P) cocaine freebase kits.

“Drug paraphernalia” shall not include any products, chemicals or materials described in K.S.A. 2017 Supp. 21-5709(a), and amendments thereto.

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

(h) “Isomer” means all enantiomers and diastereomers.

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

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

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

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

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

(j) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination; or (2) any substance listed in schedules II through V of the uniform controlled substances act; or (3) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl)-5-pentyl-1,3-benzenediol).

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

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

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

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

(3) opium poppy and poppy straw;

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

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

(n) "Opium poppy" means the plant of the species Papaver somniferum l. except its seeds.
(o) “Person” means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

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

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

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

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

Sec. 5. K.S.A. 2017 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

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

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

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

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

(d) “Board” means the state board of pharmacy.

(e) “Bureau” means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) “Controlled substance” means any drug, substance or immediate

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

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

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

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

(2) “Controlled substance analog” does not include:

(A) A controlled substance;

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

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

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

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

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

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

(l) “Dispense” means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.
(m) “Dispenser” means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

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

(o) “Distributor” means a person who distributes.

(p) “Drug” means: (1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

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

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

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

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

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

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

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

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

(y) “Isomer” means all enantiomers and diastereomers.

(z) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual’s own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

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

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

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

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

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

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

(cc) “Mid-level practitioner” means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a re-
Ch. 101
2018 Session Laws of Kansas
918

sponsible physician under K.S.A. 65-1130, and amendments thereto, or
a physician assistant licensed under the physician assistant licensure act
who has authority to prescribe drugs pursuant to a written agreement
with a supervising physician under K.S.A. 65-28a08, and amendments
thereto.

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

(1) Opium and opiate and any salt, compound, derivative or prepara-
tion of opium or opiate;
(2) any salt, compound, isomer, derivative or preparation thereof
which is chemically equivalent or identical with any of the substances
referred to in paragraph (1) but not including the isoquinoline alkaloids
of opium;
(3) opium poppy and poppy straw;
(4) coca leaves and any salt, compound, derivative or preparation of
coca leaves, and any salt, compound, isomer, derivative or preparation
thereof which is chemically equivalent or identical with any of these sub-
stances, but not including decocainized coca leaves or extractions of coca
leaves which do not contain cocaine or ecegonine.

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

(ff) “Opium poppy” means the plant of the species Papaver somni-
erum l. except its seeds.

(gg) “Person” means an individual, corporation, government, or gov-
ernmental subdivision or agency, business trust, estate, trust, partnership
or association or any other legal entity.

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

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

(jj) “Pharmacy prescription application” means software that is used
to process prescription information, is installed on a pharmacy’s comput-
ers and servers, and is controlled by the pharmacy.
"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

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

"Prescriber" means a practitioner or a mid-level practitioner.

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

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

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


Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 14, 2018.

Published in the Kansas Register May 24, 2018.

CHAPTER 102
SENATE BILL No. 461
(Amends Chapters 31 and 53)

AN ACT reconciling amendments to certain statutes; amending K.S.A. 2017 Supp. 8-240, as amended by section 1 of 2018 House Bill No. 2606, 8-247, as amended by section 2 of 2018 House Bill No. 2606, 12-1775a, 21-6627, 79-213 and 79-32,117 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 8-240, as amended by section 1 of 2018 House Bill No. 2472, 8-247, as amended by section 3 of 2018 House Bill No. 2472, 12-1775b, 21-6627a, 79-213g and 79-32,117o.

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

Section 1. K.S.A. 2017 Supp. 8-240, as amended by section 1 of 2018 House Bill No. 2606, is hereby amended to read as follows: 8-240. (a) (1) Every application for an instruction permit shall be made upon a form
furnished by the division of vehicles and accompanied by a fee of $2 for class A, B, C or M and $5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of $3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. All commercial class applicants shall be charged a $15 driving test fee for the drive test portion of the commercial driver’s license application. If the applicant is not required to take an examination or the commercial license drive test, the examination or commercial drive test fee shall not be required. The examination shall consist of three tests, as follows: (A) Vision; (B) written; and (C) driving. For a commercial driver’s license, the drive test shall consist of three components, as follows: (A) Pre-trip; (B) skills test; and (C) road test. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of $1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of $1.50. If an applicant for a commercial driver’s license fails any portion of the commercial drive test, the applicant may take such test again upon the payment of an additional drive test fee of $10. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of $3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver’s license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(2) Applicants for class M licenses who have completed prior motorcycle safety training in accordance with department of defense instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation are not required to complete further written and driving testing pursuant to paragraph (1). An applicant seeking exemption from the written and driving tests pursuant to this paragraph shall provide a copy of the motorcycle safety foundation completion form to the division prior to receiving a class M license.
(3) On and after January 1, 2017, an applicant for a class M license who passes a driving examination on a three-wheeled motorcycle which is not an autocycle shall have a restriction placed on such applicant’s license limiting the applicant to the operation of a registered three-wheeled motorcycle. An applicant for a class M license who passes a driving examination on a two-wheeled motorcycle may operate any registered two-wheeled or three-wheeled motorcycle. The driving examination required by this paragraph shall be administered by the division, by the department of defense or as part of a curriculum recognized by the motorcycle safety foundation.

(b) (1) For the purposes of obtaining any driver’s license or instruction permit, an applicant shall submit, with the application, proof of age and proof of identity as the division may require. The applicant also shall provide a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant’s full legal name and date of birth, and documentation showing the applicant’s name, the applicant’s address of principal residence and the applicant’s social security number. The applicant’s social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the license or permit.

(2) The division shall not issue any driver’s license or instruction permit to any person who fails to provide proof that the person is lawfully present in the United States. Before issuing a driver’s license or instruction permit to a person, the division shall require valid documentary evidence that the applicant: (A) Is a citizen or national of the United States; (B) is an alien lawfully admitted for permanent or temporary residence in the United States; (C) has conditional permanent resident status in the United States; (D) has an approved application for asylum in the United States or has entered into the United States in refugee status; (E) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (F) has a pending application for asylum in the United States; (G) has a pending or approved application for temporary protected status in the United States; (H) has approved deferred action status; or (I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(3) If an applicant provides evidence of lawful presence set out in subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B), the division may only issue a driver’s license to the person under the following conditions: (A) A driver’s license issued pursuant to this subparagraph shall be valid only during the period of time of the applicant’s authorized stay in the United
States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a driver’s license issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires; (C) no driver’s license issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver’s license issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions as set out in this subsection (b) for the issuance of the original driver’s license.

(4) The division shall not issue any driver’s license or instruction permit to any person who is not a resident of the state of Kansas, except as provided in K.S.A. 8-2,148, and amendments thereto.

(5) The division shall not issue a driver’s license to a person holding a driver’s license issued by another state without making reasonable efforts to confirm that the person is terminating or has terminated the driver’s license in the other state.

(6) The parent or guardian of an applicant under 16 years of age shall sign the application for any driver’s license submitted by such applicant.

(c) Every application shall state the full legal name, date of birth, gender and address of principal residence of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition, applications for commercial drivers’ licenses and instruction permits for commercial licenses must include the following: The applicant’s social security number; the person’s signature; the person’s: (1) Digital color image or photograph; or (2) a laser engraved photograph; certifications, including those required by 49 C.F.R. § 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division. Each application for a driver’s license shall include a question asking if the applicant is willing to give such applicant’s authorization to be listed as an organ, eye or tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments. The gift would become effective upon the death of the donor.

(d) When an application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver’s record from the other jurisdiction. When received, the driver’s record shall become a part of the driver’s record in this state with the same force and effect as though entered on the driver’s record in this state in the original instance.

(e) When the division receives a request for a driver’s record from
another licensing jurisdiction the record shall be forwarded without charge.

(f) A fee shall be charged as follows:

(1) For a class C driver’s license issued to a person at least 21 years of age, but less than 65 years of age, $18;
(2) for a class C driver’s license issued to a person 65 years of age or older, $12;
(3) for a class M driver’s license issued to a person at least 21 years of age, but less than 65 years of age, $12.50;
(4) for a class M driver’s license issued to a person 65 years of age or older, $9;
(5) for a class A or B driver’s license issued to a person who is at least 21 years of age, but less than 65 years of age, $24;
(6) for a class A or B driver’s license issued to a person 65 years of age or older, $16;
(7) for any class of commercial driver’s license issued to a person 21 years of age or older, $18; or
(8) for class A, B, C or M, or a farm permit, or any commercial driver’s license issued to a person less than 21 years of age, $20.

A fee of $10 shall be charged for each commercial driver’s license endorsement, except air brake endorsements which shall have no charge.

A fee of $3 per year shall be charged for any renewal of a license issued prior to the effective date of this act to a person less than 21 years of age.

If one fails to make an original application or renewal application for a driver’s license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of $1 shall be added to the fee charged for the driver’s license.

(g) Any person who possesses an identification card as provided in K.S.A. 8-1324, and amendments thereto, shall surrender such identification card to the division upon being issued a valid Kansas driver’s license or upon reinstatement and return of a valid Kansas driver’s license.

(h) The division shall require that any person applying for a driver’s license submit to a mandatory facial image capture. The captured facial image shall be displayed on the front of the applicant’s driver’s license.

(i) The director of vehicles may issue a temporary driver’s license to an applicant who cannot provide valid documentary evidence as defined by subsection (b)(2), if the applicant provides compelling evidence proving current lawful presence. Any temporary license issued pursuant to this subsection shall be valid for one year.

(j) (1) For purposes of this subsection, the division may rely on the division’s most recent, existing color digital image and signature image of the applicant for the class C or M driver’s license if the division has the information on file. The determination on whether an electronic online renewal application or equivalent of a driver’s license is permitted shall be made by the director of vehicles or the director’s designee. The divi-
sion shall not renew a driver’s license through an electronic online or equivalent process if the license has been previously renewed through an electronic online application in the immediately preceding driver’s license period. No renewal under this subsection shall be granted to any person who is: (A) Younger than 30 days from turning 21 years of age; (B) 65 years of age or older; (C) a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto; or (D) has a temporary driver’s license issued pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the license is not otherwise withdrawn.

(2) The vision examination requirements in K.S.A. 8-247(e), and amendments thereto, are not required for electronic online renewal applications, except that the electronic online renewal applicant must certify under penalty of law that the applicant’s vision satisfies the requirements of K.S.A. 8-295, and amendments thereto, and has undergone an examination of eyesight by a licensed ophthalmologist or a licensed optometrist within the last year. As a condition for any electronic online renewal application, the applicant must: (A) Authorize the exchange of vision and medical information between the division and the applicant’s ophthalmologist or optometrist; and (B) is at least 21 years of age, but less than 50 years of age. The ophthalmologist or optometrist shall have four business days to confirm or deny the vision and medical information of the applicant. If no response is received by the division, the division shall accept the vision and medical information provided for processing the renewal application. The waiver of vision examination for online renewal applications contained within this subsection shall expire on July 1, 2022.

(3) The secretary of revenue shall adopt and administer rules and regulations to implement a program to permit an electronic online renewal of a driver’s license, including, but not limited to, requirements that an electronic online renewal applicant shall have previously provided documentation of identity, lawful presence and residence to the division for electronic scanning.

(4) Prior to February 1, 2022, the division shall report to the house and senate committees on transportation regarding the online renewal process of this subsection and its effects to safety on the state’s roads and highways.

Sec. 2. K.S.A. 2017 Supp. 8-247, as amended by section 2 of 2018 House Bill No. 2606, is hereby amended to read as follows: 8-247. (a) (1) All original licenses issued on and after July 1, 2018, shall expire as follows: (A) Licenses issued to persons who are at least 21 years of age, but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee which is nearest the date of application; (B) licenses issued to persons who are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;
(C) any commercial driver’s license shall expire on the fifth anniversary of the date of birth of the licensee which is nearest the date of application;

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; or

(E) licenses issued to persons who are less than 21 years of age shall expire on the licensee’s 21st birthday.

(2) All renewals under: (A) Paragraph (1)(A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1)(B) shall expire on every fourth anniversary of the date of birth of the licensee; (C) paragraph (1)(C) shall expire on every fifth anniversary of the date of birth of the licensee; (D) paragraph (1)(D) shall expire every year on the date of birth of the licensee; and (E) paragraph (1)(E), if a renewal license is issued, shall expire on the licensee’s 21st birthday. No driver’s license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver’s license of any person expires while such person is outside of the state of Kansas and such person is on active duty in the armed forces of the United States, or is the spouse or a person who is residing with and is a dependent of such person on active duty, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after residence within the state is reestablished, whichever time is sooner. If the driver’s license of any person under this subsection expires while such person is outside the United States, the division shall provide for renewal by mail, as long as the division has a photograph or digital image of such person maintained in the division’s records. A driver’s license renewed under the provisions of this subsection shall be renewed by mail only once.

(c) At least 30 days prior to the expiration of a person’s license the division shall mail a notice of expiration or renewal application to such person at the address shown on the license. The division shall include with such notice a written explanation of substantial changes to traffic regulations enacted by the legislature.

(d) (1) Except as provided in paragraph (2), every driver’s license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver’s license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all
the requirements of K.S.A. 8-240(b), and amendments thereto. *Such notice shall also include a question asking if the applicant is willing to give such applicant’s authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments thereto.* Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant’s driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under K.S.A. 8-240(b), and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person’s license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(2) Any licensee, whose driver’s license expires on their 21st birthday, shall have 45 days from the date of expiration of such license to make application to renew such licensee’s license. Such license shall continue to be valid for such 45 days or until such license is renewed, whichever occurs sooner. A licensee who renews under the provisions of this paragraph shall not be required by the division to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(e) (1) Prior to renewal of a driver’s license, the applicant shall pass an examination of eyesight. Such examination shall be equivalent to the test required for an original driver’s license under K.S.A. 8-235d, and amendments thereto. A driver’s license examiner shall administer the examination without charge and shall report the results of the examination on a form provided by the division.

(2) In lieu of the examination of the applicant’s eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant’s eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished by the division to the applicant.

(3) The division shall determine whether the results of the eyesight examination or report is sufficient for renewal of the license and, if the results of the eyesight examination or report is insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant’s eyesight, the division may re-
quest an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

(4) An applicant who is denied a license under this subsection (e) may reapply for renewal of such person’s driver’s license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver’s license.

(5) When the division has good cause to believe that an applicant for renewal of a driver’s license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (6) of this subsection, in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by K.S.A. 8-255b(b), and amendments thereto. Any such applicant who is denied the renewal of such a driver’s license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by K.S.A. 8-255(c), and amendments thereto.

(6) Seizure disorders which are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person be issued a driver’s license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders which are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver’s license and whenever a person licensed to practice medicine and surgery makes a written report to the division stating that the licensee’s seizures are controlled. The report shall be based on an examination of the applicant’s medical condition not more than three months prior to the date the report is submitted. Such report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver’s license and subsequent operation of a motor vehicle by the licensee.

(f) If the driver’s license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner. This subsection
shall not apply to temporary drivers’ licenses issued pursuant to K.S.A. 8-240(b)(3), and amendments thereto.

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

1. Information explaining the person’s right to make an anatomical gift in accordance with K.S.A. 8-243, and amendments thereto, and the revised uniform anatomical gift act, K.S.A. 2017 Supp. 65-3220 through 65-3244, and amendments thereto;

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

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

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

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

   A. Providing such information on the website of the agency; or

   B. Providing printed material to an applicant who personally appears at an examining station; and

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

(h) Notwithstanding any other provisions of law, any offender under subsection (a)(1)(D) who held a valid driver’s license on the effective date
of this act may continue to operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date such driver’s license shall expire and the offender shall be subject to the provisions of this section.

(i) The director of the division of vehicles shall submit a report to the legislature at the beginning of the regular session in 2012 regarding the impact of not requiring a written test for the renewal of a driver’s license, including any cost savings to the division.

Sec. 3. K.S.A. 2017 Supp. 12-1775a is hereby amended to read as follows: 12-1775a. (a) Prior to December 31, 1996, the governing body of each city which, pursuant to K.S.A. 12-1771, and amendments thereto, has established a redevelopment district prior to July 1, 1996, shall certify to the director of accounts and reports the amount equal to the amount of revenue realized from ad valorem taxes imposed pursuant to K.S.A. 2017 Supp. 72-6470, 72-5142, and amendments thereto, within such redevelopment district. Except as provided further, prior to February 1, 1997, and annually on that date thereafter, the governing body of each such city shall certify to the director of accounts and reports an amount equal to the amount by which revenues realized from such ad valorem taxes imposed in such redevelopment district are estimated to be reduced for the ensuing calendar year due to legislative changes in the statewide school finance formula. Prior to March 1 of each year, the director of accounts and reports shall certify to the state treasurer each amount certified by the governing bodies of cities under this section for the ensuing calendar year and shall transfer from the state general fund to the city tax increment financing revenue replacement fund the aggregate of all amounts so certified. Prior to April 15 of each year, the state treasurer shall pay from the city tax increment financing revenue replacement fund to each city certifying an amount to the director of accounts and reports under this section for the ensuing calendar year the amount so certified. During fiscal years 2018, 2019 and 2020, no moneys shall be transferred from the state general fund to the city tax increment financing revenue replacement fund pursuant to this subsection.

(b) There is hereby created the tax increment financing revenue replacement fund which shall be administered by the state treasurer. All expenditures from the tax increment financing revenue replacement fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or a person or persons designated by the state treasurer.

Sec. 4. K.S.A. 2017 Supp. 21-6627 is hereby amended to read as follows: 21-6627. (a) (1) Except as provided in subsection (b) or (d), a defendant who is 18 years of age or older and is convicted of the following crimes committed on or after July 1, 2006, shall be sentenced to a term
of imprisonment for life with a mandatory minimum term of imprison-
ment of not less than 25 years unless the court determines that the de-
fendant should be sentenced as determined in subsection (a)(2):

(A) Aggravated human trafficking, as defined in K.S.A. 2017 Supp.
21-5426(b), and amendments thereto, if the victim is less than 14 years of age;

(B) rape, as defined in K.S.A. 2017 Supp. 21-5503(a)(3), and amend-
ments thereto;

(C) aggravated indecent liberties with a child, as defined in K.S.A.
2017 Supp. 21-5506(b)(3), and amendments thereto;

(D) aggravated criminal sodomy, as defined in K.S.A. 2017 Supp. 21-
5504(b)(1) or (b)(2), and amendments thereto;

(E) commercial sexual exploitation of a child, as defined in K.S.A.
2017 Supp. 21-6422, and amendments thereto, if the victim is less than 14 years of age;

(F) sexual exploitation of a child, as defined in K.S.A. 2017 Supp. 21-
5510(a)(1) or (a)(4), and amendments thereto, if the child is less than 14 years of age; and

(G) aggravated internet trading in child pornography, as defined in
K.S.A. 2017 Supp. 21-5514(b), and amendments thereto, if the child is
less than 14 years of ages; and

(H) an attempt, conspiracy or criminal solicitation, as defined in
K.S.A. 2017 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an offense defined in subsections (a)(1)(A) through
(a)(1)(G).

(2) The provision of subsection (a)(1) requiring a mandatory mini-
mum term of imprisonment of not less than 25 years shall not apply if the
court finds:

(A) The defendant is an aggravated habitual sex offender and sen-
tenced pursuant to K.S.A. 2017 Supp. 21-6626, and amendments thereto; or

(B) the defendant, because of the defendant’s criminal history clas-
sification, would be subject to presumptive imprisonment pursuant to the
sentencing guidelines grid for nondrug crimes and the sentencing range
would exceed 300 months if the sentence established for a severity level 1
crime was imposed. In such case, the defendant is required to serve a
mandatory minimum term equal to the sentence established for a severity
level 1 crime pursuant to the sentencing range.

(b) (1) On and after July 1, 2006, if a defendant who is 18 years of
age or older is convicted of a crime listed in subsection (a)(1) and such
defendant has previously been convicted of a crime listed in subsection
(a)(1), a crime in effect at any time prior to July 1, 2011, which is sub-
stantially the same as a crime listed in subsection (a)(1) or a crime under
a law of another jurisdiction which is substantially the same as a crime
listed in subsection (a)(1), the court shall sentence the defendant to a
term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 40 years. The provisions of this paragraph shall not apply to a crime committed under K.S.A. 2017 Supp. 21-5507, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as K.S.A. 2017 Supp. 21-5507, and amendments thereto.

(2) The provision of subsection (b)(1) requiring a mandatory minimum term of imprisonment of not less than 40 years shall not apply if the court finds:

(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 2017 Supp. 21-6626, and amendments thereto; or

(B) the defendant, because of the defendant’s criminal history classification, would be subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range would exceed 480 months if the sentence established for a severity level 1 crime was imposed. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established for a severity level 1 crime pursuant to the sentencing range.

(c) When a person is sentenced pursuant to subsection (a) or (b), such person shall be sentenced to a mandatory minimum term of imprisonment of not less than 25 years, 40 years or be sentenced as determined in subsection (a)(2) or subsection (b)(2), whichever is applicable, and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, a person sentenced pursuant to this section shall not be eligible for parole prior to serving such mandatory term of imprisonment, and such imprisonment shall not be reduced by the application of good time credits. Except as provided in subsection (d), no other sentence shall be permitted.

(d) (1) On or after July 1, 2006, for a first time conviction of an offense listed in subsection (a)(1), the sentencing judge shall impose the mandatory minimum term of imprisonment provided by subsection (a), unless the judge finds substantial and compelling reasons, following a review of mitigating circumstances, to impose a departure. If the sentencing judge departs from such mandatory minimum term of imprisonment, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. The departure sentence shall be the sentence pursuant to the revised Kansas sentencing guidelines act, article 68 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, and, subject to the provisions of K.S.A. 2017 Supp. 21-6818, and amendments thereto, no sentence of a mandatory minimum term of imprisonment shall be imposed hereunder.

(2) As used in this subsection, “mitigating circumstances” shall include, but are not limited to, the following:

(A) The defendant has no significant history of prior criminal activity;
(B) the crime was committed while the defendant was under the influence of extreme mental or emotional disturbances;

(C) the victim was an accomplice in the crime committed by another person, and the defendant’s participation was relatively minor;

(D) the defendant acted under extreme distress or under the substantial domination of another person;

(E) the capacity of the defendant to appreciate the criminality of the defendant’s conduct or to conform the defendant’s conduct to the requirements of law was substantially impaired; and

(F) the age of the defendant at the time of the crime.

(e) The provisions of K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, shall not apply to any defendant sentenced pursuant to this section.

Sec. 5. K.S.A. 2017 Supp. 79-213 is hereby amended to read as follows: 79-213. (a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the state board of tax appeals and provided by the county appraiser.

(b) The initial exemption request shall identify the property for which the exemption is requested and state, in detail, the legal and factual basis for the exemption claimed.

(c) The request for exemption shall be filed with the county appraiser of the county where such property is principally located.

(d) After a review of the exemption request, and after a preliminary examination of the facts as alleged, the county appraiser shall recommend that the exemption request either be granted or denied, and, if necessary, that a hearing be held. If a denial is recommended, a statement of the controlling facts and law relied upon shall be included on the form.

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the state board of tax appeals. With regard to a request for exemption from property tax pursuant to the provisions of K.S.A. 79-201g and 82a-409, and amendments thereto, not filed with the board of tax appeals by the county appraiser on or before the effective date of this act, if the county appraiser recommends the exemption request be granted, the exemption shall be provided in the amount recommended by the county appraiser and the county appraiser shall not file the request for exemption and recommendations of the county appraiser with the state board of tax appeals. The county clerk or county assessor shall annually make such adjustment in the taxes levied against the real property as the owner may be entitled to receive under the provisions of K.S.A. 79-201g, and amendments thereto, as recommended by
the county appraiser, beginning with the first period, following the date of issue of the certificate of completion on which taxes are regularly levied, and during the years which the landowner is entitled to such adjustment.

(f) Upon receipt of the request for exemption, the board shall docket the same and notify the applicant and the county appraiser of such fact.

(g) After examination of the request for exemption and the county appraiser’s recommendation related thereto, the board may fix a time and place for hearing, and shall notify the applicant and the county appraiser of the time and place so fixed. A request for exemption pursuant to: (1) Section 13 of article 11 of the constitution of the state of Kansas; or (2) K.S.A. 79-201a Second, and amendments thereto, for property constructed or purchased, in whole or in part, with the proceeds of revenue bonds under the authority of K.S.A. 12-1740 through 12-1749, and amendments thereto, prepared in accordance with instructions and assistance which shall be provided by the department of commerce, shall be deemed approved unless scheduled for hearing within 30 days after the date of receipt of all required information and data relating to the request for exemption, and such hearing shall be conducted within 90 days after such date. Such time periods shall be determined without regard to any extension or continuance allowed to either party to such request. In any case where a party to such request for exemption requests a hearing thereon, the same shall be granted. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. In all instances where the board sets a request for exemption for hearing, the county shall be represented by its county attorney or county counselor.

(h) Except as otherwise provided by subsection (g), in the event of a hearing, the same shall be originally set not later than 90 days after the filing of the request for exemption with the board.

(i) During the pendency of a request for exemption, no person, firm, unincorporated association, company or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon and the same becomes a final order. In the event that taxes have been assessed against the subject property, no interest shall accrue on any unpaid tax for the year or years in question nor shall the unpaid tax be considered delinquent from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon. In the event the board determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004
and 79-2004a, and amendments thereto, and interest shall accrue as prescribed therein.

(j) In the event the board grants the initial request for exemption, the same shall be effective beginning with the date of first exempt use except that, with respect to property the construction of which commenced not to exceed 24 months prior to the date of first exempt use, the same shall be effective beginning with the date of commencement of construction.

(k) In conjunction with its authority to grant exemptions, the board shall have the authority to abate all unpaid taxes that have accrued from and since the effective date of the exemption. In the event that taxes have been paid during the period where the subject property has been determined to be exempt, the board shall have the authority to order a refund of taxes for the year immediately preceding the year in which the exemption application is filed in accordance with subsection (a).

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) all property exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants’ and manufacturers’ inventories exempted from ad valorem taxation by K.S.A. 79-201m, and amendments thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a Seventeenth, and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a Ninth, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (10) aquaculture machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, “aquaculture” has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j,
and amendments thereto; (12) property used exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x, and amendments thereto, from the property tax levied pursuant to K.S.A. 2017 Supp. 72-6470 72-5142, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 Ninth, and amendments thereto; (17) from and after July 1, 1998, motor vehicles exempted from taxation by K.S.A. 79-5107(e), and amendments thereto; (18) commercial and industrial machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2017 Supp. 79-223, and amendments thereto; (19) telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by K.S.A. 2017 Supp. 79-224, and amendments thereto; (20) property exempted from property or ad valorem taxation by K.S.A. 2017 Supp. 79-234, and amendments thereto; (21) recreational vehicles exempted from property or ad valorem taxation by K.S.A. 79-5121(e), and amendments thereto; (22) property acquired by a land bank exempt from property or ad valorem taxation pursuant to K.S.A. 2017 Supp. 12-5909 or K.S.A. 19-26,111, and amendments thereto; and (23) property belonging exclusively to the United States and exempted from ad valorem taxation by K.S.A. 79-201a First, and amendments thereto, except that the provisions of this subsection (l)(23) shall not apply to any such property that the congress of the United States has expressly declared to be subject to state and local taxation.

(m) The provisions of this section shall apply to property exempt pursuant to the provisions of section 13 of article 11 of the constitution of the state of Kansas.

(n) The provisions of subsection (k) as amended by this act shall be applicable to all exemption applications filed in accordance with subsection (a) after December 31, 2001.

(o) No exemption authorized by K.S.A. 79-227, and amendments thereto, of property from the payment of ad valorem property taxes assessed shall be granted unless the requesting property owner files an initial request for exemption pursuant to this section within two years of
the date in which construction of a new qualifying pipeline property began. The provisions of this subsection shall be applicable to all requests for exemptions filed in accordance with subsection (a) after June 30, 2017.

Sec. 6. K.S.A. 2017 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual’s federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual’s federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.
(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer’s federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2017 Supp. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2017 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to K.S.A. 79-32,117(c)(xv), and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2017 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2017 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2017 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2017 Supp. 79-32,221, and amendments thereto.


(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2017 Supp. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer’s form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer’s form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer’s form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer’s federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code
as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer’s form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer’s spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 2017 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2017 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2017 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer’s employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2017 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2017 Supp.
and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:
   (i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

   (ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

   (iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

   (iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

   (v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

   (vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

   (vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

   (viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

   (ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter
ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2017 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2006, amounts not exceeding $3,000, or $6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2017 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004,
amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer’s service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of $50,000 or less, whether such taxpayer’s filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of $75,000 or less, whether such taxpayer’s filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university’s retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer’s form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer’s form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer’s form 1040
federal income tax return; all to the extent included in the taxpayer’s federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer’s federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer’s federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer’s federal adjusted gross income.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term “livestock” shall not include poultry.

(xiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city’s home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer’s share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.
(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

Sec. 7. K.S.A. 2017 Supp. 8-240, as amended by section 1 of 2018 House Bill No. 2606, 8-240, as amended by section 1 of 2018 House Bill No. 2472, 8-247, as amended by section 2 of 2018 House Bill No. 2606, 8-247, as amended by section 3 of 2018 House Bill No. 2472, 12-1775a, 12-1775b, 21-6627, 21-6627a, 79-213, 79-213g, 79-32,117 and 79-32,117o are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 14, 2018.

CHAPTER 103
SENATE BILL No. 199

AN ACT concerning civil procedure; relating to appellate procedure; supersedeas bond requirements; amending K.S.A. 2017 Supp. 60-2103 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 60-2103 is hereby amended to read as follows: 60-2103. (a) When and how taken. When an appeal is permitted by law from a district court to an appellate court, the time within which an appeal may be taken shall be 30 days from the entry of the judgment, as provided by K.S.A. 60-258, and amendments thereto, except that upon a showing of excusable neglect based on a failure of a party to learn of the entry of judgment the district court in any action may extend the time for appeal not exceeding 30 days from the expiration of the original time herein prescribed. The running of the time for appeal is terminated by a timely motion made pursuant to any of the rules hereinafter enumerated, and the full time for appeal fixed in this subsection commences to run and is to be computed from the entry of any of the following orders made upon a timely motion under such rules: Granting or denying a motion for judgment under subsection (b) of K.S.A. 60-250(b), and amendments thereto; or granting or denying a motion for judgment under subsection (b) of K.S.A. 60-252(b), and amendments thereto, to amend or make additional find-
nings of fact, whether or not an alteration of the judgment would be re-
quired if the motion is granted; or granting or denying a motion under
K.S.A. 60-259, and amendments thereto, to alter or amend the judgment;
or denying a motion for new trial under K.S.A. 60-259, and amendments
thereto.

A party may appeal from a judgment by filing with the clerk of the
district court a notice of appeal. Failure of the appellant to take any of
the further steps to secure the review of the judgment appealed from
does not affect the validity of the appeal, but is ground only for such
remedies as are specified in this chapter, or when no remedy is specified,
for such action as the appellate court having jurisdiction over the appeal
deems appropriate, which may include dismissal of the appeal. If the
record on appeal has not been filed with the appellate court, the parties,
with the approval of the district court, may dismiss the appeal by stipu-
lation filed in the district court, or that court may dismiss the appeal upon
motion and notice by the appellant.

(b) **Notice of appeal.** The notice of appeal shall specify the parties
taking the appeal; shall designate the judgment or part thereof appealed
from, and shall name the appellate court to which the appeal is taken.
The appealing party shall cause notice of the appeal to be served upon
all other parties to the judgment as provided in K.S.A. 60-205, and
amendments thereto, but such party’s failure so to do does not affect the
validity of the appeal.

(c) **Security for costs.** Security for the costs on appeal shall be given
in such sum and manner as shall be prescribed by a general rule of the
supreme court unless the appellate court shall make a different order
applicable to a particular case.

(d) **Supersedeas bond.** (1) Whenever an appellant entitled thereto
desires a stay on appeal, such appellant may present to the district court
for its approval a supersedeas bond which shall have such surety or sur-
eties as the court requires. Subject to paragraph (2), the bond shall be
conditioned for the satisfaction of the judgment in full together with costs,
interest, and damages for delay, if for any reason the appeal is dismissed,
or if the judgment is affirmed, and to satisfy in full such modification of
the judgment such costs, interest, and damages as the appellate court may
adjudge and award. When the judgment is for the recovery of money not
otherwise secured, the amount of the bond shall be fixed at such sum as
will cover the whole amount of the judgment remaining unsatisfied, costs
on the appeal, interest, and damages for delay, unless the court after
notice and hearing and for good cause shown fixes a different amount or
orders security other than the bond. When the judgment determines the
disposition of the property in controversy as in real actions, replevin, and
actions to foreclose mortgages or when such property is in the custody of
the sheriff or when the proceeds of such property or a bond for its value
is in the custody or control of the court, the amount of the supersedeas
bond shall be fixed after notice and hearing at such sum only as will secure the amount recovered for the use and detention of the property, the costs of the action, costs on appeal, interest, and damages for delay. When an order is made discharging, vacating, or modifying a provisional remedy, or modifying or dissolving an injunction, a party aggrieved thereby shall be entitled, upon application to the judge, to have the operation of such order suspended for a period of not to exceed 14 days on condition that, within such period of 14 days such party shall file a notice of appeal and obtain the approval of such supersedeas bond as is required under this section.

(2) (A) Except as provided in paragraphs (B), (C) and (D), if an appellant appeals from any form of judgment based on any legal theory and seeks a stay of enforcement during the period of appeal, the supersedeas bond shall be set at the full amount of the judgment. If the appellant proves by a preponderance of the evidence that setting the supersedeas bond at the full amount of the judgment will result in the appellant suffering an undue hardship or a denial of the right to an appeal, then the court may reduce the amount of the supersedeas bond as follows:

(i) If the judgment is less than or equal to $1,000,000 in value, the supersedeas bond shall be set at the full amount of the judgment; or
(ii) if the judgment exceeds $1,000,000 in value, the supersedeas bond shall be set at a total of $1,000,000 plus 25% of any amount in excess of $1,000,000.

(B) (i) There shall be a rebuttable presumption that an appellant will suffer an undue hardship pursuant to subparagraph (A) when the:

(a) Judgment amount exceeds $2,500,000;
(b) defendant is a small business; and
(c) judgment is for a claim arising from activities within the appellant’s ordinary course of business.

(ii) For the purposes of this subparagraph, “small business” means a sole proprietorship, partnership, limited liability company, corporation or other business entity, whether for-profit or not-for-profit, that has between two and 50 employees and is not a corporate affiliate or subsidiary of, or owned in whole or in part by, any other business.

(C) The amount of a supersedeas bond shall not exceed $25,000,000, regardless of the full amount of the judgment.

(D) The limitations on the amount of a supersedeas bond established by paragraph (A)(i) or (A)(ii) subparagraph (A), (B) or (C) shall not apply if:

(i) the appellee proves by a preponderance of the evidence that the appellant bringing the appeal is purposefully dissipating or diverting assets outside of the ordinary course of its business, or is likely to purposefully dissipate or divert assets outside of the ordinary course of its business, for the primary purpose of avoiding ultimate payment of the judgment, and
necessary to stop the dissipation and diversion of assets, including a requirement that the appellant post a bond in the full amount of the judgment; or

(ii) the court makes a finding on the record that the appellant bringing the appeal is likely to disburse assets reasonably necessary to satisfy the judgment, and in such event, the court may increase the amount of such bond required not to exceed the full amount of the judgment.

(E) Nothing in this section shall be construed to prohibit a court from setting a supersedeas bond in a lower amount as may be otherwise required by law or for good cause shown.

(F) A bond shall not be found insufficient under any other provision of law due to limits imposed under this subsection.

(e) Failure to file or insufficiency of bond. If a supersedeas bond is not filed within the time specified, or if the bond filed is found insufficient, and if the action is not yet docketed with the appellate court, a bond may be filed at such time before the action is so docketed as may be fixed by the district court. After the action is so docketed, application for leave to file a bond may be made only in the appellate court.

(f) Judgment against surety. By entering into a supersedeas bond given pursuant to subsections (c) and (d), the surety submits such surety’s self to the jurisdiction of the court and irrevocably appoints the clerk of the court as such surety’s agent upon whom any papers affecting such surety’s liability on the bond may be served. Such surety’s liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the judge prescribes may be served on the clerk of the court who shall forthwith mail copies to the surety if such surety’s address is known.

(g) Docketing record on appeal. The record on appeal shall be filed and docketed with the appellate court at such time as the supreme court may prescribe by rule.

(h) Cross-appeal. When notice of appeal has been served in a case and the appellee desires to have a review of rulings and decisions of which such appellee complains, the appellee shall, within 21 days after the notice of appeal has been served upon such appellee and filed with the clerk of the trial court, give notice of such appellee’s cross-appeal.

(i) Intermediate rulings. When an appeal or cross-appeal has been timely perfected, the fact that some ruling of which the appealing or cross-apppealing party complains was made more than 30 days before filing of the notice of appeal shall not prevent a review of the ruling.

(j) The amendments to subsection (d) by this act shall apply to any proceeding that is filed on or after the effective date of this act.

Sec. 2. K.S.A. 2017 Supp. 60-2103 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 14, 2018.

CHAPTER 104
HOUSE BILL No. 2488*

AN ACT concerning crimes, punishment and criminal procedure; creating the crime of unlawful acts involving an automated sales suppression device; sales and use tax.

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

Section 1. (a) Unlawful acts involving an automated sales suppression device is knowingly selling, purchasing, installing, transferring, manufacturing, creating, designing, updating, repairing, using or possessing an automated sales suppression device, zapper or phantom-ware.

(b) Unlawful acts involving an automated sales suppression device is a severity level 7, nonperson felony.

(c) In addition to any other criminal penalties provided by law, any person convicted of unlawful acts involving an automated sales suppression device may be liable for all taxes, interest and penalties due the state as a result of such unlawful acts.

(d) As used in this section:

(1) “Automated sales suppression device” or “zapper” means a computer software program, carried on a memory stick or removable compact disc, accessed through an internet link or accessed through any other means that falsifies the electronic records of electronic cash registers and other point-of-sale systems, including, but not limited to, transaction data and transaction reports;

(2) “electronic cash register” means a device that keeps a register or supporting documents through the means of an electronic device or computer system designed to record transaction data in any manner;

(3) “phantom-ware” means a hidden, pre-installed or installed at a later time programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that can be used to create a virtual second till or may eliminate or manipulate transaction records that may or may not be preserved in digital formats to represent the true or manipulated record of transactions in the electronic cash register;

(4) “transaction data” includes, but is not limited to:

(A) Items purchased by a customer;

(B) the price for each item;

(C) a taxability determination for each item;

(D) a segregated tax amount for each of the taxed items;
(E) the amount of cash or credit tendered;
(F) the net amount returned to the customer in change;
(G) the date and time of the purchase;
(H) the name, address and identification number of the vendor; and
(I) the receipt or invoice number of the transaction; and

(5) “transaction report” means a report including, but not limited to, the sales, taxes collected, media totals and discount voids at an electronic cash register that is printed on cash register tape at the end of a day or shift, or a report documenting every action at an electronic cash register that is stored electronically.

(e) This section shall be part of and supplemental to the Kansas criminal code.

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

Approved May 14, 2018.

CHAPTER 105
HOUSE BILL No. 2479

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

New Section 1. (a) When a district court has granted relief in a proceeding under K.S.A. 60-1507, and amendments thereto, and the prosecution files a docketing statement in an appellate court seeking an appeal from the district court’s decision to grant relief, the underlying criminal case shall automatically be stayed, and the time during which the prosecution’s appeal is pending shall not be counted for the purpose of determining whether a defendant is entitled to discharge under K.S.A. 22-3402, and amendments thereto, until the mandate in the prosecution’s appeal is issued.

(b) Notwithstanding the stay required by subsection (a), a court may release the prisoner on bond in accordance with K.S.A. 22-2804, and amendments thereto, regardless of whether the prisoner has filed a notice of appeal.

(c) The stay of the underlying criminal case in subsection (a) may be lifted upon a motion filed in appellate court if the court finds that the prisoner:

(1) Has made a strong showing that the prisoner is entitled to relief; and
(2) will be irreparably injured if the stay is not lifted.

(d) If the stay in subsection (a) is lifted:

(1) The time during which the prosecution’s appeal is pending shall not be counted for the purpose of determining whether a defendant is entitled to discharge under K.S.A. 22-3402, and amendments thereto, until the mandate in the prosecution’s appeal is issued; and

(2) the prisoner shall be entitled to a new bond hearing in the underlying criminal case pursuant to K.S.A. 22-2802, and amendments thereto.

(e) This section shall be a part of and supplemental to the Kansas code of criminal procedure.

New Sec. 2. (a) On completion of a jury trial in a criminal action and before the jury is discharged, the judge shall inform the jurors that they have an absolute right to discuss or not to discuss the deliberations or verdict with anyone, except as provided in subsections (f) and (g). The judge shall also inform the jurors of the provisions set forth in subsections (b), (c), (d) and (e).

(b) Immediately following the discharge of the jury in a criminal action, the defendant, or the defendant’s attorney or representative, or the prosecutor, or the prosecutor’s representative, may discuss the jury deliberations or verdict with a member of the jury only if the juror consents to the discussion.

(c) If a discussion of the jury deliberations or verdict with a member of the jury occurs at any time other than immediately following the discharge of the jury, prior to discussing the jury, the defendant or the defendant’s attorney or representative, or the prosecutor or the prosecutor’s representative, shall inform the juror of the identity of the case, the party in the case that the person represents, the subject of the interview, the absolute right of the juror to discuss or not discuss the deliberations or verdict in the case with the person and the juror’s right to review and have a copy of any declaration filed with the court.

(d) Any unreasonable contact with a juror by the defendant, or the defendant’s attorney or representative, or by the prosecutor, or the prosecutor’s representative, without the juror’s consent shall be immediately reported to the trial court.

(e) Any violation of this section shall be considered a violation of a lawful court order and may be punished as contempt of court.

(f) Nothing in this section shall prohibit a law enforcement officer from discussing the deliberations or verdict with a member of the jury for the purpose of investigating an allegation of criminal conduct.

(g) Nothing in this section shall prohibit the court or a judge from discussing the deliberations or verdict with a member of the jury for any lawful purpose.
(h) This section shall be a part of and supplemental to the Kansas code of criminal procedure.

Sec. 3. K.S.A. 2017 Supp. 22-3006 is hereby amended to read as follows: 22-3006. (a) Persons summoned for service as grand jurors shall be compensated for their service and expenses at the rates provided by law for the compensation of petit jurors in the district court. Such compensation shall be paid from the general fund of the county.

(b) All proceedings before the grand jury, including all testimony, shall be recorded. The grand jury shall select the method of recording and may employ a certified shorthand reporter who shall make a stenographic record of all testimony and other proceedings before the grand jury. The compensation of the reporter shall be fixed by the district court and paid from the general fund of the county. The grand jury may also elect to record the proceedings utilizing a digital recording system maintained by the court, if such system is available.

(c) The grand jury may, with the approval of the district court, employ investigators and, except in the case of grand juries impaneled pursuant to subsection (b) of K.S.A. 22-3001(b), and amendments thereto, employ special counsel. The grand jury may also incur other expenses for services and supplies as it and the district court may deem necessary. Compensation for such services and supplies shall be fixed by the district court and shall be paid from the general fund of the county. Any special counsel or investigator employed by the grand jury shall be selected by majority vote of such grand jury only after hearing testimony from the person filing the petition pursuant to K.S.A. 22-3001, and amendments thereto. Subject to the provisions of this section, the grand jury shall have all authority to investigate any concerns associated with such petition.

Sec. 4. K.S.A. 2017 Supp. 22-3011 is hereby amended to read as follows: 22-3011. (a) An indictment may be found only on the concurrence of 12 or more grand jurors. When an indictment is found, the presiding juror shall endorse thereon "a true bill" and shall sign the presiding juror's name as presiding juror or sign the indictment "Presiding Grand Juror.”

(b) When 12 or more grand jurors do not concur in finding an indictment, the presiding juror shall certify that the indictment is "not a true bill.”

(c) Indictments found by the grand jury shall be presented by its presiding juror, in the jury's presence, to the court and shall be filed and remain as records of the court.

(d) A grand jury impaneled pursuant to subsection (c) of K.S.A. 22-3001(c), and amendments thereto, may request that the attorney general prosecute the case arising from an indictment found by such grand jury if, in the opinion of the grand jury, the prosecuting attorney would not
diligently prosecute such case. The court shall notify the attorney general
of such request and the attorney general may prosecute such case.

Sec. 5. K.S.A. 2017 Supp. 22-3015 is hereby amended to read as
follows: 22-3015. (a) Matters of form, time, place, names. At any time
before or during trial, the court may, upon application of the people
prosecuting attorney and with notice to the defendant and opportunity
for the defendant to be heard, order the amendment of an indictment
with respect to defects, errors or variances from the proof relating to
matters of form, time, place and names of persons when such amendment
does not change the substance of the charge, and does not prejudice the
defendant on the merits. Upon ordering an amendment, the court, for
good cause shown, may grant a continuance to provide the defendant
adequate opportunity to prepare a defense.

(b) Prohibition as to matters of substance, exception.

(1) An indictment shall not be amended as to the substance of the
offense charged, except as provided further.

(2) The court may, upon application of the people prosecuting attor-
ney and with notice to the defendant and opportunity for the defendant
to be heard, order the substance of an indictment to be amended for the
limited purpose of effecting a change of plea by the defendant pursuant
to a plea agreement reached between the defendant and the prosecuting
attorney. The provisions of this paragraph shall apply only to an indict-
ment found by a grand jury impaneled pursuant to subsection (a) or (b)
of K.S.A. 22-3001(a) or (b), and amendments thereto, and shall not apply
to an indictment found by a grand jury impaneled pursuant to subsection
(c) of K.S.A. 22-3001(c), and amendments thereto.

(c) This section shall be part of and supplemental to article 30 of
chapter 22 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 6. K.S.A. 2017 Supp. 22-3006, 22-3011 and 22-3015 are hereby
repealed.

Sec. 7. This act shall take effect and be in force from and after its
publication in the statute book.

Approved May 14, 2018.
CHAPTER 106
House Substitute for SENATE BILL No. 374
(Amends Chapters 7 and 16)

AN ACT concerning driving under the influence; relating to testing; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 2017 Supp. 8-235, 8-241, 8-262, as amended by section 3 of 2018 House Bill No. 2439, 8-285, 8-2,142, 8-2,144, as amended by section 4 of 2018 House Bill No. 2439, 8-1001, 8-1008, 8-1013, as amended by section 5 of 2018 House Bill No. 2439, 8-1014, 8-1024, 8-1501, 8-1567, as amended by section 7 of 2018 House Bill No. 2439, 12-4106, 12-4120, 12-4413, 12-4414, 12-4415, 12-4416, 12-4516, 12-4517, 21-5203, 21-6604, 21-6614, 21-6804, 21-6811, as amended by section 1 of 2018 House Bill No. 2567, 22-2802, 22-2908, 22-2909, 22-2910, 22-3716, 22-4704, 60-427 and 74-2012 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 8-1025 and 12-4516f.

WHEREAS, The Legislature intends that the provisions of this act related to comparability of an out-of-jurisdiction offense to a Kansas offense shall be liberally construed to allow comparable offenses, regardless of whether the elements are identical to or narrower than the corresponding Kansas offense, to be included in a person’s criminal history; and

WHEREAS, The Legislature intends to promote the inclusion of convictions for such offenses in a person’s criminal history, including, but not limited to, any violation of: Wichita municipal ordinance section 11.38.150; Missouri, V.A.M.S. § 577.010 or V.A.M.S. § 577.012; Oklahoma, 47 Okl. St. Ann. § 11-902; Colorado, C.R.S.A. § 42-4-1301(1); and Nebraska, Neb. Rev. St. § 60-6,196.

Now, therefore:

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

Section 1. K.S.A. 2017 Supp. 8-235 is hereby amended to read as follows: 8-235. (a) No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver’s license. No person shall receive a driver’s license unless and until such person surrenders or with the approval of the division, lists to the division all valid licenses in such person’s possession issued to such person by any other jurisdiction. All surrendered licenses or the information listed on foreign licenses shall be returned by the division to the issuing department, together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid license at any time.

(b) Any person licensed under the motor vehicle drivers’ license act may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any local authority. Nothing herein shall prevent cities from requiring licenses of persons who drive taxicabs or municipally franchised transit systems for hire upon city streets, to protect the public from drivers whose character or habits make them unfit to transport the public. If a license is denied, the applicant may appeal such decision to the district
court of the county in which such city is located by filing within 14 days after such denial, a notice of appeal with the clerk of the district court and by filing a copy of such notice with the city clerk of the involved city. The city clerk shall certify a copy of such decision of the city governing body to the clerk of the district court and the matter shall be docketed as any other cause and the applicant shall be granted a trial of such person’s character and habits. The matter shall be heard by the court de novo in accordance with the code of civil procedure. The cost of such appeal shall be assessed in such manner as the court may direct.

(c) Any person operating in this state a motor vehicle, except a motorcycle, which is registered in this state other than under a temporary permit, pursuant to K.S.A. 8-2409, and amendments thereto, shall be the holder of a driver’s license which is classified for the operation of such motor vehicle, and any person operating in this state a motorcycle which is registered in this state shall be the holder of a class M driver’s license, except that any person operating in this state a motorcycle which is registered under a temporary permit, pursuant to K.S.A. 8-2409, and amendments thereto, shall be the holder of a driver’s license for any class of motor vehicles.

(d) No person shall drive any motorized bicycle upon a highway of this state unless such person: (1) Has a valid driver’s license which entitles the licensee to drive a motor vehicle in any class or classes; (2) is at least 15 years of age and has passed the written and visual examinations required for obtaining a class C driver’s license, in which case the division shall issue to such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles; (3) has had their driving privileges suspended, for a violation other than a violation of K.S.A. 8-2,144, and amendments thereto, or a second or subsequent violation of K.S.A. 8-1567 or 8-1567a or K.S.A. 2017 Supp. 8-1025, and amendments thereto, and such person: (A) Has completed the mandatory period of suspension as provided in K.S.A. 8-1014, and amendments thereto; and (B) has made application and submitted a $40 nonrefundable application fee to the division for the issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2), in which case the division shall issue such person a class C license which clearly indicates such license is valid only for the operation of motorized bicycles; or (4) has had their driving privileges revoked under K.S.A. 8-286, and amendments thereto, has not had a test refusal or test failure or alcohol or drug-related conviction, as those terms are defined in K.S.A. 8-1013, and amendments thereto, in the last five years, has not been convicted of a violation of K.S.A. 8-1568(b), and amendments thereto, in the last five years and has made application to the division for issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2), in which case the division shall issue such person a class C license which clearly indicates such license is valid only for the
operation of motorized bicycles. As used in this subsection, “motorized bicycle” shall have the meaning ascribed to it in K.S.A. 8-126, and amendments thereto.

(e) All moneys received under subsection (d) from the nonrefundable application fee shall be applied by the division of vehicles for the additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund.

(f) Violation of this section shall constitute a class B misdemeanor.

Sec. 2. K.S.A. 2017 Supp. 8-241 is hereby amended to read as follows:

8-241. (a) Except as provided in K.S.A. 8-2,125 through 8-2,142, and amendments thereto, any person licensed to operate a motor vehicle in this state shall submit to an examination whenever: (1) The division of vehicles has good cause to believe that such person is incompetent or otherwise not qualified to be licensed; or (2) the division of vehicles has suspended such person’s license pursuant to K.S.A. 8-1014, and amendments thereto, as the result of a test refusal, test failure or conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto, except that no person shall have to submit to and successfully complete an examination more than once as the result of separate suspensions arising out of the same occurrence.

(b) When a person is required to submit to an examination pursuant to subsection (a)(1), the fee for such examination shall be in the amount provided by K.S.A. 8-240, and amendments thereto. When a person is required to submit to an examination pursuant to subsection (a)(2), the fee for such examination shall be $25. In addition, any person required to submit to an examination pursuant to subsection (a)(2) as the result of a test failure, a conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto, shall be required, at the time of examination, to pay a reinstatement fee of $200 after the first occurrence, $400 after the second occurrence, $600 after the third occurrence and $800 after the fourth or subsequent occurrence; and as a result of a test refusal, a conviction for a violation of K.S.A. 2017 Supp. 8-1025, and amendments thereto, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 2017 Supp. 8-1025, and amendments thereto, shall be required, at the time of examination, to pay a reinstatement fee of $600 after the first occurrence, $900 after the second occurrence, $1,200
after the third occurrence and $1,500 after the fourth or subsequent occurrence.

(1) All examination fees 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, who shall deposit the entire amount in the state treasury and credit 80% to the state highway fund and 20% shall be disposed of as provided in K.S.A. 8-267, and amendments thereto.

(2) On and after July 1, 2014, through June 30, 2018, all reinstatement fees 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, who shall deposit the entire amount in the state treasury and credit 26% to the community alcoholism and intoxication programs fund created pursuant to K.S.A. 41-1126, and amendments thereto, 12% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, 12% to the forensic laboratory and materials fee fund created by K.S.A. 28-176, and amendments thereto, 17% to the driving under the influence fund created by K.S.A. 75-5660, and amendments thereto, and 33% to the judicial branch non-judicial salary adjustment fund created by K.S.A. 20-1a15, and amendments thereto. Moneys credited to the forensic laboratory and materials fee fund as provided herein shall be used to supplement existing appropriations and shall not be used to supplant general fund appropriations to the Kansas bureau of investigation.

(3) On and after July 1, 2018, all reinstatement fees 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, who shall deposit the entire amount in the state treasury and credit 35% to the community alcoholism and intoxication programs fund created pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, 20% to the forensic laboratory and materials fee fund created by K.S.A. 28-176, and amendments thereto, and 25% to the driving under the influence fund created by K.S.A. 75-5660, and amendments thereto. Moneys credited to the forensic laboratory and materials fee fund as provided herein shall be used to supplement existing appropriations and shall not be used to supplant general fund appropriations to the Kansas bureau of investigation.

(c) When an examination is required pursuant to subsection (a), at least five days’ written notice of the examination shall be given to the licensee. The examination administered hereunder shall be at least equivalent to the examination required by K.S.A. 8-247(e), and amendments thereto, with such additional tests as the division deems necessary. Upon the conclusion of such examination, the division shall take action as may be appropriate and may suspend or revoke the license of such person or
permit the licensee to retain such license, or may issue a license subject to restrictions as permitted under K.S.A. 8-245, and amendments thereto.

(d) Refusal or neglect of the licensee to submit to an examination as required by this section shall be grounds for suspension or revocation of the license.

(e) The division may issue a driver’s license with a DUI-IID designation for a licensee that is operating under ignition interlock restrictions required by K.S.A. 8-1014, and amendments thereto. The reexamination requirement in subsection (a)(2) shall not require reexamination and payment of reinstatement fees until the end of the licensee’s ignition interlock restriction period. If the applicant’s Kansas driver’s license has been expired for one year or more, the applicant must complete a reexamination and pay any applicable reinstatement fees before qualifying for a driver’s license with an ignition interlock designation. All other requirements for issuance and renewal of a driver’s license under K.S.A. 8-240, and amendments thereto, shall continue to apply. The renewal periods and other requirements in K.S.A. 8-247, and amendments thereto, shall apply. The fees charged for the driver’s license with ignition interlock designation shall include: (1) The fee amounts set out in K.S.A. 8-240(f), and amendments thereto; (2) fees prescribed by the secretary of revenue and required in K.S.A. 8-243(a), and amendments thereto; and (3) a $10 fee to the DUI-IID designation fund. There is hereby created in the state treasury the DUI-IID designation fund. All moneys credited to the DUI-IID designation fund shall be used by the department of revenue only for the purpose of funding the administration and oversight of state certified ignition interlock manufacturers and their service providers.

Sec. 3. K.S.A. 2017 Supp. 8-262, as amended by section 3 of 2018 House Bill No. 2439, is hereby amended to read as follows: 8-262. (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person’s privilege so to do is canceled, suspended or revoked or while such person’s privilege to obtain a driver’s license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a class B nonperson misdemeanor on the first conviction and a class A nonperson misdemeanor on the second or subsequent conviction.

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person’s driver’s license.

(3) Except as otherwise provided by subsection (a)(4) or (c), every person convicted under this section shall be sentenced to at least five days’ imprisonment and fined at least $100 and upon a second conviction shall not be eligible for parole until completion of five days’ imprisonment.

(4) Except as otherwise provided by subsection (c), if a person: (A)
Is convicted of a violation of this section, committed while the person’s privilege to drive or privilege to obtain a driver’s license was suspended or revoked for a violation of K.S.A. 8-2,144 or 8-1567, or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes; and (B) is or has been also convicted of a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or any ordinance of any city or resolution of any county or law of another state, which ordinance or resolution or law prohibits the acts prohibited by those statutes, committed while the person’s privilege to drive or privilege to obtain a driver’s license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days’ imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

(b) The division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.

(c) (1) The person found guilty of a class A nonperson misdemeanor on a third or subsequent conviction of this section shall be sentenced to not less than 90 days’ imprisonment and fined not less than $1,500 if such person’s privilege to drive a motor vehicle is canceled, suspended or revoked because such person:

(A) Refused to submit and complete any test of blood, breath or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;

(B) was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;

(C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal, or K.S.A. 2017 Supp. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as defined in K.S.A. 2017 Supp. 21-5405(a)(3) and (a)(5), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or

(D) was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

(2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only
after such person has served 48 consecutive hours’ imprisonment, pro-
vided such work release program requires such person to return to con-
finement at the end of each day in the work release program. The court
may place the person convicted under a house arrest program pursuant
to K.S.A. 2017 Supp. 21-6609, and amendments thereto, or any municipal
ordinance to serve the remainder of the minimum sentence only after
such person has served 48 consecutive hours’ imprisonment.

d) For the purposes of determining whether a conviction is a first,
second, third or subsequent conviction in sentencing under this section,
“conviction” includes a conviction of a violation of any ordinance of any
city or resolution of any county or a law of another state which is in
substantial conformity with this section.

Sec. 4. K.S.A. 2017 Supp. 8-285 is hereby amended to read as follows:
8-285. Except as otherwise provided in this section, as used in this act,
the words and phrases defined in K.S.A. 8-234a, and amendments
thereto, shall have the meanings ascribed to them therein. The term “ha-
bital violator” means any resident or nonresident person who, within the
immediately preceding five years, has been convicted in this or any other
state:

(a) Three or more times of:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its
repeal, or K.S.A. 2017 Supp. 21-5406, and amendments thereto, or as
prohibited by any ordinance of any city in this state, any resolution of any
county in this state or any law of another state which is in substantial
conformity with that statute;

(2) violating K.S.A. 8-1567, and amendments thereto, or violating an
ordinance of any city in this state, any resolution of any county in this
state or any law of another state, which ordinance, resolution or law de-
clarates to be unlawful the acts prohibited by that statute;

(3) driving while the privilege to operate a motor vehicle on the public
highways of this state has been canceled, suspended or revoked, as pro-
hibited by K.S.A. 8-262, and amendments thereto, or while such person’s
privilege to obtain a driver’s license is suspended or revoked pursuant to
K.S.A. 8-252a, and amendments thereto, or, as prohibited by any ordi-
nance of any city in this state, any resolution of any county in this state
or any law of another state which is in substantial conformity with those
statutes;

(4) perjury resulting from a violation of K.S.A. 8-261a, and amend-
ments thereto, or resulting from the violation of a law of another state
which is in substantial conformity with that statute;

(5) violating the provisions of the fifth clause of K.S.A. 8-142, and
amendments thereto, relating to fraudulent applications, or violating the
provisions of a law of another state which is in substantial conformity with
that statute;
(6) any crime punishable as a felony, if a motor vehicle was used in the perpetration of the crime;

(7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602 through 8-1604, and amendments thereto, or required by any ordinance of any city in this state, any resolution of any county in this state or a law of another state which is in substantial conformity with those statutes; or

(8) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage, or an ordinance of any city in this state or a resolution of any county in this state which is in substantial conformity with such statute; or

(9) violating K.S.A. 2017 Supp. 8-1025, and amendments thereto, or violating an ordinance of any city in this state, a resolution of any county in this state or any law of another state which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(b) Three or more times, either singly or in combination, of any of the offenses enumerated in subsection (a).

For the purpose of subsections (a)(2) and (a)(9), in addition to the definition of “conviction” otherwise provided by law, conviction includes, but is not limited to, a diversion agreement entered into in lieu of further criminal proceedings, or a plea of nolo contendere, on a complaint, indictment, information, citation or notice to appear alleging a violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or an ordinance of a city in this state, a resolution of a county in this state or a law of another state, which ordinance or law prohibits the acts prohibited by those statutes.

Sec. 5. K.S.A. 2017 Supp. 8-2,142 is hereby amended to read as follows: 8-2,142. (a) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year upon a first occurrence of any one of the following:

(1) While operating a commercial motor vehicle:

(A) The person is convicted of violating K.S.A. 8-2,144, and amendments thereto;

(B) the person is convicted of violating subsection (b) of K.S.A. 8-2,132(b), and amendments thereto;

(C) the person is convicted of causing a fatality through the negligent operation of a commercial motor vehicle;

(D) the person's test refusal or test failure, as defined in subsection (m); or

(E) the person is convicted of a violation identified in subsection (a)(2)(A); or

(2) while operating a noncommercial motor vehicle:

(A) The person is convicted of a violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or of a violation of an or-
ordinance of any city in this state, a resolution of any county in this state or any law of another state, which ordinance or law declares to be unlawful the acts prohibited by that statute; or

(B) the person’s test refusal or test failure, as defined in K.S.A. 8-1013, and amendments thereto; or

(3) while operating any motor vehicle:
(A) The person is convicted of leaving the scene of an accident; or
(B) the person is convicted of a felony, other than a felony described in subsection (e), while using a motor vehicle to commit such felony.

(b) If any offenses, test refusal or test failure specified in subsection (a) occurred in a commercial motor vehicle while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three years.

(c) A person shall be disqualified for life upon the second or a subsequent occurrence of any offense, test refusal or test failure specified in subsection (a), or any combination thereof, arising from two or more separate incidents.

(d) The secretary of revenue may adopt rules and regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (c) may be reduced to a period of not less than 10 years.

(e) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle or noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

(f) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period. Any disqualification period under this paragraph shall be in addition to any other previous period of disqualification. The beginning date for any three-year period within a ten-year period, required by this subsection, shall be the issuance date of the citation which resulted in a conviction.

(g) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a noncommercial motor vehicle arising from separate incidents occurring within a three-year period, if such convictions result in the revocation, cancellation or suspension of the person’s driving privileges.

(h) (1) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order shall be disqualified from driving a commercial motor vehicle for a period of not less than:
(A) Ninety days nor more than one year, if the driver is convicted of a first violation of an out-of-service order;

(B) one year nor more than five years if the person has one prior conviction for violating an out-of-service order in a separate incident and such prior offense was committed within the 10 years immediately preceding the date of the present violation; or

(C) three years nor more than five years if the person has two or more prior convictions for violating out-of-service orders in separate incidents and such prior offenses were committed within the 10 years immediately preceding the date of the present violation.

(2) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order while transporting a hazardous material required to be placarded under 49 U.S.C. § 5101 et seq. or while operating a motor vehicle designed to transport more than 15 passengers, including the driver, shall be disqualified from driving a commercial motor vehicle for a period of not less than:

(A) One hundred and eighty days nor more than two years if the driver is convicted of a first violation of an out-of-service order; or

(B) three years nor more than five years if the person has a prior conviction for violating an out-of-service order in a separate incident and such prior offense was committed within the 10 years immediately preceding the date of the present violation.

(i) (1) A person who is convicted of operating a commercial motor vehicle in violation of a federal, state or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing shall be disqualified from driving a commercial motor vehicle for the period of time specified in paragraph (2):

(A) For persons who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(B) for persons who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(C) for persons who are always required to stop, failing to stop before driving onto the crossing;

(D) for all persons failing to have sufficient space to drive completely through the crossing without stopping;

(E) for all persons failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(F) for all persons failing to negotiate a crossing because of insufficient undercarriage clearance.

(2) A driver shall be disqualified from driving a commercial motor vehicle for not less than:

(A) Sixty days if the driver is convicted of a first violation of a railroad-highway grade crossing violation;

(B) one hundred and twenty days if, during any three-year period,
the driver is convicted of a second railroad-highway grade crossing violation in separate incidents; or

(C) one year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.

(j) After suspending, revoking or canceling a commercial driver’s license, the division shall update its records to reflect that action within 10 days. After suspending, revoking or canceling a nonresident commercial driver’s privileges, the division shall notify the licensing authority of the state which issued the commercial driver’s license or nonresident commercial driver’s license within 10 days. The notification shall include both the disqualification and the violation that resulted in the disqualification, suspension, revocation or cancellation.

(k) Upon receiving notification from the licensing authority of another state, that it has disqualified a commercial driver’s license holder licensed by this state, or has suspended, revoked or canceled such commercial driver’s license holder’s commercial driver’s license, the division shall record such notification and the information such notification provides on the driver’s record.

(l) Upon suspension, revocation, cancellation or disqualification of a commercial driver’s license under this act, the license shall be immediately surrendered to the division if still in the licensee’s possession. If otherwise eligible, and upon payment of the required fees, the licensee may be issued a noncommercial driver’s license for the period of suspension, revocation, cancellation or disqualification of the commercial driver’s license under the same identifier number.

(m) As used in this section, “test refusal” means a person’s refusal to submit to and complete a test requested pursuant to K.S.A. 8-2,145, and amendments thereto; “test failure” means a person’s submission to and completion of a test which determines that the person’s alcohol concentration is .04 or greater, pursuant to K.S.A. 8-2,145, and amendments thereto.

Sec. 6. K.S.A. 2017 Supp. 8-2,144, as amended by section 4 of 2018 House Bill No. 2439, is hereby amended to read as follows: 8-2,144. (a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this state while:

(1) The alcohol concentration in the person’s blood or breath, as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.04 or more;

(2) the alcohol concentration in the person’s blood or breath, as measured within three hours of the time of driving a commercial motor vehicle, is 0.04 or more; or
(3) committing a violation of K.S.A. 8-1567(a), and amendments thereto, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder or is otherwise comparable.

(b) (1) Driving a commercial motor vehicle under the influence is:

(A) On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months’ imprisonment, or in the court’s discretion, 100 hours of public service, and fined not less than $750 nor more than $1,000. The person convicted shall serve at least 48 consecutive hours’ imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspension or reduction of sentence or parole or other release;

(B) on a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,250 nor more than $1,750. The person convicted shall serve at least five consecutive days’ imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the five days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and

(C) on a third or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, pro-
vided such work release program requires such person to return to confi-

This 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by con-

The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amend-

The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the of-

The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any ex-

(2) In addition, for any conviction pursuant to subsection (b)(1)(C), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. 2017 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be deter-

The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the aging and disability services department designated treatment provider and the offender. An offender for whom a warrant has been issued by the court
alleging a violation of such supervision shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it is found the offender has violated the provisions of this supervision, the court shall determine whether the time from the issuing of the warrant to the date of the court’s determination of an alleged violation, or any part of it, shall be counted as time served on supervision. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof. The term of supervision may be extended at the court’s discretion beyond one year, and any violation of the conditions of such extended term of supervision may subject such person to the revocation of supervision and imprisonment in jail of up to the remainder of the original sentence, not the term of the extended supervision.

(3) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person 18 years of age or older convicted of a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person’s punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of K.S.A. 8-1567(a)(4) or (a)(5), and amendments thereto, as incorporated in this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an
amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the: (1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and (2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(i) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall: (1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and (2) suspend, restrict or suspend and restrict the person’s driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(j) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this section as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney
shall request and shall receive from the: (A) Division of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and (B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the city attorney.

(l) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance or resolution.

(m) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) subsection (a) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or two of the three more of such alternatives prior to submission of the case to the fact finder.

(n) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which that prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person’s lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person’s lifetime shall be taken into account: (A) This section; (B) refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 2017 Supp. 8-1025, and amendments thereto; (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (D) (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; (E) (D) aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto; and (F) (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular bat-
Ch. 106  
2018 Session Laws of Kansas  
969
tery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) “conviction” includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (n)(2); and (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (n)(1) or (n)(2), and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (n)(1) or (n)(2) if committed off a military reservation in this state jurisdiction that would constitute an offense that is comparable to the offense described in subsection (n)(1) or (n)(2);

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction.

(o) For the purposes of determining whether an offense is comparable, the following shall be considered:

(1) The name of the out-of-jurisdiction offense;

(2) the elements of the out-of-jurisdiction offense; and

(3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

(p) For the purpose of this section:

(1) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) “imprisonment” shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) “drug” includes toxic vapors as such term is defined in K.S.A. 2017 Supp. 21-5712, and amendments thereto.

(q) On and after July 1, 2011, the amount of $250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2017 Supp. 75-52,113, and amendments thereto.

Sec. 7. K.S.A. 2017 Supp. 8-1001 is hereby amended to read as follows: 8-1001. (a) Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent may be requested, sub-
ject to the provisions of this article, to submit to one or more tests of the person’s blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The testing deemed consented to herein shall include all quantitative and qualitative tests for alcohol and drugs. A person who is dead or unconscious shall be deemed not to have withdrawn the person’s consent to such test or tests, which shall be administered in the manner provided by this section. The test must be administered at the direction of a law enforcement officer, and the law enforcement officer shall determine which type of test is to be conducted or requested.

(b) (1) A law enforcement officer shall request a person to submit to a test or tests deemed consented to under subsection (a): (1) If, at the time of the request, the officer has reasonable grounds to believe the person was operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both. One or more tests may be required of a person when, at the time of the request, a law enforcement officer has probable cause to believe the person has committed a violation of K.S.A. 8-1567(a), and amendments thereto, or to believe that the person was driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system, or was to believe the person is under the age of 21 years and was operating or attempting to operate a vehicle while having alcohol or other drugs in such person’s system; and one of the following conditions exists: (A) The person has been arrested or otherwise taken into custody for any violation of any state statute, county resolution or city ordinance; or (B) the person has been involved in a motor vehicle accident or collision resulting in property damage or personal injury other than serious injury; or (2) if the person was operating or attempting to operate a vehicle and such vehicle has been involved in an accident or collision resulting in serious injury or death of any person and the operator could be cited for any traffic offense, as defined in K.S.A. 8-2117, and amendments thereto. The traffic offense violation shall constitute probable cause for purposes of paragraph (2). The test or tests under paragraph (2) shall not be required if a law enforcement officer has reasonable grounds to believe the actions of the operator did not contribute to the accident or collision or death.

(2) The law enforcement officer directing administration of the test or tests may act on personal knowledge or on the basis of the collective information available to law enforcement officers involved in the accident investigation or arrest.

(c) When requesting a test or tests of breath or other bodily substance other than blood or urine, under this section, the person shall be given oral and written notice that:

(1) There is no right to consult with an attorney regarding whether to submit to testing, but, after the completion of the testing, the person
may request and has the right to consult with an attorney and may secure additional testing;

(2) if the person refuses to submit to and complete the test or tests, or if the person fails a test, the person’s driving privileges will be suspended for a period of at least 30 days and up to one year;

(3) refusal to submit to testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both; and

(4) the results of the testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.

(d) When requesting a test or tests of blood or urine, under this section, the person shall be given oral and written notice that:

(1) if the person refuses to submit to and complete the test or tests, or if the person fails a test, the person’s driving privileges will be suspended for a period of at least 30 days and up to one year;

(2) the results of the testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both; and

(3) after the completion of the testing, the person may request and has the right to consult with an attorney and may secure additional testing.

(e) Nothing in this section shall be construed to limit the right of a law enforcement officer to conduct any search of a person’s breath or other bodily substance, other than blood or urine, incident to a lawful arrest pursuant to the constitution of the United States, with or without providing the person the advisories authorized in subsection (c), nor limit the admissibility at any trial or hearing of alcohol or drug concentration testing results obtained pursuant to such a search.

(f) Nothing in this section shall be construed to limit the right of a law enforcement officer to conduct or obtain a blood or urine test of a person pursuant to a warrant under K.S.A. 22-2502, and amendments thereto, the constitution of the United States or a judicially recognized exception to the search warrant requirement, with or without providing the person the advisories authorized in subsection (d), nor limit the admissibility at any trial or hearing of alcohol or drug concentration testing results obtained pursuant to such a search.

(g) A law enforcement officer may direct a medical professional, as described in subsection (h), to draw one or more samples of blood from a person to determine the blood’s alcohol or drug concentration:

(1) if the person has given consent, with or without the advisories in subsection (d), and meets the requirements of subsection (b);
(2) if law enforcement has obtained a search warrant authorizing the collection of blood from the person; or

(3) if the person refuses or is unable to consent to submit to and complete a test, and another judicially recognized exception to the warrant requirement applies.

(h) If a law enforcement officer requests a person to submit to a test is authorized to collect one or more tests of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by: (1) A person licensed to practice medicine and surgery, licensed as a physician assistant, or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; (3) any qualified medical technician, including, but not limited to, an emergency medical technician intermediate, mobile intensive care technician, an emergency medical technician intermediate defibrillator, an advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol; or (4) a phlebotomist.

(d) A law enforcement officer may direct a medical professional described in this section to draw a sample of blood from a person:

(1) If the person has given consent and meets the requirements of subsection (b);

(2) if medically unable to consent, if the person meets the requirements of paragraph (2) of subsection (b); or

(3) if the person refuses to submit to and complete a test, if the person meets the requirements of paragraph (2) of subsection (b).

(e)(i) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample of blood as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person’s life, cause serious injury to the person or seriously impede the person’s medical assessment, care or treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met for directing the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person to sign that is the subject of the test or tests to provide any additional consent or sign any waiver form. In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

(f) Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document, if provided by law enforcement.
If a person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person’s safety or that of the medical professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.

A law enforcement officer may request a urine sample upon meeting the requirements of paragraph (1) of subsection (b) and shall request a urine sample upon meeting the requirements of paragraph (2) of subsection (b).

If a law enforcement officer requests a person to submit to a test, the officer is authorized to collect one or more tests of urine under this section, the collection of the urine sample shall be supervised by: (1) A person licensed to practice medicine and surgery, licensed as a physician assistant, or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; or (3) a law enforcement officer of the same sex as the person being tested. The collection of the urine sample shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in subsections (d) and (e) of this section shall apply to the collection of a urine sample.

No law enforcement officer who is acting in accordance with this section shall be liable in any civil or criminal proceeding involving the action.

Before a test or tests are administered under this section, the person shall be given oral and written notice that:

1. Kansas law requires the person to submit to and complete one or more tests of breath, blood or urine to determine if the person is under the influence of alcohol or drugs, or both;
2. the opportunity to consent to or refuse a test is not a constitutional right;
3. there is no constitutional right to consult with an attorney regarding whether to submit to testing;
4. if the person refuses to submit to and complete any test of breath, blood or urine hereafter requested by a law enforcement officer, the person may be charged with a separate crime of refusing to submit to a test to determine the presence of alcohol or drugs, which carries criminal
penalties that are greater than or equal to the criminal penalties for the crime of driving under the influence, if such person has:

(A) Any prior test refusal as defined in K.S.A. 8-1013, and amendments thereto, which occurred: (i) On or after July 1, 2001; and (ii) when such person was 18 years of age or older; or

(B) any prior conviction for a violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, which occurred: (i) On or after July 1, 2001; and (ii) when such person was 18 years of age or older;

(5) if the person refuses to submit to and complete any test of breath, blood or urine hereafter requested by a law enforcement officer, the person’s driving privileges will be suspended for one year for the first or subsequent occurrence;

(6) if the person submits to and completes the test or tests and the test results show:

(A) An alcohol concentration of .08 or greater, the person’s driving privileges will be suspended for 30 days for the first occurrence and one year for the second or subsequent occurrence; or

(B) an alcohol concentration of .15 or greater, the person’s driving privileges will be suspended for one year for the first or subsequent occurrence;

(7) refusal to submit to testing may be used against the person at any trial on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both;

(8) the results of the testing may be used against the person at any trial on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both; and

(9) after the completion of the testing, the person has the right to consult with an attorney and may secure additional testing, which, if desired, should be done as soon as possible and is customarily available from medical care facilities willing to conduct such testing.

(l)(m) If a law enforcement officer has reasonable grounds probable cause to believe that the person has been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person’s system, the person shall also be provided the oral and written notice pursuant to K.S.A. 8-2,145, and amendments thereto. Any failure to give the notices required by K.S.A. 8-2,145, and amendments thereto, shall not invalidate any action taken as a result of the requirements of this section. If a law enforcement officer has reasonable grounds probable cause to believe that the person has been operating or attempting to operate a vehicle while having alcohol or other drugs in such person’s system and such person was under 21
years of age, the person also shall be given the notices required by K.S.A. 8-1567a, and amendments thereto. Any failure to give the notices required by K.S.A. 8-1567a, and amendments thereto, shall not invalidate any action taken as a result of the requirements of this section.

(m) After giving the foregoing information, a law enforcement officer shall request the person to submit to testing. The selection of the test or tests shall be made by the officer. If the test results show a blood or breath alcohol concentration of .08 or greater, the person’s driving privileges shall be subject to suspension, or suspension and restriction, as provided in K.S.A. 8-1002 and 8-1014, and amendments thereto.

(n) The person’s refusal shall be admissible in evidence against the person at any trial on a charge arising out of the alleged operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both. The person’s refusal shall be admissible in evidence against the person at any trial on a charge arising out of the alleged violation of K.S.A. 2017 Supp. 8-1025, and amendments thereto.

(o) If a law enforcement officer had reasonable grounds to believe the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, and the test results show a blood or breath alcohol concentration of .04 or greater, the person shall be disqualified from driving a commercial motor vehicle, pursuant to K.S.A. 8-2,142, and amendments thereto. If a law enforcement officer had reasonable grounds to believe the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, and the test results show a blood or breath alcohol concentration of .08 or greater any motor vehicle, the person fails a test, as defined in K.S.A. 8-1013(h), and amendments thereto, or the person refuses a test, the person’s driving privileges shall be subject to suspension, or suspension and restriction, pursuant to this section, in addition to being disqualified from driving a commercial motor vehicle pursuant to K.S.A. 8-2,142, and amendments thereto.

(p) An officer shall have probable cause to believe that the person operated a vehicle while under the influence of alcohol or drugs, or both, if the vehicle was operated by such person in such a manner as to have caused the death of or serious injury to a person. In such event, such test or tests may be made pursuant to a search warrant issued under the authority of K.S.A. 22-2502, and amendments thereto, or without a search warrant under the authority of K.S.A. 22-2501, and amendments thereto.

(q) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.

(r) It shall not be a defense that the person did not understand the written or oral notice required authorized by this section.

(s) No test results shall be suppressed because of technical irreg-
ularities not affecting the substantial rights of the accused in the consent or notice required authorized pursuant to this act. Failure to provide any or all of the notices set forth in subsection (c) or (d) shall not be an issue or defense in any action other than an administrative action regarding the subject's driving privileges.

(t)(s) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration testing results obtained pursuant to a search warrant or other judicially recognized exception to the warrant requirement.

(t)(u) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person when available.

(u) This act is remedial law and shall be liberally construed to promote public health, safety and welfare.

(v) As used in this section, “serious injury” means a physical injury to a person, as determined by law enforcement, which has the effect of, prior to the request for testing:

(1) Disabling a person from the physical capacity to remove themselves from the scene;

(2) renders a person unconscious;

(3) the immediate loss of or absence of the normal use of at least one limb;

(4) an injury, determined by a physician to require surgery; or

(5) otherwise indicates the person may die or be permanently disabled by the injury.

Sec. 8. K.S.A. 2017 Supp. 8-1008 is hereby amended to read as follows: 8-1008. (a) As used in this section, “provider” means: (1) A professional licensed by the behavioral sciences regulatory board to diagnose and treat mental or substance use disorders at the independent level who is compliant with the requirements set forth by the secretary for aging and disability services as described in subsection (f); or (2) a professional licensed by the behavioral sciences regulatory board who is working in an alcohol and drug treatment facility licensed by the secretary for aging and disability services as meeting the requirements described in subsection (f).

(b) A provider shall provide:

(1) Alcohol and drug evaluations, prior to sentencing, of any person who is convicted of a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by those statutes; and

(2) alcohol and drug evaluations of persons whom the prosecutor considers for eligibility or finds eligible to enter a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of
K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by that statute.

(c) A provider shall be capable of providing, within the judicial district: (1) The evaluations required under subsection (b); (2) the alcohol and drug evaluation report required under subsection (d) or (e); (3) the follow-up duties specified under subsection (d) or (e) for persons who prepare the alcohol and drug evaluation report; and (4) any other functions and duties specified by law. The secretary for aging and disability services shall provide each judicial district with an electronic list of providers, and, except as provided further, such list shall be used when selecting a provider to be used as described in subsections (d) and (e). The secretary for aging and disability services shall also make all such lists publicly available on the official website of the Kansas department for aging and disability services. Any provider performing services in any judicial district under this section prior to July 1, 2011, may continue to perform those services until July 1, 2013.

(d) (1) Except as provided further, prior to sentencing, an alcohol and drug evaluation shall be conducted on any person who is convicted of a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by those statutes. The alcohol and drug evaluation report shall be made available to and shall be considered by the court prior to sentencing. Except as provided further, the court shall order that the cost of any alcohol and drug evaluation for any person shall be paid by such person to the provider at the time of service. If the court finds that such person is indigent, the provider shall agree to accept payment as ordered by the court and the court shall order that the cost of any alcohol and drug evaluation be paid to the provider by such person as part of the judgment. The cost of any such evaluation shall be not less than $150.

(2) The provisions of this subsection shall not apply to any person convicted pursuant to subsection (b)(1)(C) of K.S.A. 8-2,144, subsection (b)(1)(C), (b)(1)(D) or (b)(1)(E) of (b)(1)(C) or K.S.A. 8-1567 or subsection (b)(1)(B), (b)(1)(C) or (b)(1)(D) of K.S.A. 2017 Supp. 8-1025 (b)(1)(B), (b)(1)(C) or (b)(1)(D), and amendments thereto.

(e) An alcohol and drug evaluation shall be conducted on any person whom the prosecutor considers for eligibility or finds eligible to enter a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits the acts prohibited by that statute. The alcohol and drug evaluation report shall be made available to the prosecuting attorney and shall be considered by the prosecuting attorney. The cost of any alcohol and drug evaluation for any person shall be paid
by such person to the provider at the time of service, and shall be not less than $150.

(f) On and after July 1, 2013, all alcohol and drug evaluations conducted pursuant to this section shall utilize a standardized substance use evaluation approved by the secretary for aging and disability services and be submitted in a format approved by the secretary for aging and disability services. On or before July 1, 2013, the secretary for aging and disability services shall promulgate rules and regulations to implement this section.

Sec. 9. K.S.A. 2017 Supp. 8-1013, as amended by section 5 of 2018 House Bill No. 2439, is hereby amended to read as follows: 8-1013. As used in K.S.A. 8-1001 through 8-1010, 8-1011, 8-1012, 8-1014, 8-1015, 8-1016, 8-1017 and 8-1018, and amendments thereto, and this section:

(a) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(b)(1) “Alcohol or drug-related conviction” means any of the following: (A) Conviction of vehicular battery or aggravated vehicular homicide, prior to their repeal, if the crime is committed while committing a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by that statute, or conviction of a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, conviction of a violation of aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto, or conviction of a violation of involuntary manslaughter as described in K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; (B) conviction of a violation of a law of another state which would constitute a crime described in subsection (b)(1)(A) if committed in this state; (C) conviction of a violation of an ordinance of a city in this state or a resolution of a county in this state which would constitute a crime described in subsection (b)(1)(A), whether or not such conviction is in a court of record; or (D) conviction of an act which was committed on a military reservation and which would constitute a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or would constitute a crime described in subsection (b)(1)(A) if committed off a military reservation in this state.

(2) For the purpose of determining whether an occurrence is a first, second or subsequent occurrence: (A) “Alcohol or drug-related conviction” also includes entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging commission of a crime described in subsection (b)(1), including a diversion agreement entered into prior to the effective date of this act; and (B) it is irrelevant whether an offense occurred before or after conviction or diversion for a previous offense.
(c) “Division” means the division of vehicles of the department of revenue.

(d) “Ignition interlock device” means a device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

(e) “Occurrence” means a test refusal, test failure or alcohol or drug-related conviction, or any combination thereof arising from one arrest, including an arrest which occurred prior to the effective date of this act.

(f) “Other competent evidence” includes: (1) Alcohol concentration tests obtained from samples taken three hours or more after the operation or attempted operation of a vehicle; and (2) readings obtained from a partial alcohol concentration test on a breath testing machine.

(g) “Samples” includes breath supplied directly for testing, which breath is not preserved.

(h) “Test failure” or “fails a test” refers to a person’s having results of a test administered pursuant to this act, other than a preliminary screening test, which show an alcohol concentration of 0.08 or greater in the person’s blood or breath, and includes failure of any such test on a military reservation.

(i) “Test refusal” or “refuses a test” refers to a person’s failure to submit to or complete any test of the person’s blood, breath, urine or other bodily substance, other than a preliminary screening test, in accordance with this act, and includes refusal of any such test on a military reservation.

(j) “Law enforcement officer” has the meaning provided by K.S.A. 2017 Supp. 21-5111, and amendments thereto, and includes any person authorized by law to make an arrest on a military reservation for an act which would constitute a violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, if committed off a military reservation in this state.

Sec. 10. K.S.A. 2017 Supp. 8-1014 is hereby amended to read as follows: 8-1014. (a) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person refuses a test, the division, pursuant to K.S.A. 8-1002, and amendments thereto, shall:

(1) On the person’s first occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for two years to driving only a motor vehicle equipped with an ignition interlock device;

(2) on the person’s second occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for three years to driving only a motor vehicle equipped with an ignition interlock device;

(3) on the person’s third occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the
person’s driving privileges for four years to driving only a motor vehicle equipped with an ignition interlock device;

(4) on the person’s fourth occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for five years to driving only a motor vehicle equipped with an ignition interlock device; and

(5) on the person’s fifth or subsequent occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for 10 years to driving only a motor vehicle equipped with an ignition interlock device.

(b) (1) Except as provided by subsections (b)(2) and (e) and K.S.A. 8-2,142, and amendments thereto, if a person fails a test or has an alcohol or drug-related conviction in this state, the division shall:

(A) On the person’s first occurrence, suspend the person’s driving privileges for 30 days and at the end of the suspension, restrict the person’s driving privileges as provided by subsection (b) of K.S.A. 8-1015(b), and amendments thereto;

(B) on the person’s second occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device;

(C) on the person’s third occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for two years to driving only a motor vehicle equipped with an ignition interlock device;

(D) on the person’s fourth occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for three years to driving only a motor vehicle equipped with an ignition interlock device; and

(E) on the person’s fifth or subsequent occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for 10 years to driving only a motor vehicle equipped with an ignition interlock device.

(2) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person fails a test or has an alcohol or drug-related conviction in this state and the person’s blood or breath alcohol concentration is 0.15 or greater, the division shall:

(A) On the person’s first occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device;

(B) on the person’s second occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for two years to driving only a motor vehicle equipped with an ignition interlock device;
(C) on the person’s third occurrence, suspend the person’s driving privileges for one year and at the end of the suspension restrict the person’s driving privileges for three years to driving only a motor vehicle equipped with an ignition interlock device;

(D) on the person’s fourth occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for four years to driving only a motor vehicle equipped with an ignition interlock device; and

(E) on the person’s fifth or subsequent occurrence, suspend the person’s driving privileges for one year and at the end of the suspension, restrict the person’s driving privileges for 10 years to driving only a motor vehicle equipped with an ignition interlock device.

(3) Whenever a person’s driving privileges have been restricted to driving only a motor vehicle equipped with an ignition interlock device for 10 years under this section, such person may petition any district court for relief from such restriction after five years of such restriction have been served. The court shall consider, but not be limited to, whether: (A) Such person’s driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court; and (B) such person proves installation, maintenance and use of an ignition interlock device approved by the division throughout the five-year period. If the court finds that the person’s driving privileges should be restored, then the court shall electronically report such order to the division. The division, upon receiving such order, shall restore such person’s driving privileges, unless such person’s driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court.

(c) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person who is less than 21 years of age fails a test or has an alcohol or drug-related conviction in this state, penalties shall be imposed pursuant to subsection (b).

(d) Whenever the division is notified by a provider, as defined in K.S.A. 8-1008, and amendments thereto, or a court that the person has failed to follow any recommendation made by the provider or otherwise ordered by a court for a conviction of a violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, the division shall suspend the person’s driving privileges until the division receives notice of the person’s completion of such recommendation.

(e) Except as provided in K.S.A. 8-2,142, and amendments thereto, if a person’s driving privileges are subject to suspension pursuant to this section for a test refusal, test failure or alcohol or drug-related conviction arising from the same arrest, the period of such suspension shall not exceed the longest applicable period authorized by subsection (a) or (b), and such suspension periods shall not be added together or otherwise imposed consecutively. In addition, in determining the period of such
suspension as authorized by subsection (a) or (b), such person shall receive credit for any period of time for which such person’s driving privileges were suspended while awaiting any hearing or final order authorized by this act.

If a person’s driving privileges are subject to restriction pursuant to this section for a test failure or alcohol or drug-related conviction arising from the same arrest, the restriction periods shall not be added together or otherwise imposed consecutively. In addition, in determining the period of restriction, the person shall receive credit for any period of suspension imposed for a test refusal arising from the same arrest.

(f) If the division has taken action under subsection (a) for a test refusal or under subsection (b) for a test failure and such action is stayed pursuant to K.S.A. 8-259, and amendments thereto, or if temporary driving privileges are issued pursuant to K.S.A. 8-1020, and amendments thereto, the stay or temporary driving privileges shall not prevent the division from taking the action required by subsection (b) for an alcohol or drug-related conviction.

(g) The provisions of subsections (a), (b) and (c), as amended by this act and section 14 of chapter 105 of the 2011 Session Laws of Kansas, may be applied retroactively only if requested by a person who has had such person’s driving privileges suspended or restricted pursuant to subsection (a), (b) or (c) prior to such amendment. Such person may apply to the division to have the penalties applied retroactively, as provided under subsection (g) of K.S.A. 8-1015(g), and amendments thereto.

(h) When modifying penalties pursuant to subsection (g), the division shall credit any suspension or revocation time in excess of one year which was imposed and served prior to retroactive application of the provisions of subsections (a), (b) and (c), as amended by this act and section 14 of chapter 105 of the 2011 Session Laws of Kansas, toward the required ignition interlock restriction period imposed pursuant to the retroactive application of such provisions if: (1) The person’s driving record indicates no driving by the person during the applicable suspension or revocation period; and (2) the person completes a form prescribed by the division indicating that the person did not drive during the applicable suspension or revocation period.

(i) As used in this section, “suspension” includes any period of suspension and any period of restriction as provided in subsection (a) of K.S.A. 8-1015(a), and amendments thereto.

Sec. 11. K.S.A. 2017 Supp. 8-1024 is hereby amended to read as follows: 8-1024. No medical care facility, clinical laboratory, medical clinic, other medical institution, person licensed to practice medicine or surgery, person acting under the direction of any such licensed person, licensed physician assistant, registered nurse, licensed practical nurse, medical technician, paramedic, advanced emergency medical technician,
phlebotomist, health care provider or person who participates in good faith in the obtaining, withdrawal, collection or testing of blood, breath, urine or other bodily substance at the direction of a law enforcement officer pursuant to K.S.A. 8-1001, and amendments thereto, or as otherwise authorized by law, shall incur any civil, administrative or criminal liability as a result of such participation, regardless of whether or not the patient resisted or objected to the administration of the procedure or test.

Sec. 12. K.S.A. 2017 Supp. 8-1501 is hereby amended to read as follows: 8-1501. The provisions of this article relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(a) Where a different place is specifically referred to in a given section; and

(b) The provisions of K.S.A. 8-1566 to through 8-1568, inclusive, K.S.A. 2017 Supp. 8-1025 and the provisions of article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall apply upon highways and elsewhere throughout the state.

Sec. 13. K.S.A. 2017 Supp. 8-1567, as amended by section 7 of 2018 House Bill No. 2439, is hereby amended to read as follows: 8-1567. (a) Driving under the influence is operating or attempting to operate any vehicle within this state while:

(1) The alcohol concentration in the person’s blood or breath as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

(2) the alcohol concentration in the person’s blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) (1) Driving under the influence is:

(A) On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months’ imprisonment, or in the court’s discretion 100 hours of public service, and fined not less than $750 nor more than $1,000. The person convicted shall serve at least 48 consecutive hours’ imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest
program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the remainder of the sentence only after such person has served 48 consecutive hours’ imprisonment;

(B) on a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,250 nor more than $1,750. The person convicted shall serve at least five consecutive days’ imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the five days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

(C) on a third conviction a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90
days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours;

(D) on a third conviction a nonperson felony if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days’ imprisonment mandated by this subsection only after such person has served 48 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours; and

(E) on a fourth or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 72 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement.
Such 2,160 hours of confinement shall be a period of at least 72 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender’s work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto, to serve the 90 days’ imprisonment mandated by this subsection only after such person has served 72 consecutive hours’ imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender’s location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender’s residence. Any exceptions to remaining within the boundaries of the offender’s residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) The court may order that the term of imprisonment imposed pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 2017 Supp. 21-6804, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person’s discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

(3) In addition, for any conviction pursuant to subsection (b)(1)(C), (b)(1)(D) or (b)(1)(E), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. 2017 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by
the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the Kansas department for aging and disability services designated treatment provider and the offender. An offender for whom a warrant has been issued by the court alleging a violation of this supervision shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it is found the offender has violated the provisions of this supervision, the court shall determine whether the time from the issuing of the warrant to the date of the court’s determination of an alleged violation, or any part of it, shall be counted as time served on supervision. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof. The term of supervision may be extended at the court’s discretion beyond one year, and any violation of the conditions of such extended term of supervision may subject such person to the revocation of supervision and imprisonment in jail of up to the remainder of the original sentence, not the term of the extended supervision.

(4) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person 18 years of age or older convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person’s punishment enhanced by one month of imprisonment. This imprisonment must be served con-
secutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving section (a)(4) or (a)(5), the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division including any finding regarding the alcohol concentration in the offender’s blood or breath. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(i) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county which that prohibits the
acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person’s lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person’s lifetime shall be taken into account: (A) Refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 2017 Supp. 8-1025, and amendments thereto; (B) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto; (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 2017 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto; (E) aggravated battery as described in K.S.A. 2017 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto; and (F) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) “conviction” includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (i)(2); and (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (i)(1) or (i)(2), and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state;

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person’s lifetime.
(j) For the purposes of determining whether an offense is comparable, the following shall be considered:

(1) The name of the out-of-jurisdiction offense;
(2) the elements of the out-of-jurisdiction offense; and
(3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

(k) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(l) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, any ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

(4) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(m) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(n) No plea bargaining agreement shall be entered into nor shall
any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or two of the three more of such alternatives prior to submission of the case to the fact finder.

As used in this section: (1) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) “imprisonment” shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) “drug” includes toxic vapors as such term is defined in K.S.A. 2017 Supp. 21-5712, and amendments thereto.

The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the department of corrections alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

On and after July 1, 2011, the amount of $250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2017 Supp. 75-52,113, and amendments thereto.

Sec. 14. K.S.A. 2017 Supp. 12-4106 is hereby amended to read as follows: 12-4106. (a) The municipal judge shall have the power to administer the oaths and enforce all orders, rules and judgments made by such municipal judge, and may fine or imprison for contempt in the same manner and to the same extent as a judge of the district court.

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

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

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

(e) The municipal judge shall ensure that information concerning dispositions of city ordinance violations that result in convictions comparable to convictions for offenses under Kansas criminal statutes is forwarded to the Kansas bureau of investigation central repository. This information shall be transmitted, on a form or in a format approved by the attorney general, within 30 days of final disposition.

(f) In all cases alleging a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144, 8-1567 or 32-1131 or K.S.A. 2017 Supp. 8-1025, 21-6419 or 21-6421, and amendments thereto, the municipal court judge shall ensure that the municipal court reports the filing and disposition of such case to the Kansas bureau of investigation central repository, and, on and after July 1, 2014, reports the filing and disposition of such case electronically to the Kansas bureau of investigation central repository.

(g) In all cases in which a fine is imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025 or 21-6421, and amendments thereto, the municipal court judge shall ensure that the municipal court remits the appropriate amount of such fine to the state treasurer as provided in K.S.A. 2017 Supp. 12-4120, and amendments thereto.

Sec. 15. K.S.A. 2017 Supp. 12-4120 is hereby amended to read as follows: 12-4120. (a) On and after July 1, 2012, the amount of $250 from each fine imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-1567 or 8-2,144 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of
K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2017 Supp. 75-52,113, and amendments thereto.

(b) One-half of each fine imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 2017 Supp. 21-6421, and amendments thereto, shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and the remainder shall be remitted as otherwise permitted by law. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the human trafficking victim assistance fund established by K.S.A. 2017 Supp. 75-758, and amendments thereto.

(c) On and after July 1, 2017, the amount of $20 from each fine imposed for a violation of a city ordinance requiring the use of safety belts for those individuals required by K.S.A. 8-2503(a)(1), and amendments thereto, shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the seat belt safety fund established by K.S.A. 2017 Supp. 8-1,181, and amendments thereto.

Sec. 16. K.S.A. 2017 Supp. 12-4413 is hereby amended to read as follows: 12-4413. As used in K.S.A. 8-1009 and 12-4413 through 12-4418, inclusive and amendments thereto:
(a) “City attorney” means a city attorney of a city of this state.
(b) “Complaint” means complaint, citation or notice to appear in a municipal court.
(c) “Diversion” means referral of a defendant in a criminal case charging an alcohol related offense to a supervised performance program prior to adjudication.
(d) “Diversion agreement” means the specification of formal terms and conditions which a defendant must fulfill in order to have the charges against such person dismissed.
(e) “Alcohol related offense” means violation of an ordinance of a city of this state that prohibits the acts prohibited by K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or violation of such statute.

Sec. 17. K.S.A. 2017 Supp. 12-4414 is hereby amended to read as follows: 12-4414. (a) Except as provided in K.S.A. 8-1567 and K.S.A. 2017 Supp. 8-1025, and amendments thereto, after a complaint has been filed charging a defendant with violation of an alcohol or drug related offense and prior to conviction thereof, and after the city attorney has considered the factors listed in K.S.A. 12-4415, and amendments thereto, if it appears to the city attorney that diversion of the defendant would be in the interests of justice and of benefit to the defendant and the community, the
city attorney may propose a diversion agreement to the defendant. The terms of each diversion agreement shall be established by the city attorney in accordance with K.S.A. 12-4416, and amendments thereto.

(b) Each city attorney shall adopt written policies and guidelines for the implementation of a diversion program in accordance with K.S.A. 8-1009 and 12-4412 through 12-4417, inclusive, and amendments thereto. Such policies and guidelines shall provide for a diversion conference and other procedures in those cases where the city attorney elects to offer diversion in lieu of further criminal proceedings on the complaint.

(c) Each defendant shall be informed in writing of the diversion program and the policies and guidelines adopted by the city attorney. The city attorney may require any defendant requesting diversion to provide information regarding prior criminal charges, education, work experience and training, family, residence in the community, medical history, including any psychiatric or psychological treatment or counseling, and other information relating to the diversion program. In all cases, the defendant shall be present and shall have the right to be represented by counsel at the diversion conference with the city attorney.

Sec. 18. K.S.A. 2017 Supp. 12-4415 is hereby amended to read as follows: 12-4415. (a) In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the city attorney shall consider at least the following factors among all factors considered:

(1) The nature of the crime charged and the circumstances surrounding it;
(2) any special characteristics or circumstances of the defendant;
(3) whether the defendant is a first-time offender of an alcohol related offense and if the defendant has previously participated in diversion, according to the certification of the division of vehicles of the state department of revenue;
(4) whether there is a probability that the defendant will cooperate with and benefit from diversion;
(5) whether there is a probability that the defendant committed such crime as a result of an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder or traumatic brain injury, connected to service in a combat zone, as defined in section 112 of the federal internal revenue code of 1986, in the armed forces of the United States of America;
(6) if subsection (a)(5) applies to the defendant, whether there is a probability that the defendant will cooperate with and benefit from inpatient or outpatient treatment from any treatment facility or program operated by the United States department of defense, the United States department of veterans affairs or the Kansas national guard with the consent of the defendant, as a condition of diversion;
(7) whether the available diversion program is appropriate to the needs of the defendant;
(8) the impact of the diversion of the defendant upon the community;
(9) recommendations, if any, of the involved law enforcement agency;
(10) recommendations, if any, of the victim;
(11) provisions for restitution; and
(12) any mitigating circumstances.

(b) A city attorney shall not enter into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an alcohol related offense if the defendant:

(1) Has previously participated in diversion of an alcohol related offense;
(2) has previously been convicted of or pleaded nolo contendere to an alcohol related offense in this state or has previously been convicted of or pleaded nolo contendere to a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or of a law of another state, or of a political subdivision thereof, which prohibits the acts prohibited by those statutes; or
(3) during the time of the alleged alcohol related offense was involved in a motor vehicle accident or collision resulting in personal injury or death.

(c) “Major depressive disorder,” “polytrauma,” “post-traumatic stress disorder” and “traumatic brain injury” shall mean the same as such terms are defined in K.S.A. 2017 Supp. 21-6630, and amendments thereto.

Sec. 19. K.S.A. 2017 Supp. 12-4416 is hereby amended to read as follows: 12-4416. (a) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the city attorney, the city attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to counsel, a speedy arraignment, a speedy trial, and the right to trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services. The diversion agreement shall state:

(1) The defendant’s full name;
(2) the defendant’s full name at the time the complaint was filed, if different from the defendant’s current name;
(3) the defendant’s sex, race and date of birth;
(4) the crime with which the defendant is charged;
(5) the date the complaint was filed; and
(6) the municipal court with which the agreement is filed.

(b) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 2017 Supp. 21-6421, and amendments thereto, the agreement:

(1) Shall include a requirement that the defendant pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 2017 Supp. 21-6421, and amendments thereto; and

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

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

(1) Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, consonant with K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; and

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

(d) If the person entering into a diversion agreement is a nonresident, the city attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person’s state of residence.

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

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

Sec. 20. K.S.A. 2017 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

(A) Satisfied the sentence imposed; or

(B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of a violation of any ordinance that is prohibited by either K.S.A. 2017 Supp. 12-16,134(a) or (b), and amendments thereto, and which was adopted prior to July 1, 2014, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records.

(c) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(d) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:
(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2017 Supp. 21-5406, and amendments thereto;
(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;
(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;
(4) a violation of the provisions of K.S.A. 8-142 Fifth, and amendments thereto, relating to fraudulent applications;
(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;
(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto;
(7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or
(8) a violation of K.S.A. 21-3405b, prior to its repeal.

e) (1) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a first violation of a city ordinance which would also constitute a first violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto.
(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of a city ordinance which would also constitute a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto.
(3) The provisions of this subsection shall apply to all violations committed on or after July 1, 2006.

(f) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-2,144, and amendments thereto.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state the:
(A) Defendant’s full name;
(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant’s current name;
(C) defendant’s sex, race and date of birth;
(D) crime for which the defendant was arrested, convicted or diverted;
(E) date of the defendant’s arrest, conviction or diversion; and
(F) identity of the convicting court, arresting law enforcement agency or diverting authority.

(2) A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section.

(3) Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner’s arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;
(2) the circumstances and behavior of the petitioner warrant the expungement; and
(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;
(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:
(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2017 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an insti-
tuition, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner’s qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner’s qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner’s qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver’s license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner’s qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner’s qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner’s qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2017 Supp. 75-7c01 et seq., and amendments thereto; or

(L) for applications received on and after July 1, 2016, to aid in determining the petitioner’s qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 2017 Supp. 75-7e01 through 75-7e09 and K.S.A. 2017 Supp. 50-6,141, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.
(j) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

1. The person whose record was expunged;
2. A private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
3. A court, upon a showing of a subsequent conviction of the person whose record has been expunged;
4. The secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;
5. A person entitled to such information pursuant to the terms of the expungement order;
6. A prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
7. The supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
8. The Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within
the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

  (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

  (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act:

  (A) Lottery gaming facility managers and prospective managers, race-track gaming facility managers and prospective managers, licensees and certificate holders; and

  (B) their officers, directors, employees, owners, agents and contractors;

  (11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications:

  (A) To be an employee of the state gaming agency; or

  (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

  (12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

  (13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to:

  (A) Carry a concealed weapon pursuant to the personal and family protection act; or

  (B) act as a bail enforcement agent pursuant to K.S.A. 2017 Supp. 75-7e01 through 75-7e09 and K.S.A. 2017 Supp. 50-6,141, and amendments thereto;

  (14) the Kansas sentencing commission;

  (15) the Kansas commission on peace officers’ standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

  (16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility
for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 21. K.S.A. 2017 Supp. 12-4517 is hereby amended to read as follows: 12-4517. (a) (1) The municipal court judge shall ensure that all persons convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault as defined in subsection (a) of K.S.A. 2017 Supp. 21-5412(a), and amendments thereto, under a Kansas criminal statute are fingerprinted and processed.

(2) The municipal court judge shall ensure that all persons arrested or charged with a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, are fingerprinted and processed at the time of booking or first appearance, whichever occurs first.

(b) The municipal court judge shall order the individual to be fingerprinted at an appropriate location as determined by the municipal court judge. Failure of the person to be fingerprinted after court order issued by the municipal judge shall constitute contempt of court. To reimburse the city or other entity for costs associated with fingerprinting, the municipal court judge may assess reasonable court costs, in addition to other court costs imposed by the state or municipality.

Sec. 22. K.S.A. 2017 Supp. 21-5203 is hereby amended to read as follows: 21-5203. A person may be guilty of a crime without having a culpable mental state if the crime is:

(a) A misdemeanor, cigarette or tobacco infraction or traffic infraction and the statute defining the crime clearly indicates a legislative purpose to impose absolute liability for the conduct described;

(b) a felony and the statute defining the crime clearly indicates a legislative purpose to impose absolute liability for the conduct described;

(c) a violation of K.S.A. 8-1567 or 8-1567a, and amendments thereto;

(d) a violation of K.S.A. 8-2,144, and amendments thereto;

(e) a violation of K.S.A. 2017 Supp. 8-1025, and amendments thereto;

(f) a violation of K.S.A. 22-4901 et seq., and amendments thereto.

Sec. 23. K.S.A. 2017 Supp. 21-6604 is hereby amended to read as follows: 21-6604. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense and may impose the provisions of subsection (q);
(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567; or 8-2,144 and K.S.A. 2017 Supp. 8-1025, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by K.S.A. 2017 Supp. 21-6602(c), and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape from custody or aggravated escape from custody, as defined in K.S.A. 2017 Supp. 21-5911, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire which has been determined to be arson or aggravated arson as defined in K.S.A. 2017 Supp. 21-5812, and amendments thereto, if the defendant is convicted of such crime; repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant’s conviction; or repay the amount of any medical costs and expenses incurred by any law enforcement agency or county. Such repayment of the amount of any such costs and expenses incurred by a county, law enforcement agency, fire district, fire department or fire company or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the county, law enforcement agency, fire district, fire department or fire company;
(9) order the defendant to pay the administrative fee authorized by K.S.A. 22-4529, and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by K.S.A. 20-369, and amendments thereto;

(11) if the defendant is convicted of a misdemeanor or convicted of a felony specified in K.S.A. 2017 Supp. 21-6804(i), and amendments thereto, assign the defendant to work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program. On a second or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program shall serve the total number of hours of confinement mandated by that section;

(12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;

(13) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12); or

(14) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant’s crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. In regard to a violation of K.S.A. 2017 Supp. 21-6107, and amendments thereto, such damage or loss shall include, but not be limited to, attorney fees and costs incurred to repair the credit history or rating of the person whose personal identification documents were obtained and used in violation of such section, and to satisfy a debt, lien or other obligation incurred by the person whose personal identification documents were obtained and used in violation of such section. In regard to a violation of K.S.A. 2017 Supp. 21-5801, 21-5807 or 21-5813, and amendments thereto, such damage or loss shall include the cost of repair or replacement of the property that was damaged, the reasonable cost of any loss of production, crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not
initiated proceedings in accordance with K.S.A. 60-4301 et seq., and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719, and amendments thereto, to collect the restitution on behalf of the victim. The chief judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by K.S.A. 2017 Supp. 21-6602(d), and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant’s immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole, conditional release or postrelease supervision.

(f) (1) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony, or while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2017 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(2) When a new felony is committed during a period of time during which the defendant would have been on probation, assignment to a community correctional services program, parole, conditional release or
postrelease supervision for a felony had the defendant not been granted release by the court pursuant to K.S.A. 2017 Supp. 21-6608(d), and amendments thereto, or the prisoner review board pursuant to K.S.A. 22-3717, and amendments thereto, the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise preserves a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(3) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671, prior to its repeal, or K.S.A. 2017 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise preserves a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(4) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed consecutively pursuant to the provisions of K.S.A. 2017 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise preserves a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and whose offense does not meet the requirements of K.S.A. 2017 Supp. 21-6824, and amendments thereto, prior to revocation of a nonprison sanction of a defendant whose offense is classified in grid
blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and whose offense does not meet the requirements of K.S.A. 2017 Supp. 21-6824, and amendments thereto, or prior to revocation of a non-prison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, or a community intermediate sanction center. Pursuant to this subsection the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or community intermediate sanction center and the defendant meets all of the conservation camp’s or community intermediate sanction center’s placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or community intermediate sanction center.

(h) In committing a defendant to the custody of the secretary of corrections, the court shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or part of the expenditures by the state board of indigents’ defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant’s immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents’ defense services or the amount prescribed by the board of indigents’ defense services
reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary’s custody if the inmate:

(1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense which is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, or for an offense which is classified in grid blocks 4-E or 4-F of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 5-C, 5-D, 5-E or 5-F of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, and such offense does not meet the requirements of K.S.A. 2017 Supp. 21-6824, and amendments thereto; and

(2) otherwise meets admission criteria of the camp.

If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 2017 Supp. 21-6608, and amendments thereto.

(m) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

(n) (1) Except as provided by K.S.A. 2017 Supp. 21-6630 and 21-6805(f), and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2017 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements estab-
lished in K.S.A. 2017 Supp. 21-6824, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2017 Supp. 75-52,144, and amendments thereto, including, but not limited to, an approved after-care plan. The amount of time spent participating in such program shall not be credited as service on the underlying prison sentence.

(2) If the defendant fails to participate in or has a pattern of intentional conduct that demonstrates the defendant’s refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to sanction or revocation pursuant to the provisions of K.S.A. 22-3716, and amendments thereto. If the defendant’s probation is revoked, the defendant shall serve the underlying prison sentence as established in K.S.A. 2017 Supp. 21-6805, and amendments thereto.

(A) Except as provided in subsection (n)(2)(B), for those offenders who are convicted on or after July 1, 2003, but prior to July 1, 2013, upon completion of the underlying prison sentence, the offender shall not be subject to a period of postrelease supervision.

(B) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation is revoked pursuant to K.S.A. 22-3716(c), and amendments thereto, or whose underlying prison term expires while serving a sanction pursuant to K.S.A. 22-3716(c)(1)(C) or (c)(1)(D), and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2017 Supp. 21-5706, and amendments thereto, in which the trier of fact makes a finding that the unlawful possession occurred while transporting the controlled substance or controlled substance analog in any vehicle upon a highway or street, the offender’s driver’s license or privilege to operate a motor vehicle on the streets and highways of this state shall be suspended for one year.

(2) Upon suspension of a license pursuant to this subsection, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person’s privilege to operate a motor vehicle is in effect.

(3) (A) In lieu of suspending the driver’s license or privilege to operate a motor vehicle on the highways of this state of any person as pro-
vided in paragraph (1), the judge of the court in which such person was convicted may enter an order which places conditions on such person’s privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year.

(B) Upon entering an order restricting a person’s license hereunder, the judge shall require such person to surrender such person’s driver’s license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver’s license which shall indicate on its face that conditions have been imposed on such person’s privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such person’s state of residence. Such judge shall furnish to any person whose driver’s license has had conditions imposed on it under this paragraph a copy of the order, which shall be recognized as a valid Kansas driver’s license until such time as the division shall issue the restricted license provided for in this paragraph.

(C) Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person’s privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this paragraph, such person’s driver’s license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

(4) As used in this subsection, “highway” and “street” mean the same as in K.S.A. 8-1424 and 8-1473, and amendments thereto.

(p) In addition to any of the above, for any criminal offense that includes the domestic violence designation pursuant to K.S.A. 2017 Supp. 22-4616, and amendments thereto, the court shall require the defendant to: (1) Undergo a domestic violence offender assessment conducted by a certified batterer intervention program; and (2) follow all recommendations made by such program, unless otherwise ordered by the court or
the department of corrections. The court may order a domestic violence offender assessment and any other evaluation prior to sentencing if the assessment or evaluation would assist the court in determining an appropriate sentence. The entity completing the assessment or evaluation shall provide the assessment or evaluation and recommendations to the court and the court shall provide the domestic violence offender assessment to any entity responsible for supervising such defendant. A defendant ordered to undergo a domestic violence offender assessment shall be required to pay for the assessment and, unless otherwise ordered by the court or the department of corrections, for completion of all recommendations.

(q) In imposing a fine, the court may authorize the payment thereof in installments. In lieu of payment of any fine imposed, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed by the later of one year after the fine is imposed or one year after release from imprisonment or jail, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance shall become due on that date. If conditional reduction of any fine is rescinded by the court for any reason, then pursuant to the court’s order the person may be ordered to perform community service by one year after the date of such rescission or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date. All credits for community service shall be subject to review and approval by the court.

(r) In addition to any other penalty or disposition imposed by law, for any defendant sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2017 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the court shall order that the defendant be electronically monitored upon release from imprisonment for the duration of the defendant’s natural life and that the defendant shall reimburse the state for all or part of the cost of such monitoring as determined by the prisoner review board.

(s) Whenever the court has released the defendant on probation pursuant to subsection (a)(3), the defendant’s supervising court services officer, with the concurrence of the chief court services officer, may impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order of the court, unless:
(1) The court has specifically withheld this authority in its sentencing order; or
(2) the defendant, after being apprised of the right to a revocation hearing before the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses to waive such right.

(t) Whenever the court has assigned the defendant to a community correctional services program pursuant to subsection (a)(4), the defendant’s community corrections officer, with the concurrence of the community corrections director, may impose the violation sanctions as provided in K.S.A. 22-3716(c)(1)(B), and amendments thereto, without further order of the court unless:

(1) The court has specifically withheld this authority in its sentencing order; or
(2) the defendant, after being apprised of the right to a revocation hearing before the court pursuant to K.S.A. 22-3716(b), and amendments thereto, refuses to waive such right.

Sec. 24. K.S.A. 2017 Supp. 21-6614 is hereby amended to read as follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d), (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, any nongrid felony or felony ranked in severity levels 6 through 10 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, post-release supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d), (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program,
role, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, “coercion” means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) Except as provided in subsections (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any felony ranked in severity levels 1 through 5 of the nondrug grid, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2017 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of K.S.A. 8-142 Fifth, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(d) (1) No person may petition for expungement until five or more
years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a first violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, including any diversion for such violation.

(2) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto.

(3) Except as provided further, the provisions of this subsection shall apply to all violations committed on or after July 1, 2006. The provisions of subsection (d)(2) shall not apply to violations committed on or after July 1, 2014, but prior to July 1, 2015.

(e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto;
(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2017 Supp. 21-5506, and amendments thereto;
(3) criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3), prior to its repeal, or K.S.A. 2017 Supp. 21-5504(a)(3) or (a)(4), and amendments thereto;
(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2017 Supp. 21-5504, and amendments thereto;
(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2017 Supp. 21-5508, and amendments thereto;
(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2017 Supp. 21-5510, and amendments thereto;
(7) internet trading in child pornography or aggravated internet trading in child pornography, as defined in K.S.A. 2017 Supp. 21-5514, and amendments thereto;
(8) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2017 Supp. 21-5604, and amendments thereto;
(9) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2017 Supp. 21-5601, and amendments thereto;
(10) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2017 Supp. 21-5602, and amendments thereto;
(11) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto;
(12) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp. 21-5402, and amendments thereto;
(13) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2017 Supp. 21-5403, and amendments thereto;
(14) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto;
(15) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2017 Supp. 21-5405, and amendments thereto;
(16) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2017 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;
(17) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2017 Supp. 21-5505, and amendments thereto;
(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or
(19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.
(f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.
(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:
(A) Defendant’s full name;
(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant’s current name;
(C) defendant’s sex, race and date of birth;
(D) crime for which the defendant was arrested, convicted or diverted;
(E) date of the defendant’s arrest, conviction or diversion; and
(F) identity of the convicting court, arresting law enforcement authority or diverting authority.
(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of $176. On and after July 1, 2017, through June 30, 2019, the supreme court may impose a charge, not to exceed $19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such
charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner’s arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. If the case was appealed from municipal court, the clerk of the district court shall send a certified copy of the order of expungement to the municipal court. The municipal court shall order the case expunged once the certified copy of the order of expungement is received. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2017 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;
(C) to aid in determining the petitioner’s qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner’s qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner’s qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver’s license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner’s qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner’s qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner’s qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2017 Supp. 75-7c01 et seq., and amendments thereto; or

(L) for applications received on and after July 1, 2017, to aid in determining the petitioner’s qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 2017 Supp. 75-7e01 through 75-7e09 and K.S.A. 2017 Supp. 50-6,141, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays
a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

(2) Notwithstanding the provisions of subsection (k)(1), and except as provided in K.S.A. 2017 Supp. 21-6304(a)(3)(A), and amendments thereto, the expungement of a prior felony conviction does not relieve the individual of complying with any state or federal law relating to the use, shipment, transportation, receipt or possession of firearms by persons previously convicted of a felony.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas department for aging and disability services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the
request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers’ standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to:
(A) Carry a concealed weapon pursuant to the personal and family protection act; or
(B) act as a bail enforcement agent pursuant to K.S.A. 2017 Supp. 75-7e01 through 75-7e09 and K.S.A. 2017 Supp. 50-6,141, and amendments thereto; or

(17) the Kansas bureau of investigation for the purposes of:
(A) Completing a person’s criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or
(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person’s qualification to possess a firearm.

(m) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 25. K.S.A. 2017 Supp. 21-6804 is hereby amended to read as follows: 21-6804. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:
### SENTENCING RANGE - NONDRUG OFFENSES

<table>
<thead>
<tr>
<th>Category</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severity Level</td>
<td>3 + Person Felonies</td>
<td>2 Person Felonies</td>
<td>1 Person &amp; 1 Nonperson Felonies</td>
<td>1 Person Felony</td>
<td>2 Person &amp; 1 Nonperson Felonies</td>
<td>3 + Person Felonies</td>
<td>2 Person Felonies</td>
<td>1 Person Felony</td>
<td>No Record</td>
</tr>
<tr>
<td>I</td>
<td>653</td>
<td>620</td>
<td>618</td>
<td>586</td>
<td>554</td>
<td>285</td>
<td>272</td>
<td>258</td>
<td>240</td>
</tr>
<tr>
<td>II</td>
<td>539</td>
<td>512</td>
<td>460</td>
<td>438</td>
<td>416</td>
<td>216</td>
<td>205</td>
<td>194</td>
<td>181</td>
</tr>
<tr>
<td>III</td>
<td>147</td>
<td>123</td>
<td>107</td>
<td>96</td>
<td>90</td>
<td>100</td>
<td>94</td>
<td>89</td>
<td>82</td>
</tr>
<tr>
<td>IV</td>
<td>121</td>
<td>105</td>
<td>75</td>
<td>68</td>
<td>62</td>
<td>69</td>
<td>66</td>
<td>60</td>
<td>57</td>
</tr>
<tr>
<td>V</td>
<td>107</td>
<td>93</td>
<td>60</td>
<td>53</td>
<td>50</td>
<td>55</td>
<td>52</td>
<td>49</td>
<td>46</td>
</tr>
<tr>
<td>VI</td>
<td>86</td>
<td>73</td>
<td>38</td>
<td>34</td>
<td>32</td>
<td>34</td>
<td>30</td>
<td>28</td>
<td>25</td>
</tr>
<tr>
<td>VII</td>
<td>31</td>
<td>27</td>
<td>27</td>
<td>24</td>
<td>22</td>
<td>26</td>
<td>21</td>
<td>19</td>
<td>17</td>
</tr>
<tr>
<td>VIII</td>
<td>30</td>
<td>27</td>
<td>19</td>
<td>18</td>
<td>17</td>
<td>16</td>
<td>15</td>
<td>14</td>
<td>13</td>
</tr>
<tr>
<td>IX</td>
<td>15</td>
<td>12</td>
<td>11</td>
<td>9</td>
<td>8</td>
<td>9</td>
<td>8</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>X</td>
<td>11</td>
<td>10</td>
<td>9</td>
<td>8</td>
<td>7</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>5</td>
</tr>
</tbody>
</table>

**Legend**
- Presumptive Probation
- No Sentence
- Presumptive Imprisonment
(b) Sentences expressed in the sentencing guidelines grid for non-drug crimes represent months of imprisonment.

e) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid’s vertical axis is the crime severity scale which classifies current crimes of conviction. The grid’s horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court’s discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender’s criminal history.

(e)(1) The sentencing court has discretion to sentence at any place within the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

   (A) Prison sentence;
   (B) maximum potential reduction to such sentence as a result of good time; and
   (C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

   (A) Prison sentence; and
   (B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of K.S.A. 21-3415, prior to its repeal, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of K.S.A. 2017 Supp. 21-5412(d), and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant’s sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).
(h) When a firearm is used to commit any person felony, the offender’s sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).


(2) If because of the offender’s criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 2017 Supp. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 2017 Supp. 21-5823, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 2017 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. and 8-1567, and K.S.A. 2017 Supp. 21-5414(b)(3), K.S.A. 2017 Supp. 21-5823(b)(3) and (b)(4). K.S.A. 2017 Supp. 21-6412 and K.S.A. 2017 Supp. 21-6416, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 2017 Supp. 8-1025 or K.S.A. 8-2,144 or K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary’s determination regarding the availability of treatment resources and facility capacity shall not be subject to review. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to K.S.A. 2017 Supp. 21-6609, and amendments thereto.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, “persistent sex offender” means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(A)(i) has at
least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2017 Supp. 21-5503, and amendments thereto; and

(ii) at the time of the conviction under subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender’s sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, “criminal street gang” means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of K.S.A. 2017 Supp. 21-5807(a)(1), and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2017 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-3715(a) or (b), prior to its repeal, 21-3716, prior to its repeal, K.S.A. 2017 Supp. 21-5807(a)(1) or (a)(2), or K.S.A. 2017 Supp. 21-5807(b), and
amendments thereto, or any attempt or conspiracy to commit such offense, shall be presumptive imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or K.S.A. 2017 Supp. 21-5913(a)(2), and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in K.S.A. 2017 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of K.S.A. 21-3705(b), prior to its repeal, or of criminal deprivation of property, as defined in K.S.A. 2017 Supp. 21-5803, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of theft of property as defined in K.S.A. 2017 Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 2017 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in K.S.A. 2017 Supp. 21-5801, and amendments thereto, or burglary as defined in K.S.A. 2017 Supp. 21-5807(a), and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 2017 Supp. 21-5801, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2017 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2017 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in K.S.A. 2017 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2017 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2017 Supp. 21-5807, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;

(2) Substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and
(3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of K.S.A. 2017 Supp. 21-6824(f)(1), and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in K.S.A. 2017 Supp. 21-5801, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2017 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2017 Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in K.S.A. 2017 Supp. 21-5807(a), and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in K.S.A. 2017 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2017 Supp. 21-5807, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;

(2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender’s term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.
(q) As used in this section, an “optional nonprison sentence” is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of K.S.A. 2017 Supp. 21-5413(c)(2), and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of K.S.A. 2017 Supp. 21-5512, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding beyond a reasonable doubt that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months’ imprisonment.

2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

3) As used in this subsection, “ballistic resistant material” means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.

(u) The sentence for a violation of K.S.A. 2017 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2017 Supp. 21-5301 and 21-5302, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of K.S.A. 21-4018, prior to its repeal, or K.S.A. 2017 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy to com-
mit such offense, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(v) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(w) The sentence for a third or subsequent violation of K.S.A. 8-1568, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(x) The sentence for a violation of K.S.A. 2017 Supp. 21-5807(a)(1), and amendments thereto, shall be presumptive imprisonment if the offense under such paragraph is classified in grid blocks 7-C, 7-D or 7-E. Such sentence shall not be considered a departure and shall not be subject to appeal.

(y) (1) Except as provided in subsection (y)(3), if the trier of fact makes a finding beyond a reasonable doubt that an offender committed a nondrug felony offense, or any attempt or conspiracy, as defined in K.S.A. 2017 Supp. 21-5301 and 21-5302, and amendments thereto, to commit a nondrug felony offense, against a law enforcement officer, as defined in K.S.A. 2017 Supp. 21-5111(p)(1) and (3), and amendments thereto, while such officer was engaged in the performance of such officer’s duty, or in whole or in any part because of such officer’s status as a law enforcement officer, the sentence for such offense shall be:

(A) If such offense is classified in severity level 2 through 10, one severity level above the appropriate level for such offense; and

(B) (i) if such offense is classified in severity level 1, except as otherwise provided in subsection (y)(1)(B)(ii), imprisonment for life, and such offender shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, such offender shall not be eligible for parole prior to serving 25 years’ imprisonment, and such 25 years’ imprisonment shall not be reduced by the application of good time credits. No other sentence shall be permitted.

(ii) The provisions of subsection (y)(1)(B)(i) requiring the court to impose a mandatory minimum term of imprisonment of 25 years shall not apply if the court finds the offender, because of the offender’s criminal history classification, is subject to presumptive imprisonment and the sentencing range exceeds 300 months. In such case, the offender is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(2) The sentence imposed pursuant to subsection (y)(1) shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to an offense
described in subsection (y)(1) if the factual aspect concerning a law enforcement officer is a statutory element of such offense.

Sec. 26. K.S.A. 2017 Supp. 21-6811, as amended by section 1 of 2018 House Bill No. 2567, is hereby amended to read as follows: 21-6811. In addition to the provisions of K.S.A. 2017 Supp. 21-6810, and amendments thereto, the following shall apply in determining an offender’s criminal history classification as contained in the presumptive sentencing guidelines grids:

(a) Every three prior adult convictions or juvenile adjudications of class A and class B person misdemeanors in the offender’s criminal history, or any combination thereof, shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes. Every three prior adult convictions or juvenile adjudications of assault as defined in K.S.A. 21-3408, prior to its repeal, or K.S.A. 2017 Supp. 21-5412(a), and amendments thereto, occurring within a period commencing three years prior to the date of conviction for the current crime of conviction shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes.

(b) A conviction of criminal possession of a firearm as defined in K.S.A. 21-4204(a)(1) or (a)(5), prior to its repeal, criminal use of weapons as defined in K.S.A. 2017 Supp. 21-6301(a)(10) or (a)(11), and amendments thereto, or unlawful possession of a firearm as in effect on June 30, 2005, and as defined in K.S.A. 21-4218, prior to its repeal, will be scored as a select class B nonperson misdemeanor conviction or adjudication and shall not be scored as a person misdemeanor for criminal history purposes.

(c) (1) If the current crime of conviction was committed before July 1, 1996, and is for K.S.A. 21-3404(b), as in effect on June 30, 1996, involuntary manslaughter in the commission of driving under the influence, then, each prior adult conviction or juvenile adjudication for K.S.A. 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(2) If the current crime of conviction was committed on or after July 1, 1996, and is for a violation of K.S.A. 2017 Supp. 21-5405(a)(3), and amendments thereto, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for: (A) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; or (B) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, shall count as one person felony for criminal history purposes.

(3) If the current crime of conviction is for a violation of K.S.A. 2017 Supp. 21-5413(b)(3), and amendments thereto:
The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one nonperson felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; and

(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto.

(d) Prior burglary adult convictions and juvenile adjudications will be scored for criminal history purposes as follows:

(1) As a prior person felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(a), prior to its repeal, or K.S.A. 2017 Supp. 21-5807(a)(1), and amendments thereto.

(2) As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(b) or (c), prior to its repeal, or K.S.A. 2017 Supp. 21-5807(a)(2) or (a)(3), and amendments thereto.

The facts required to classify prior burglary adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(e) (1) Out-of-state convictions and juvenile adjudications shall be used in classifying the offender's criminal history.

(2) An out-of-state crime will be classified as either a felony or a misdemeanor according to the convicting jurisdiction.

(A) If a crime is a felony in the convicting jurisdiction, it will be counted as a felony in Kansas.

(B) If a crime is a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as a class A, B or C misdemeanor. If the comparable offense in the state of Kansas is a felony, the out-of-state crime shall be classified as a class A misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender’s criminal history.

(C) If a crime is not classified as either a felony or a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the compa-
rable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as either a felony or a misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender’s criminal history.

(3) The state of Kansas shall classify the crime as person or nonperson. In designating a crime as person or nonperson, comparable offenses under the Kansas criminal code in effect on the date the current crime of conviction was committed shall be referred to. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall be classified as a nonperson crime.

(4) Convictions or adjudications occurring within the federal system, other state systems, the District of Columbia, foreign, tribal or military courts are considered out-of-state convictions or adjudications.

(5) The facts required to classify out-of-state adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(f) Except as provided in K.S.A. 21-4710(d)(4), (d)(5) and (d)(6), prior to its repeal, or K.S.A. 2017 Supp. 21-6810(d)(3)(B), (d)(3)(C), (d)(3)(D), (d)(4) and (d)(5), and amendments thereto, juvenile adjudications will be applied in the same manner as adult convictions. Out-of-state juvenile adjudications will be treated as juvenile adjudications in Kansas.

(g) A prior felony conviction of an attempt, a conspiracy or a solicitation as provided in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2017 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, to commit a crime shall be treated as a person or nonperson crime in accordance with the designation assigned to the underlying crime.

(h) Drug crimes are designated as nonperson crimes for criminal history scoring.

(i) If the current crime of conviction is for a violation of K.S.A. 8-1602(b)(3) through (b)(5), and amendments thereto, each of the following prior convictions for offenses committed on or after July 1, 2011, shall count as a person felony for criminal history purposes: K.S.A. 8-235, 8-262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605 and 40-3104, and amendments thereto, and K.S.A. 2017 Supp. 21-5405(a)(3) and 21-5406, and amendments thereto, or a violation of a city ordinance or law of another state which would also constitute a violation of such sections.

(j) The amendments made to this section by chapter 5 of the 2015 Session Laws of Kansas are procedural in nature and shall be construed and applied retroactively.

Sec. 27. K.S.A. 2017 Supp. 22-2802 is hereby amended to read as
follows: 22-2802. (1) Any person charged with a crime shall, at the per-
son’s first appearance before a magistrate, be ordered released pending
preliminary examination or trial upon the execution of an appearance
bond in an amount specified by the magistrate and sufficient to assure
the appearance of such person before the magistrate when ordered and
to assure the public safety. If the person is being bound over for a felony,
the bond shall also be conditioned on the person’s appearance in the
district court or by way of a two-way electronic audio-video communi-
cation as provided in subsection (14) at the time required by the court to
answer the charge against such person and at any time thereafter that the
court requires. Unless the magistrate makes a specific finding otherwise,
if the person is being bonded out for a person felony or a person mis-
demeanor, the bond shall be conditioned on the person being prohibited
from having any contact with the alleged victim of such offense for a
period of at least 72 hours. The magistrate may impose such of the fol-
lowing additional conditions of release as will reasonably assure the ap-
pearance of the person for preliminary examination or trial:
(a) Place the person in the custody of a designated person or organ-
ization agreeing to supervise such person;
(b) Place restrictions on the travel, association or place of abode of
the person during the period of release;
(c) Impose any other condition deemed reasonably necessary to as-
sure appearance as required, including a condition requiring that the
person return to custody during specified hours;
(d) Place the person under a house arrest program pursuant to K.S.A.
2017 Supp. 21-6609, and amendments thereto; or
(e) Place the person under the supervision of a court services officer
responsible for monitoring the person’s compliance with any conditions
of release ordered by the magistrate. The magistrate may order the person
to pay for any costs associated with the supervision provided by the court
services department in an amount not to exceed $15 per week of such
supervision. The magistrate may also order the person to pay for all other
costs associated with the supervision and conditions for compliance in
addition to the $15 per week.
(2) In addition to any conditions of release provided in subsection (1),
for any person charged with a felony, the magistrate may order such
person to submit to a drug and alcohol abuse examination and evaluation
in a public or private treatment facility or state institution and, if deter-
dined by the head of such facility or institution that such person is a drug
or alcohol abuser or is incapacitated by drugs or alcohol, to submit to
treatment for such drug or alcohol abuse, as a condition of release.
(3) The appearance bond shall be executed with sufficient solvent
sureties who are residents of the state of Kansas, unless the magistrate
determines, in the exercise of such magistrate’s discretion, that requiring
Ch. 106 2018 Session Laws of Kansas 1034

sureties is not necessary to assure the appearance of the person at the
time ordered.

(4) A deposit of cash in the amount of the bond may be made in lieu
of the execution of the bond pursuant to subsection (3). Except as pro-
vided in subsection (5), such deposit shall be in the full amount of the
bond and in no event shall a deposit of cash in less than the full amount
of bond be permitted. Any person charged with a crime who is released
on a cash bond shall be entitled to a refund of all moneys paid for the
cash bond, after deduction of any outstanding restitution, costs, fines and
fees, after the final disposition of the criminal case if the person complies
with all requirements to appear in court. The court may not exclude the
option of posting bond pursuant to subsection (3).

(5) Except as provided further, the amount of the appearance bond
shall be the same whether executed as described in subsection (3) or
posted with a deposit of cash as described in subsection (4). When the
appearance bond has been set at $2,500 or less and the most serious
charge against the person is a misdemeanor, a severity level 8, 9 or 10
nonperson felony, a drug severity level 4 felony committed prior to July
1, 2012, a drug severity level 5 felony committed on or after July 1, 2012,
or a violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amend-
ments thereto, the magistrate may allow the person to deposit cash with
the clerk in the amount of 10% of the bond, provided the person meets
at least the following qualifications:

(A) Is a resident of the state of Kansas;
(B) has a criminal history score category of G, H or I;
(C) has no prior history of failure to appear for any court appearances;
(D) has no detainer or hold from any other jurisdiction;
(E) has not been extradited from, and is not awaiting extradition to,
   another state; and
(F) has not been detained for an alleged violation of probation.

(6) In the discretion of the court, a person charged with a crime may
be released upon the person’s own recognizance by guaranteeing pay-
ment of the amount of the bond for the person’s failure to comply with
all requirements to appear in court. The release of a person charged with
a crime upon the person’s own recognizance shall not require the deposit
of any cash by the person.

(7) The court shall not impose any administrative fee.

(8) In determining which conditions of release will reasonably assure
appearance and the public safety, the magistrate shall, on the basis of
available information, take into account the nature and circumstances of
the crime charged; the weight of the evidence against the defendant;
whether the defendant is lawfully present in the United States; the de-
defendant’s family ties, employment, financial resources, character, mental
condition, length of residence in the community, record of convictions,
record of appearance or failure to appear at court proceedings or of flight
to avoid prosecution; the likelihood or propensity of the defendant to commit crimes while on release, including whether the defendant will be likely to threaten, harass or cause injury to the victim of the crime or any witnesses thereto; and whether the defendant is on probation or parole from a previous offense at the time of the alleged commission of the subsequent offense.

(9) The appearance bond shall set forth all of the conditions of release.

(10) A person for whom conditions of release are imposed and who continues to be detained as a result of the person’s inability to meet the conditions of release shall be entitled, upon application, to have the conditions reviewed without unnecessary delay by the magistrate who imposed them. If the magistrate who imposed conditions of release is not available, any other magistrate in the county may review such conditions.

(11) A magistrate ordering the release of a person on any conditions specified in this section may at any time amend the order to impose additional or different conditions of release. If the imposition of additional or different conditions results in the detention of the person, the provisions of subsection (10) shall apply.

(12) Statements or information offered in determining the conditions of release need not conform to the rules of evidence. No statement or admission of the defendant made at such a proceeding shall be received as evidence in any subsequent proceeding against the defendant.

(13) The appearance bond and any security required as a condition of the defendant’s release shall be deposited in the office of the magistrate or the clerk of the court where the release is ordered. If the defendant is bound to appear before a magistrate or court other than the one ordering the release, the order of release, together with the bond and security shall be transmitted to the magistrate or clerk of the court before whom the defendant is bound to appear.

(14) Proceedings before a magistrate as provided in this section to determine the release conditions of a person charged with a crime including release upon execution of an appearance bond may be conducted by two-way electronic audio-video communication between the defendant and the judge in lieu of personal presence of the defendant or defendant’s counsel in the courtroom in the discretion of the court. The defendant may be accompanied by the defendant’s counsel. The defendant shall be informed of the defendant’s right to be personally present in the courtroom during such proceeding if the defendant so requests. Exercising the right to be present shall in no way prejudice the defendant.

(15) The magistrate may order the person to pay for any costs associated with the supervision of the conditions of release of the appearance bond in an amount not to exceed $15 per week of such supervision. As a condition of sentencing under K.S.A. 2017 Supp. 21-6604, and amendments thereto, the court may impose the full amount of any such costs
in addition to the $15 per week, including, but not limited to, costs for treatment and evaluation under subsection (2).

Sec. 28. K.S.A. 2017 Supp. 22-2908 is hereby amended to read as follows: 22-2908. (a) In determining whether diversion of a defendant is in the interests of justice and of benefit to the defendant and the community, the county or district attorney shall consider at least the following factors among all factors considered:

(1) The nature of the crime charged and the circumstances surrounding it;
(2) any special characteristics or circumstances of the defendant;
(3) whether the defendant is a first-time offender and if the defendant has previously participated in diversion, according to the certification of the Kansas bureau of investigation or the division of vehicles of the department of revenue;
(4) whether there is a probability that the defendant will cooperate with and benefit from diversion;
(5) whether the available diversion program is appropriate to the needs of the defendant;
(6) whether there is a probability that the defendant committed such crime as a result of an injury, including major depressive disorder, poly-trauma, post-traumatic stress disorder or traumatic brain injury, connected to service in a combat zone, as defined in section 112 of the federal internal revenue code of 1986, in the armed forces of the United States of America;
(7) if subsection (a)(6) applies to the defendant, whether there is a probability that the defendant will cooperate with and benefit from inpatient or outpatient treatment from any treatment facility or program operated by the United States department of defense, the United States department of veterans affairs or the Kansas national guard with the consent of the defendant, as a condition of diversion;
(8) the impact of the diversion of the defendant upon the community;
(9) recommendations, if any, of the involved law enforcement agency;
(10) recommendations, if any, of the victim;
(11) provisions for restitution; and
(12) any mitigating circumstances.

(b) A county or district attorney shall not enter into a diversion agreement in lieu of further criminal proceedings on a complaint if:

(1) The complaint alleges a violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, and the defendant: (A) Has previously participated in diversion upon a complaint alleging a violation of that statute or an ordinance of a city in this state which prohibits the acts prohibited by that statute; (B) has previously been convicted of or pleaded nolo contendere to a violation of that statute or a violation of a law of another state or of a political subdivision of this or any other state, which
law prohibits the acts prohibited by that statute; or (C) during the time of the alleged violation was involved in a motor vehicle accident or collision resulting in personal injury or death;

(2) the complaint alleges that the defendant committed a class A or B felony or for crimes committed on or after July 1, 1993, an off-grid crime, a severity level 1, 2 or 3 felony for nondrug crimes, a drug severity level 1 or 2 felony for drug crimes committed on or after July 1, 1993, but prior to July 1, 2012, or a drug severity level 1, 2 or 3 felony committed on or after July 1, 2012; or

(3) the complaint alleges a domestic violence offense, as defined in K.S.A. 2017 Supp. 21-5111, and amendments thereto, and the defendant has participated in two or more diversions in the previous five year period upon complaints alleging a domestic violence offense.

(c) A county or district attorney may enter into a diversion agreement in lieu of further criminal proceedings on a complaint for violations of article 10 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto, if such diversion carries the same penalties as the conviction for the corresponding violations. If the defendant has previously participated in one or more diversions for violations of article 10 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto, then each subsequent diversion shall carry the same penalties as the conviction for the corresponding violations.

(d) As used in this section, “major depressive disorder,” “poly-trauma,” “post-traumatic stress disorder” and “traumatic brain injury” shall mean the same as such terms are defined in K.S.A. 2017 Supp. 21-6630, and amendments thereto.

Sec. 29. K.S.A. 2017 Supp. 22-2909 is hereby amended to read as follows: 22-2909. (a) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the attorney general or county or district attorney, such attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to a speedy arraignment, preliminary examinations and hearings, and a speedy trial, and in the case of diversion under subsection (c) waiver of the rights to counsel and trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services. If a county creates a local fund under the property crime restitution and compensation act, a county or district attorney may require in all diversion agreements as a condition of diversion the pay-
ment of a diversion fee in an amount not to exceed $100. Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the local board under the property crime restitution and victims compensation act.

(b) The diversion agreement shall state: (1) The defendant’s full name; (2) the defendant’s full name at the time the complaint was filed, if different from the defendant’s current name; (3) the defendant’s sex, race and date of birth; (4) the crime with which the defendant is charged; (5) the date the complaint was filed; and (6) the district court with which the agreement is filed.

(c) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, the diversion agreement shall include a stipulation, agreed to by the defendant, the defendant’s attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement shall include a requirement that the defendant:

1. Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, in accordance with K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto; and

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

(d) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a domestic violence offense, as defined in K.S.A. 2017 Supp. 21-5111, and amendments thereto, the diversion agreement shall include a requirement that the defendant undergo a domestic violence offender assessment and follow all recommendations unless otherwise agreed to with the prosecutor in the diversion agreement. The defendant shall be required to pay for such assessment and, unless otherwise agreed to with the prosecutor in the diversion agreement, for completion of all recommendations.

(e) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation other than K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, the diversion agreement may include a stipulation, agreed to by the defendant, the defendant’s attorney if the defendant is represented by an attorney and
the attorney general or county or district attorney, of the facts upon which
the charge is based and a provision that if the defendant fails to fulfill the
terms of the specific diversion agreement and the criminal proceedings
on the complaint are resumed, the proceedings, including any proceed-
ings on appeal, shall be conducted on the record of the stipulation of facts
relating to the complaint.

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

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

(h) Except as provided in subsection (i), if a diversion agreement is
entered into in lieu of further criminal proceedings alleging commission
of a misdemeanor by the defendant, while under 21 years of age, under
K.S.A. 2017 Supp. 21-5701 through 21-5717, and amendments thereto,
or K.S.A. 41-719, 41-727, 41-504, 41-2719 or 41-2720, and amendments
thereto, the agreement shall require the defendant to participate in an
alcohol and drug evaluation conducted by a licensed provider pursuant
to K.S.A. 8-1008, and amendments thereto, and follow any recommenda-
tion made by the provider after such evaluation.

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

(j) If a diversion agreement is entered into in lieu of further criminal
proceedings on a complaint alleging a violation of K.S.A. 2017 Supp. 21-
6421, and amendments thereto, the agreement:

(1) Shall include a requirement that the defendant pay a fine speci-
fied by the agreement in an amount equal to an amount authorized by
K.S.A. 2017 Supp. 21-6421, and amendments thereto; and

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

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

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

Sec. 30. K.S.A. 2017 Supp. 22-2910 is hereby amended to read as follows: 22-2910. No defendant shall be required to enter any plea to a criminal charge as a condition for diversion. No statements made by the defendant or counsel in any diversion conference or in any other discussion of a proposed diversion agreement shall be admissible as evidence in criminal proceedings on crimes charged or facts alleged in the complaint. Except for sentencing proceedings and as otherwise provided in subsection (c) of K.S.A. 22-2909(c), and amendments thereto, and as otherwise provided in K.S.A. 8-285 and 8-1567 and K.S.A. 2017 Supp. 8-1025, and amendments thereto, the following shall not be admissible as evidence in criminal proceedings which are resumed under K.S.A. 22-2911: (1) Participation in a diversion program; (2) the facts of such participation; or (3) the diversion agreement entered into.

Sec. 31. K.S.A. 2017 Supp. 22-3716 is hereby amended to read as follows: 22-3716. (a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (e) for defendants who committed a crime prior to July 1, 1993, and at any time during which a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (e), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant’s nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written or verbal statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant’s release or a nonprison sanction. A written statement delivered to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services of-
ficer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

(b) (1) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction.

(2) Unless the defendant, after being apprised of the right to a hearing by the supervising court services or community correctional services officer, waives such hearing, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the defendant is financially unable to obtain counsel, an attorney will be appointed to represent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant’s behalf. Relevant written statements made under oath may be admitted and considered by the court along with other evidence presented at the hearing.

(3) (A) Except as otherwise provided, if the original crime of conviction was a felony, other than a felony specified in K.S.A. 2017 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may impose the violation sanctions as provided in subsection (c)(1).

(B) Except as otherwise provided, if the original crime of conviction was a misdemeanor or a felony specified in K.S.A. 2017 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may:

(i) Continue or modify the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and impose confinement in a county jail not to exceed 60 days. If an offender is serving multiple probation terms concurrently, any confinement periods imposed shall be imposed concurrently;

(ii) impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (b)(4)(B) shall not exceed 18 total days during the term of supervision; or

(iii) revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed.

(4) Except as otherwise provided, if the defendant waives the right
to a hearing and the sentencing court has not specifically withheld the authority from court services or community correctional services to impose sanctions, the following sanctions may be imposed without further order of the court:

(A) If the defendant was on probation at the time of the violation, the defendant’s supervising court services officer, with the concurrence of the chief court services officer, may impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(B) and (c)(1)(B) shall not exceed 18 total days during the term of supervision; and

(B) if the defendant was assigned to a community correctional services program at the time of the violation, the defendant’s community corrections officer, with the concurrence of the community corrections director, may impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (c)(1)(B) shall not exceed 18 total days during the term of supervision.

(c) (1) Except as otherwise provided, if the original crime of conviction was a felony, other than a felony specified in K.S.A. 2017 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may impose the following sanctions:

(A) Continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction;

(B) continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and an intermediate sanction of confinement in a county jail to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (b)(4)(B) shall not exceed 18 total days during the term of supervision;

(C) if the violator already had at least one intermediate sanction imposed pursuant to subsection (b)(4)(A), (b)(4)(B) or (c)(1)(B) related to the crime for which the original supervision was imposed, continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and remanding the defendant to the custody of the secretary of corrections for a period of 120 days, subject to a reduction of up to 60 days in the discretion of the secretary. This sanction shall not be imposed more than once during the term of supervision. The sanction imposed pursuant to this subparagraph shall begin upon pronouncement by the court and shall not be served by prior confinement credit, except as provided in subsection (c)(7);
(D) if the violator already had a sanction imposed pursuant to subsection (b)(4)(A), (b)(4)(B), (c)(1)(B) or (c)(1)(C) related to the crime for which the original supervision was imposed, continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and remanding the defendant to the custody of the secretary of corrections for a period of 180 days, subject to a reduction of up to 90 days in the discretion of the secretary. This sanction shall not be imposed more than once during the term of supervision. The sanction imposed pursuant to this subparagraph shall begin upon pronouncement by the court and shall not be served by prior confinement credit, except as provided in subsection (c)(7); or

(E) if the violator already had a sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D) related to the crime for which the original supervision was imposed, revocation of the probation, assignment to a community corrections services program, suspension of sentence or non-prison sanction and requiring such violator to serve the sentence imposed, or any lesser sentence and, if imposition of sentence was suspended, imposition of any sentence which might originally have been imposed.

(2) Except as otherwise provided in subsections (c)(3), (c)(8) and (c)(9), no offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already had at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed.

(3) The provisions of subsection (c)(2) shall not apply to adult felony offenders as described in K.S.A. 75-5291(a)(3), and amendments thereto.

(4) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(5) When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2017 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even
when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(6) Except as provided in subsection (f), upon completion of a violation sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D) such offender shall return to community correctional services supervision. The sheriff shall not be responsible for the return of the offender to the county where the community correctional services supervision is assigned.

(7) A violation sanction imposed pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D) shall not be longer than the amount of time remaining on the offender’s underlying prison sentence.

(8) (A) If the offender commits a new felony or misdemeanor while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D).

(B) If the offender absconds from supervision while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may:

(i) Revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D); or

(ii) sanction the offender under subsection (c)(1)(A), (c)(1)(C) or (c)(1)(D) without imposing a sanction under (c)(1)(B).

(9) The court may revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D) if:

(A) The court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the offender will not be served by such sanction; or

(B) the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction was originally granted as the result of a dispositional departure granted by the sentencing court pursuant to K.S.A. 2017 Supp. 21-6815, and amendments thereto.

(10) If an offender is serving multiple probation terms concurrently, any violation sanctions imposed pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D), or any sanction imposed pursuant to subsection (c)(11), shall be imposed concurrently.
(11) If the original crime of conviction was a felony, except for violations of K.S.A. 8-1567, or 8-2,144 and K.S.A. 2017 Supp. 8-1025, and amendments thereto, and the court makes a finding that the offender has committed one or more violations of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may impose confinement in a county jail not to exceed 60 days upon each such finding. Such confinement is separate and distinct from the violation sanctions provided in subsection (c)(1)(B), (c)(1)(C), (c)(1)(D) and (c)(1)(E) and shall not be imposed at the same time as any such violation sanction.

(12) The violation sanctions provided in this subsection shall apply to any violation of conditions of release or assignment or a nonprison sanction occurring on and after July 1, 2013, regardless of when the offender was sentenced for the original crime or committed the original crime for which sentenced.

(d) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant’s release or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant’s arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(e) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(f) For crimes committed on and after July 1, 2013, a felony offender whose nonprison sanction is revoked pursuant to subsection (c) or whose underlying prison term expires while serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) shall serve a period of postrelease supervision upon the completion of the prison portion of the underlying sentence.

(g) Offenders who have been sentenced pursuant to K.S.A. 2017 Supp. 21-6824, and amendments thereto, and who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest and electronic monitoring.
Sec. 32. K.S.A. 2017 Supp. 22-4704 is hereby amended to read as follows: 22-4704. (a) In accordance with the provisions of K.S.A. 77-415 et seq., and amendments thereto, the director shall adopt appropriate rules and regulations for agencies in the executive branch of government and for criminal justice agencies other than those that are part of the judicial branch of government to implement the provisions of this act.

(b) The director shall develop procedures to permit and encourage the transfer of criminal history record information among and between courts and affected agencies in the executive branch, and especially between courts and the central repository.

(c) The rules and regulations adopted by the director shall include those: (1) Governing the collection, reporting, and dissemination of criminal history record information by criminal justice agencies;

(2) necessary to insure the security of all criminal history record information reported, collected and disseminated by and through the criminal justice information system;

(3) necessary for the coordination of all criminal justice data and information processing activities as they relate to criminal history record information;

(4) governing the dissemination of criminal history record information;

(5) governing the procedures for inspection and challenging of criminal history record information;

(6) governing the auditing of criminal justice agencies to insure [ensure] that criminal history record information is accurate and complete and that it is collected, reported, and disseminated in accordance with this act;

(7) governing the development and content of agreements between the central repository and criminal justice and noncriminal justice agencies; and

(8) governing the exercise of the rights of inspection and challenge provided in this act.

(d) The rules and regulations adopted by the director shall not include any provision that allows the charging of a fee for information requests for the purpose of participating in a block parent program, including, but not limited to, the McGruff house program.

(e) Rules and regulations adopted by the director may not be inconsistent with the provisions of this act.

(f) On or before July 1, 2014, the director shall adopt rules and regulations requiring district courts to electronically report all case filings and dispositions for violations of K.S.A. 8-1567 or K.S.A. 2017 Supp. 8-1025, 21-5426, 21-6419, 21-6420, 21-6421 or 21-6422, and amendments thereto, to the central repository.

Sec. 33. K.S.A. 2017 Supp. 60-427 is hereby amended to read as follows: 60-427. (a) As used in this section:
(1) “Patient” means a person who, for the sole purpose of securing preventive, palliative, or curative treatment, or a diagnosis preliminary to such treatment, of such person’s physical or mental condition, consults a physician, or submits to an examination by a physician.

(2) “Physician” means a person licensed or reasonably believed by the patient to be licensed to practice medicine or one of the healing arts as defined in K.S.A. 65-2802, and amendments thereto, in the state or jurisdiction in which the consultation or examination takes place.

(3) “Holder of the privilege” means the patient while alive and not under guardianship or conservatorship or the guardian or conservator of the patient, or the personal representative of a deceased patient.

(4) “Confidential communication between physician and patient” means such information transmitted between physician and patient, including information obtained by an examination of the patient, as is transmitted in confidence and by a means which, so far as the patient is aware, discloses the information to no third persons other than those reasonably necessary for the transmission of the information or the accomplishment of the purpose for which it is transmitted.

(b) Except as provided by subsections (c), (d), (e) and (f), a person, whether or not a party, has a privilege in a civil action or in a prosecution for a misdemeanor, other than a prosecution for a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or a city ordinance or county resolution which prohibits the acts prohibited by those statutes, to refuse to disclose, and to prevent a witness from disclosing, a communication, if the person claims the privilege and the judge finds that: (1) The communication was a confidential communication between patient and physician; (2) the patient or the physician reasonably believed the communication necessary or helpful to enable the physician to make a diagnosis of the condition of the patient or to prescribe or render treatment therefor; (3) the witness (i) is the holder of the privilege, (ii) at the time of the communication was the physician or a person to whom disclosure was made because reasonably necessary for the transmission of the communication or for the accomplishment of the purpose for which it was transmitted or (iii) is any other person who obtained knowledge or possession of the communication as the result of an intentional breach of the physician’s duty of nondisclosure by the physician or the physician’s agent or servant; and (4) the claimant is the holder of the privilege or a person authorized to claim the privilege for the holder of the privilege.

(c) There is no privilege under this section as to any relevant communication between the patient and the patient’s physician: (1) Upon an issue of the patient’s condition in an action to commit the patient or otherwise place the patient under the control of another or others because of alleged incapacity or mental illness, in an action in which the patient seeks to establish the patient’s competence or in an action to recover
damages on account of conduct of the patient which constitutes a criminal
offense other than a misdemeanor; (2) upon an issue as to the validity of
a document as a will of the patient; or (3) upon an issue between parties
claiming by testate or intestate succession from a deceased patient.

(d) There is no privilege under this section in an action in which the
condition of the patient is an element or factor of the claim or defense
of the patient or of any party claiming through or under the patient or
claiming as a beneficiary of the patient through a contract to which the
patient is or was a party.

(e) There is no privilege under this section: (1) As to blood drawn at
the request of a law enforcement officer pursuant to K.S.A. 8-1001, and
amendments thereto; and (2) as to information which the physician or
the patient is required to report to a public official or as to information
required to be recorded in a public office, unless the statute requiring
the report or record specifically provides that the information shall not
be disclosed.

(f) No person has a privilege under this section if the judge finds that
sufficient evidence, aside from the communication has been introduced
to warrant a finding that the services of the physician were sought or
obtained to enable or aid anyone to commit or to plan to commit a crime
or a tort, or to escape detection or apprehension after the commission of
a crime or a tort.

(g) A privilege under this section as to a communication is terminated
if the judge finds that any person while a holder of the privilege has caused
the physician or any agent or servant of the physician to testify in any
action to any matter of which the physician or the physician's agent or
servant gained knowledge through the communication.

(h) Providing false information to a physician for the purpose of ob-
taining a prescription-only drug shall not be a confidential communication
between physician and patient and no person shall have a privilege in any
prosecution for unlawfully obtaining or distributing a prescription-only
drug under K.S.A. 2017 Supp. 21-5708, and amendments thereto.

Sec. 34. K.S.A. 2017 Supp. 74-2012 is hereby amended to read as
follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the
provisions of the open records act, except as otherwise provided under
the provisions of this section and by K.S.A. 65-2422d and 74-2022, and
amendments thereto.

(2) Nothing in this section shall prevent the transmittal of motor ve-
Hc records for the purpose of processing voter registration applications.

(3) For the purpose of this section, “motor vehicle records” means
any record that pertains to a motor vehicle drivers’ license, motor vehicle
certificate of title, motor vehicle registration or identification card issued
by the division of vehicles.

(b) All motor vehicle records which relate to the physical or mental
condition of any person, have been expunged or are photographs or digital images maintained in connection with the issuance of drivers’ licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers’ licenses may be disclosed to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection. Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908 and K.S.A. 2017 Supp. 8-1025, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person’s eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2017 Supp. 8-1025, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by those statutes;

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or

(4) an employer when a person is required to retain a commercial driver’s license due to the nature of such person’s employment.

(c) Lists of persons’ names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by K.S.A. 2017 Supp. 45-230, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:

(A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:

(i) Have safety-related defects;

(ii) fail to comply with emission standards; or

(iii) have any defect to be remedied at the expense of the manufacturer;

(B) assisting an insurer authorized to do business in this state, or the insurer’s authorized agent:
(i) In processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy; or
(ii) in conducting antifraud activities by identifying potential undisclosed drivers of a motor vehicle currently insured by an insurer licensed to do business in this state by providing only the following information: Drivers’ license number, license type, date of birth, name, address, issue date and expiration date;
(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;
(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall not be redisclosed;
(E) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners;
(F) assisting businesses in producing motor vehicle title or motor vehicle registration, or both, statistical reports, so long as personal information is not published, redisclosed or used to contact individuals;
(G) assisting an employer or an employer’s authorized agent in monitoring the driving record of the employees required to drive in the course of employment to ensure driver behavior, performance or safety; or
(H) assisting the Kansas commission on veterans affairs office in notifying veterans of the facilities, benefits and services available to veterans.
(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer’s authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.
(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c)(2), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the $1 of the fee for each record required
to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary’s agents or employees, the director of vehicles or the director’s agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than $2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c)(1), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(B)(ii) or (c)(1)(D), $1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 35. K.S.A. 2017 Supp. 8-235, 8-241, 8-262, as amended by section 3 of 2018 House Bill No. 2439, 8-285, 8-2,142, 8-2,144, as amended by section 4 of 2018 House Bill No. 2439, 8-1001, 8-1008, 8-1013, as amended by section 5 of 2018 House Bill No. 2439, 8-1014, 8-1024, 8-1025, 8-1501, 8-1567, as amended by section 7 of 2018 House Bill No. 2439, 12-4106, 12-4120, 12-4413, 12-4414, 12-4415, 12-4416, 12-4516, 12-4516f, 12-4517, 21-5203, 21-6604, 21-6614, 21-6804, 21-6811, as amended by section 1 of 2018 House Bill No. 2567, 22-2802, 22-2908, 22-2909, 22-2910, 22-3716, 22-4704, 60-427 and 74-2012 are hereby repealed.

Sec. 36. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 14, 2018.
CHAPTER 107
House Substitute for SENATE BILL No. 179


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

New Section 1. (a) A juvenile crisis intervention center is a facility that provides short-term observation, assessment, treatment and case planning, and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to self or others. Such centers shall:

(1) Address or ensure access to the broad range of services to meet the needs of a juvenile admitted to the center, including, but not limited to, medical, psychiatric, psychological, social and educational services;

(2) not include construction features designed to physically restrict the movements and activities of juveniles, but shall have a design, structure, interior and exterior environment, and furnishings to promote a safe, comfortable and therapeutic environment for juveniles admitted to the center;

(3) implement written policies and procedures that include the use of a combination of supervision, inspection and accountability to promote safe and orderly operations; and

(4) implement written policies and procedures for staff monitoring of all center entrances and exits.

(b) A juvenile crisis intervention center shall provide treatment to juveniles admitted to such center, as appropriate while admitted.

(c) A juvenile crisis intervention center may be on the same premises as that of another licensed facility. If the juvenile crisis intervention center is on the same premises as that of another licensed facility, the living unit of the juvenile crisis intervention center shall be maintained in a separate, self-contained unit. No juvenile crisis intervention center shall be in a city or county jail or a juvenile detention facility.

(d) (1) A juvenile may be admitted to a juvenile crisis intervention center when:

(A) The head of such center determines such juvenile is in need of treatment and likely to cause harm to self or others;

(B) a qualified mental health professional from a community mental health center has given written authorization for such juvenile to be admitted to a juvenile crisis intervention center; and
(C) no other more appropriate treatment services are available and accessible to the juvenile at the time of admission.

(2) A juvenile may be admitted to a juvenile crisis intervention center for not more than 30 days. A parent with legal custody or legal guardian of a juvenile placed in a juvenile crisis intervention center may remove such juvenile from the center at any time. If the removal may cause the juvenile to become a child in need of care pursuant to K.S.A. 2017 Supp. 38-2202(d), and amendments thereto, the head of a juvenile crisis intervention center may report such concerns to the department for children and families or law enforcement or may request the county or district attorney to initiate proceedings pursuant to the revised Kansas code for care of children. If the head of a juvenile crisis intervention center determines the most appropriate action is to request the county or district attorney to initiate proceedings pursuant to the revised Kansas code for care of children, the head of such center shall make such request and shall keep such juvenile in the center for an additional 24-hour period to initiate the appropriate proceedings.

(3) When a juvenile is released from a juvenile crisis intervention center, the managed care organization, if the juvenile is a medicaid recipient, and the community mental health center serving the area where the juvenile is being discharged shall be involved with discharge planning. Within seven days prior to the discharge of a juvenile, the head of the juvenile crisis intervention center shall give written notice of the date and time of the discharge to the patient, the managed care organization, if the juvenile is a medicaid recipient and the community mental health center serving the area where the juvenile is being discharged, and the patient’s parent, custodian or legal guardian.

(e) (1) Upon admission to a juvenile crisis intervention center, and if the juvenile is a medicaid recipient, the managed care organization shall approve services as recommended by the head of the juvenile crisis intervention center. Within 14 days after admission, the head of the juvenile crisis intervention center shall develop a plan of treatment for the juvenile in collaboration with the managed care organization.

(2) Nothing in this subsection shall prohibit the department of health and environment from administering or reimbursing state medicaid services to any juvenile admitted to a juvenile crisis intervention center pursuant to a waiver granted under section 1915(c) of the federal social security act, provided that such services are not administered through a managed care delivery system.

(3) Nothing in this subsection shall prohibit the department of health and environment from reimbursing any state medicaid services that qualify for reimbursement and that are provided to a juvenile admitted to a juvenile crisis intervention center.

(4) Nothing in this subsection shall impair or otherwise affect the validity of any contract in existence on July 1, 2018, between a managed
care organization and the department of health and environment to provide state medicaid services.

(5) On or before January 1, 2019, the secretary of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this subsection.

(f) The secretary for children and families, in consultation with the attorney general, shall promulgate rules and regulations to implement the provisions of this section on or before January 1, 2019.

(g) The secretary for children and families shall annually report information on outcomes of juveniles admitted into juvenile crisis intervention centers to the joint committee on corrections and juvenile justice oversight, the corrections and juvenile justice committee of the house of representatives and the judiciary committee of the senate. Such report shall include:

1. The number of admissions, releases and the lengths of stay for juveniles admitted to juvenile crisis intervention centers;
2. services provided to juveniles admitted;
3. needs of juveniles admitted determined by evidence-based assessment; and
4. success and recidivism rates, including information on the reduction of involvement of the child welfare system and juvenile justice system with the juvenile.

(h) The secretary of corrections may enter into memorandums of agreement with other cabinet agencies to provide funding, not to exceed $2,000,000 annually, from the evidence-based programs account of the state general fund or other available appropriations for juvenile crisis intervention services.

(i) For the purposes of this section:

1. “Head of a juvenile crisis intervention center” means the administrative director of a juvenile crisis intervention center or such person’s designee;
2. “Juvenile” means a person who is less than 18 years of age;
3. “likely to cause harm to self or others” means that a juvenile, by reason of the juvenile’s mental disorder or mental condition is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another’s property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage;
4. “treatment” means any service intended to promote the mental health of the patient and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such practitioner; and
5. “qualified mental health professional” means a physician or psychologist who is employed by a participating mental health center or who
is providing services as a physician or psychologist under a contract with a participating mental health center, a licensed masters level psychologist, a licensed clinical psychotherapist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, a licensed professional counselor, a licensed clinical professional counselor, a licensed specialist social worker or a licensed master social worker or a registered nurse who has a specialty in psychiatric nursing, who is employed by a participating mental health center and who is acting under the direction of a physician or psychologist who is employed by, or under contract with, a participating mental health center.

(j) This section shall be part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 2. K.S.A. 2017 Supp. 38-2231 is hereby amended to read as follows: 38-2231. (a) A law enforcement officer or court services officer shall take a child under 18 years of age into custody when:

(1) The law enforcement officer or court services officer has a court order commanding that the child be taken into custody as a child in need of care; or

(2) the law enforcement officer or court services officer has probable cause to believe that a court order commanding that the child be taken into custody as a child in need of care has been issued in this state or in another jurisdiction.

(b) A law enforcement officer shall take a child under 18 years of age into custody when the officer:

(1) Reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found;

(2) has probable cause to believe that the child is a runaway or a missing person or a verified missing person entry for the child can be found in the national crime information center missing person system; or

(3) reasonably believes the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child; or

(4) reasonably believes the child is experiencing a mental health crisis and is likely to cause harm to self or others.

(c) (1) If a person provides shelter to a child whom the person knows is a runaway, such person shall promptly report the child’s location either to a law enforcement agency or to the child’s parent or other custodian.

(2) If a person reports a runaway’s location to a law enforcement agency pursuant to this section and a law enforcement officer of the agency has reasonable grounds to believe that it is in the child’s best interests, the child may be allowed to remain in the place where shelter is being provided, subject to subsection (b), in the absence of a court order to the contrary. If the child is allowed to so remain, the law en-
forcement agency shall promptly notify the secretary of the child’s location and circumstances.

(d) Except as provided in subsections (a) and (b), a law enforcement officer may temporarily detain and assume temporary custody of any child subject to compulsory school attendance, pursuant to K.S.A. 72-3120, and amendments thereto, during the hours school is actually in session and shall deliver the child pursuant to K.S.A. 2017 Supp. 38-2232(g), and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 38-2232 is hereby amended to read as follows: 38-2232. (a) (1) To the extent possible, when any law enforcement officer takes into custody a child under the age of 18 years without a court order, the child shall forthwith promptly be delivered to the custody of the child’s parent or other custodian unless there are reasonable grounds to believe that such action would not be in the best interests of the child.

(2) Except as provided in subsection (b), if the child is not delivered to the custody of the child’s parent or other custodian, the child shall forthwith promptly be delivered to a:

(A) (i) Shelter facility designated by the court;
(ii) court services officer;
(iii) juvenile intake and assessment worker;
(iv) licensed attendant care center;
(v) juvenile crisis intervention center after written authorization by a community mental health center; or
(vi) other person or;
(B) if the child is 15 years of age or younger, or to a facility or person designated by the secretary; or
(C) if the child is 16 or 17 years of age and the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to a facility or person designated by the secretary.

(3) If, after delivery of the child to a shelter facility, the person in charge of the shelter facility at that time and the law enforcement officer determine that the child will not remain in the shelter facility and if the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2017 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the law enforcement officer shall deliver the child to a juvenile detention facility or other secure facility, designated by the court, where the child shall be detained for not more than 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible.

(4) No child taken into custody pursuant to this code shall be placed in a juvenile detention facility or other secure facility, except as authorized
by this section and by K.S.A. 2017 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(5) It shall be the duty of the law enforcement officer to furnish to the county or district attorney, without unnecessary delay, all the information in the possession of the officer pertaining to the child, the child’s parents or other persons interested in or likely to be interested in the child and all other facts and circumstances which caused the child to be taken into custody.

(b) (1) When any law enforcement officer takes into custody any child as provided in subsection (b)(2) of K.S.A. 2017 Supp. 38-2231(b)(2), and amendments thereto, proceedings shall be initiated in accordance with the provisions of the interstate compact on juveniles, K.S.A. 38-1001 et seq., and amendments thereto, or K.S.A. 2017 Supp. 38-1008, and amendments thereto, when effective. Any child taken into custody pursuant to the interstate compact on juveniles may be detained in a juvenile detention facility or other secure facility.

(2) When any law enforcement officer takes into custody any child as provided in subsection (b)(3) of K.S.A. 2017 Supp. 38-2231(b)(3), and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a staff secure facility. The law enforcement officer shall contact the department for children and families to begin an assessment to determine safety, placement and treatment needs for the child. Such child shall not be placed in a juvenile detention facility or other secure facility, except as authorized by this section and by K.S.A. 2017 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(3) When any law enforcement officer takes into custody any child as provided in K.S.A. 2017 Supp. 38-2231(b)(4), and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a juvenile crisis intervention center after written authorization by a community mental health center. Such child shall not be placed in a juvenile detention facility or other secure facility.

(c) Whenever a child under the age of 18 years is taken into custody by a law enforcement officer without a court order and is thereafter placed as authorized by subsection (a), the facility or person shall, upon written application of the law enforcement officer, have physical custody and provide care and supervision for the child. The application shall state:

(1) The name and address of the child, if known;

(2) the names and addresses of the child’s parents or nearest relatives and persons with whom the child has been residing, if known; and

(3) the officer’s belief that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that the child would be harmed unless placed in the immediate custody of the shelter facility or other person.

(d) A copy of the application shall be furnished by the facility or
person receiving the child to the county or district attorney without unnecessary delay.

(e) The shelter facility or other person designated by the court who has custody of the child pursuant to this section shall discharge the child not later than 72 hours following admission, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless a court has entered an order pertaining to temporary custody or release.

(f) In absence of a court order to the contrary, the county or district attorney or the placing law enforcement agency shall have the authority to direct the release of the child at any time.

(g) When any law enforcement officer takes into custody any child as provided in subsection (d) of K.S.A. 2017 Supp. 38-2231(d), and amendments thereto, the child shall forthwith promptly be delivered to the school in which the child is enrolled, any location designated by the school in which the child is enrolled or the child’s parent or other custodian.

Sec. 4. K.S.A. 2017 Supp. 38-2242 is hereby amended to read as follows: 38-2242. (a) The court, upon verified application, may issue ex parte an order directing that a child be held in protective custody and, if the child has not been taken into custody, an order directing that the child be taken into custody. The application shall state for each child:

(1) The applicant’s belief that the child is a child in need of care;

(2) that the child is likely to sustain harm if not immediately removed from the home;

(3) that allowing the child to remain in the home is contrary to the welfare of the child; and

(4) the facts relied upon to support the application, including efforts known to the applicant to maintain the family unit and prevent the unnecessary removal of the child from the child’s home, or the specific facts supporting that an emergency exists which threatens the safety of the child.

(b) (1) The order of protective custody may be issued only after the court has determined there is probable cause to believe the allegations in the application are true. The order shall remain in effect until the temporary custody hearing provided for in K.S.A. 2017 Supp. 38-2243, and amendments thereto, unless earlier rescinded by the court.

(2) No child shall be held in protective custody for more than 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless within the 72-hour period a determination is made as to the necessity for temporary custody in a temporary custody hearing. The time spent in custody pursuant to K.S.A. 2017 Supp. 38-2232, and amendments thereto, shall be included in calculating the 72-hour period. Nothing in this subsection shall be construed to mean that the child must remain in protective cus-
tody for 72 hours. If a child is in the protective custody of the secretary, the secretary shall allow at least one supervised visit between the child and the parent or parents within such time period as the child is in protective custody. The court may prohibit such supervised visit if the court determines it is not in the best interest of the child.

(c) (1) Whenever the court determines the necessity for an order of protective custody, the court may place the child in the protective custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (e);
(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
(C) a youth residential facility;
(D) a shelter facility;
(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto;
(F) after written authorization by a community mental health center, a juvenile crisis intervention center as described in section 1, and amendments thereto; or
(G) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the protective custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the protective custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other
provision of law. When the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2017 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the child may be placed in a juvenile detention facility or other secure facility pursuant to an order of protective custody for a period of not to exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible.

(d) The order of protective custody shall be served pursuant to subsection (a) of K.S.A. 2017 Supp. 38-2237(a), and amendments thereto, on the child’s parents and any other person having legal custody of the child. The order shall prohibit the removal of the child from the court’s jurisdiction without the court’s permission.

(e) If the court issues an order of protective custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child’s home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2017 Supp. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

(f) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A) (i) The child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child’s home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered upon making the order.

Sec. 5. K.S.A. 2017 Supp. 38-2243 is hereby amended to read as follows: 38-2243. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child’s welfare.

(b) A hearing pursuant to this section shall be held within 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office
of the clerk of the court is not accessible, following a child having been taken into protective custody.

(c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be given to all parties and interested parties.

(d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of the party or interested party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.

(e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice.

(f) The court may enter an order of temporary custody after determining there is probable cause to believe that the: (1) Child is dangerous to self or to others; (2) child is not likely to be available within the jurisdiction of the court for future proceedings; (3) health or welfare of the child may be endangered without further care; (4) child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto; (5) child is experiencing a mental health crisis and is in need of treatment; or (5) child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto.

(g) (1) Whenever the court determines the necessity for an order of temporary custody the court may place the child in the temporary custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (h);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility;

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or the child committed
an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto;

(F) after written authorization by a community mental health center, a juvenile crisis intervention center, as described in section 1, and amendments thereto; or

(F) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the temporary custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the temporary custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2017 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the child may be placed in a juvenile detention facility or other secure facility, but the total amount of time that the child may be held in such facility under this section and K.S.A. 2017 Supp. 38-2242, and amendments thereto, shall not exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible. The order of temporary custody shall remain in effect until modified or rescinded by the court or an adjudication order is entered but not exceeding 60 days, unless good cause is shown and stated on the record.

(h) If the court issues an order of temporary custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child’s home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child, other family members or witnesses. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2017 Supp. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.
(i) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A) (i) The child is likely to sustain harm if not immediately removed from the home; (ii) allowing the child to remain in home is contrary to the welfare of the child; or (iii) immediate placement of the child is in the best interest of the child; and (B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, upon making the order the court shall provide the secretary with a written copy.

(j) If the court enters an order of temporary custody that provides for placement of the child with a person other than the parent, the court shall make a child support determination pursuant to K.S.A. 2017 Supp. 38-2277, and amendments thereto.

Sec. 6. K.S.A. 2017 Supp. 38-2330 is hereby amended to read as follows: 38-2330. (a) A law enforcement officer may take a juvenile into custody when:

(1) Any offense has been or is being committed in the officer's view;
(2) the officer has a warrant commanding that the juvenile be taken into custody;
(3) the officer has probable cause to believe that a warrant or order commanding that the juvenile be taken into custody has been issued in this state or in another jurisdiction for an act committed therein;
(4) the officer has probable cause to believe that the juvenile is committing or has committed an act which, if committed by an adult, would constitute:
   (A) A felony; or
   (B) a misdemeanor and: (i) The juvenile will not be apprehended or evidence of the offense will be irretrievably lost unless the juvenile is immediately taken into custody; or (ii) the juvenile may cause injury to self or others or damage to property or may be injured unless immediately taken into custody;
(5) the officer has probable cause to believe that the juvenile has violated an order for electronic monitoring as a term of probation; or
(6) the officer receives a written statement pursuant to subsection (c).

(b) A court services officer, juvenile community corrections officer or other person authorized to supervise juveniles subject to this code, may take a juvenile into custody when: (1) There is a warrant commanding that the juvenile be taken into custody; or (2) the officer has probable
cause to believe that a warrant or order commanding that the juvenile be taken into custody has been issued in this state or in another jurisdiction for an act committed therein.

(c) Any court services officer, juvenile community corrections officer or other person authorized to supervise juveniles subject to this code, may request a warrant by giving the court a written statement setting forth that the juvenile, in the judgment of the court services officer, juvenile community corrections officer or other person authorized to supervise juveniles subject to this code:

(1) (A) Has violated the condition of the juvenile’s conditional release from detention or probation, for the third or subsequent time; and

(B) poses a significant risk of physical harm to another or damage to property; or

(2) has absconded from supervision.

(d) (1) A juvenile taken into custody by a law enforcement officer or other person authorized pursuant to subsection (b) shall be brought without unnecessary delay to the custody of the juvenile’s parent or other custodian, unless there are reasonable grounds to believe that such action would not be in the best interests of the child or would pose a risk to public safety or property.

(2) If the juvenile cannot be delivered to the juvenile’s parent or custodian, the officer may:

(A) Issue a notice to appear pursuant to subsection (g); or

(B) contact or deliver the juvenile to an intake and assessment worker for completion of the intake and assessment process pursuant to K.S.A. 75-7023, and amendments thereto; or

(C) if the juvenile is determined to not be detention eligible based on a standardized detention risk assessment tool and is experiencing a mental health crisis, deliver a juvenile to a juvenile crisis intervention center, as described in section 1, and amendments thereto, after written authorization by a community mental health center.

(3) It shall be the duty of the officer to furnish the county or district attorney and the juvenile intake and assessment worker if the officer has delivered the juvenile to the worker or issued a notice to appear consistent with subsection (g), with all of the information in the officer’s possession pertaining to the juvenile, the juvenile’s parent or other persons interested in or likely to be interested in the juvenile and all other facts and circumstances which caused the juvenile to be arrested or taken into custody.

(e) In the absence of a court order to the contrary, the court or officials designated by the court, the county or district attorney or the law enforcement agency taking a juvenile into custody shall direct the release prior to the time specified by K.S.A. 2017 Supp. 38-2343(a), and amendments thereto. In addition, pursuant to K.S.A. 75-7023 and K.S.A. 2017 Supp. 38-2346, and amendments thereto, a juvenile intake and assess-
ment worker shall direct the release of a juvenile prior to a detention hearing after the completion of the intake and assessment process.

(f) Whenever a person 18 years of age or more is taken into custody by a law enforcement officer for an alleged offense which was committed prior to the time the person reached the age of 18, the officer shall notify and refer the matter to the court for proceedings pursuant to this code, except that the provisions of this code relating to detention hearings shall not apply to that person. If such person is eligible for detention, and all suitable alternatives to detention have been exhausted, the person shall be detained in jail. Unless the law enforcement officer took the person into custody pursuant to a warrant issued by the court and the warrant specifies the amount of bond or indicates that the person may be released on personal recognizance, the person shall be taken before the court of the county where the alleged act took place or, at the request of the person, the person shall be taken, without delay, before the nearest court. The court shall fix the terms and conditions of an appearance bond upon which the person may be released from custody. The provisions of article 28 of chapter 22 of the Kansas Statutes Annotated and K.S.A. 22-2901, and amendments thereto, relating to appearance bonds and review of conditions and release shall be applicable to appearance bonds provided for in this section.

(g) (1) Whenever a law enforcement officer detains any juvenile and such juvenile is not immediately taken to juvenile intake and assessment services, the officer may serve upon such juvenile a written notice to appear. Such notice to appear shall contain the name and address of the juvenile detained, the crime charged and the location and phone number of the juvenile intake and assessment services office where the juvenile will need to appear with a parent or guardian.

(2) The juvenile intake and assessment services office specified in such notice to appear must be contacted by the juvenile or a parent or guardian no more than 48 hours after such notice is given, excluding weekends and holidays.

(3) The juvenile detained, in order to secure release as provided in this section, must give a written promise to call within the time specified by signing the written notice prepared by the officer. The original notice shall be retained by the officer and a copy shall be delivered to the juvenile detained and that juvenile’s parent or guardian if such juvenile is under 18 years of age. The officer shall then release the juvenile.

(4) The law enforcement officer shall cause to be filed, without unnecessary delay, a complaint with juvenile intake and assessment services in which a juvenile released pursuant to paragraph (3) is given notice to appear, charging the crime stated in such notice. A copy shall also be provided to the district or county attorney. If the juvenile released fails to contact juvenile intake and assessment services as required in the no-
Sec. 6. K.S.A. 2017 Supp. 75-52,164 is hereby amended to read as follows: 75-52,164. (a) There is hereby established in the state treasury the evidence-based programs account of the state general fund, which shall be administered by the department of corrections. All expenditures from the evidence-based programs account of the state general fund shall be for the development and implementation of evidence-based community programs and practices for juvenile offenders, juveniles experiencing mental health crisis and their families by community supervision offices, including, but not limited to, juvenile intake and assessment, court services and community corrections and juvenile crisis intervention centers. All expenditures from the evidence-based programs account of the state general fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of corrections or the secretary's designee.

(b) At least annually, throughout the year, the secretary of corrections shall determine and certify to the director of accounts and reports the amount in each account of the state general fund of a state agency that has been determined by the secretary to be actual or projected cost savings as a result of cost avoidance resulting from decreased reliance on incarceration in the juvenile correctional facility and placement in youth residential centers. The baseline shall be calculated on the cost of incarceration and placement in fiscal year 2015.

(c) Upon receipt of a certification pursuant to subsection (b), the director of accounts and reports shall transfer the amount certified pursuant to subsection (b) from each account of the state general fund of a state agency that has been determined by the secretary of corrections to be actual or projected cost savings to the evidence-based programs account of the state general fund.

(d) Prioritization of evidence-based programs account of the state general fund moneys will be given to regions that demonstrate a high rate of out-of-home placement of juvenile offenders per capita that have few existing community-based alternatives.

(e) During fiscal years 2017 and 2018, the secretary of corrections shall transfer an amount not to exceed $8,000,000 from appropriated department of corrections moneys from the state general fund or any available special revenue fund or funds that are budgeted for the purposes of facilitating the development and implementation of new community placements in conjunction with the reduction in out-of-home placements.

(f) The evidence-based programs account of the state general fund
and any other moneys transferred pursuant to this section shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the funds and the moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this section.

Sec. 8. K.S.A. 2017 Supp. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) “Abandon” or “abandonment” means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) “Adult correction facility” means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders.

(c) “Aggravated circumstances” means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) “Child in need of care” means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 2017 Supp. 38-2242, and amendments thereto, who:

   (1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child’s parents or other custodian;

   (2) is without the care or control necessary for the child’s physical, mental or emotional health;

   (3) has been physically, mentally or emotionally abused or neglected or sexually abused;

   (4) has been placed for care or adoption in violation of law;

   (5) has been abandoned or does not have a known living parent;

   (6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

   (7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;

   (8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2017 Supp. 21-5102, and amendments thereto;

   (9) is willfully and voluntarily absent from the child’s home without the consent of the child’s parent or other custodian;

   (10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court
order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person’s designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act which would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2017 Supp. 21-6419, and amendments thereto.

(e) “Citizen review board” is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 2017 Supp. 38-2207 and 38-2208, and amendments thereto.

(f) “Civil custody case” includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11, of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

(g) “Court-appointed special advocate” means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 2017 Supp. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

(h) “Custody” whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(i) “Extended out of home placement” means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the child’s home.

(j) “Educational institution” means all schools at the elementary and secondary levels.

(k) “Educator” means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has
exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments thereto.

(l) “Harm” means physical or psychological injury or damage.

(m) “Interested party” means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 2017 Supp. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

(n) “Jail” means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensing requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no hazardous or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(o) “Juvenile detention facility” means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail.

(p) “Juvenile intake and assessment worker” means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(q) “Kinship care placement” means the placement of a child in the home of the child’s relative or in the home of another adult with whom the child or the child’s parent already has a close emotional attachment.

(r) “Law enforcement officer” means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(s) “Multidisciplinary team” means a group of persons, appointed by the court under K.S.A. 2017 Supp. 38-2228, and amendments thereto, which has knowledge of the circumstances of a child in need of care.

(t) “Neglect” means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child’s parents or other custodian. Neglect may include, but shall not be limited to:
(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;
(2) failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or
(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 2017 Supp. 38-2217(a)(2), and amendments thereto.

(u) “Parent” when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.
(v) “Party” means the state, the petitioner, the child, any parent of the child and an Indian child’s tribe intervening pursuant to the Indian child welfare act.
(w) “Permanency goal” means the outcome of the permanency planning process which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.
(x) “Permanent custodian” means a judicially approved permanent guardian of a child pursuant to K.S.A. 2017 Supp. 38-2272, and amendments thereto.
(y) “Physical, mental or emotional abuse” means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child’s health or emotional well-being is endangered.
(z) “Placement” means the designation by the individual or agency having custody of where and with whom the child will live.
(aa) “Reasonable and prudent parenting standard” means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.
(bb) “Relative” means a person related by blood, marriage or adoption but, when referring to a relative of a child’s parent, does not include the child’s other parent.
(cc) “Runaway” means a child who is willfully and voluntarily absent
from the child’s home without the consent of the child’s parent or other custodian.

(dd) “Secretary” means the secretary for children and families or the secretary’s designee.

(ee) “Secure facility” means a facility, other than a staff secure facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

(ff) “Sexual abuse” means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

(1) Be photographed, filmed or depicted in pornographic material; or

(2) be subjected to aggravated human trafficking, as defined in K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act which would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2017 Supp. 21-6419 or 21-6422, and amendments thereto.

(gg) “Shelter facility” means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(hh) “Staff secure facility” means a facility described in K.S.A. 2017 Supp. 65-535, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

(ii) “Transition plan” means, when used in relation to a youth in the custody of the secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

(jj) “Youth residential facility” means any home, foster home or struc-
ture which provides 24-hour-a-day care for children and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 9. On and after July 1, 2019, K.S.A. 2017 Supp. 38-2202, as amended by section 8 of this act, is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) “Abandon” or “abandonment” means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) “Adult correction facility” means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders.

(c) “Aggravated circumstances” means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) “Child in need of care” means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 2017 Supp. 38-2242, and amendments thereto, who:

1. Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child’s parents or other custodian;
2. is without the care or control necessary for the child’s physical, mental or emotional health;
3. has been physically, mentally or emotionally abused or neglected or sexually abused;
4. has been placed for care or adoption in violation of law;
5. has been abandoned or does not have a known living parent;
6. is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;
7. except in the case of a violation of K.S.A. 41-727, K.S.A. 74-8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;
8. while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2017 Supp. 21-5102, and amendments thereto;
9. is willfully and voluntarily absent from the child’s home without the consent of the child’s parent or other custodian;
10. is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the
child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person’s designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2017 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act which would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2017 Supp. 21-6419, and amendments thereto.

(e) “Citizen review board” is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 2017 Supp. 38-2207 and 38-2208, and amendments thereto.

(f) “Civil custody case” includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

(g) “Court-appointed special advocate” means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 2017 Supp. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

(h) “Custody” whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(i) “Extended out of home placement” means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the child’s home.

(j) “Educational institution” means all schools at the elementary and secondary levels.

(k) “Educator” means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has
exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments thereto.

(l) “Harm” means physical or psychological injury or damage.

(m) “Interested party” means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 2017 Supp. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

(n) “Jail” means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no hap hazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(o) “Juvenile detention facility” means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail.

(p) “Juvenile intake and assessment worker” means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(q) “Kinship care placement” means the placement of a child in the home of an adult with whom the child or the child's parent already has close emotional ties.

(r) “Law enforcement officer” means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(s) “Multidisciplinary team” means a group of persons, appointed by the court under K.S.A. 2017 Supp. 38-2228, and amendments thereto, which has knowledge of the circumstances of a child in need of care.

(t) “Neglect” means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child’s parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;
(2) failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child’s level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 2017 Supp. 38-2217(a)(2), and amendments thereto.

(u) “Parent” when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(v) “Party” means the state, the petitioner, the child, any parent of the child and an Indian child’s tribe intervening pursuant to the Indian child welfare act.

(w) “Permanency goal” means the outcome of the permanency planning process which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

(x) “Permanent custodian” means a judicially approved permanent guardian of a child pursuant to K.S.A. 2017 Supp. 38-2272, and amendments thereto.

(y) “Physical, mental or emotional abuse“ means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child’s health or emotional well-being is endangered.

(z) “Placement” means the designation by the individual or agency having custody of where and with whom the child will live.

(aa) “Reasonable and prudent parenting standard” means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

(bb) “Relative” means a person related by blood, marriage or adoption.

(cc) “Runaway” means a child who is willfully and voluntarily absent from the child’s home without the consent of the child’s parent or other custodian.
(dd) “Secretary” means the secretary for children and families or the secretary’s designee.

(ee) “Secure facility” means a facility, other than a staff secure facility or juvenile detention facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

(ff) “Sexual abuse” means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

(1) Be photographed, filmed or depicted in pornographic material; or

(2) be subjected to aggravated human trafficking, as defined in K.S.A. 2017 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act which would constitute conduct prescribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2017 Supp. 21-6419 or 21-6422, and amendments thereto.

(gg) “Shelter facility” means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(hh) “Staff secure facility” means a facility described in K.S.A. 2017 Supp. 65-535, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

(ii) “Transition plan” means, when used in relation to a youth in the custody of the secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

(jj) “Youth residential facility” means any home, foster home or structure which provides 24-hour-a-day care for children and which is licensed
pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 10. K.S.A. 2017 Supp. 38-2254 is hereby amended to read as follows: 38-2254. (a) Unless waived by the persons entitled to notice, the court shall require notice of the time and place of the dispositional hearing be given to the parties and interested parties.

(b) The court shall require notice and the right to be heard as to proposals for living arrangements for the child, the services to be provided the child and the child’s family, and the proposed permanency goal for the child to the following:

(1) The child’s foster parent or parents or permanent custodian providing care for the child;
(2) preadoptive parents for the child, if any;
(3) the child’s grandparents at their last known addresses or if no grandparent is living or if no living grandparent’s address is known, to the closest relative of each of the child’s parents whose address is known;
(4) the person having custody of the child; and
(5) upon request, by any person having close emotional ties with the child and who is deemed by the court to be essential to the deliberations before the court.

(c) The notice required by this subsection shall be given by first class mail, not less than 10 business days before the hearing.

(d) Individuals receiving notice pursuant to subsection (b) shall not be made a party or interested party to the action solely on the basis of this notice and the right to be heard. The right to be heard shall be at a time and in a manner determined by the court and does not confer an entitlement to appear in person at government expense.

(e) The provisions of this subsection shall not require additional notice to any person otherwise receiving notice of the hearing pursuant to K.S.A. 2017 Supp. 38-2239, and amendments thereto.

Sec. 11. K.S.A. 2017 Supp. 38-2255 is hereby amended to read as follows: 38-2255. (a) Considerations. Prior to entering an order of disposition, the court shall give consideration to:

(1) The child’s physical, mental and emotional condition;
(2) the child’s need for assistance;
(3) the manner in which the parent participated in the abuse, neglect or abandonment of the child;
(4) any relevant information from the intake and assessment process; and
(5) the evidence received at the dispositional hearing.

(b) Custody with a parent. The court may place the child in the custody of either of the child’s parents subject to terms and conditions which the court prescribes to assure the proper care and protection of the child, including, but not limited to:
(1) Supervision of the child and the parent by a court services officer;
(2) participation by the child and the parent in available programs operated by an appropriate individual or agency; and
(3) any special treatment or care which the child needs for the child’s physical, mental or emotional health and safety.

(c) Removal of a child from custody of a parent. The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that:
(1) (A) The child is likely to sustain harm if not immediately removed from the home;
(B) allowing the child to remain in home is contrary to the welfare of the child; or
(C) immediate placement of the child is in the best interest of the child; and
(2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child’s home or that an emergency exists which threatens the safety to the child.

The court shall not enter an order removing a child from the custody of a parent pursuant to this section based solely on the finding that the parent is homeless.

(d) Custody of a child removed from the custody of a parent. If the court has made the findings required by subsection (c), the court shall enter an order awarding custody to: A relative of the child or to a person with whom the child has close emotional ties who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; any other suitable person; a shelter facility; a youth residential facility; a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto; or, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to the secretary. Custody awarded under this subsection shall continue until further order of the court.

(1) When custody is awarded to the secretary, the secretary shall consider any placement recommendation by the court and notify the court of the placement or proposed placement of the child within 10 days of the order awarding custody. After providing the parties or interested parties notice and opportunity to be heard, the court may determine whether the secretary’s placement or proposed placement is contrary to the welfare or in the best interests of the child. In making that determination
the court shall consider the health and safety needs of the child and the
resources available to meet the needs of children in the custody of the
secretary. If the court determines that the placement or proposed place-
ment is contrary to the welfare or not in the best interests of the child,
the court shall notify the secretary, who shall then make an alternative
placement.

(2) The custodian designated under this subsection shall notify the
court in writing at least 10 days prior to any planned placement with a
parent. The written notice shall state the basis for the custodian’s belief
that placement with a parent is no longer contrary to the welfare or best
interest of the child. Upon reviewing the notice, the court may allow the
custodian to proceed with the planned placement or may set the date for
a hearing to determine if the child shall be allowed to return home. If
the court sets a hearing on the matter, the custodian shall not return the
child home without written consent of the court.

(3) The court may grant any person reasonable rights to visit the child
upon motion of the person and a finding that the visitation rights would
be in the best interests of the child.

(4) The court may enter an order restraining any alleged perpetrator
of physical, mental or emotional abuse or sexual abuse of the child from
residing in the child’s home; visiting, contacting, harassing or intimidat-
ing the child, other family member or witness; or attempting to visit, contact,
harass or intimidate the child, other family member or witness. Such
restraining order shall be served by personal service pursuant to subsec-
tion (a) of K.S.A. 2017 Supp. 38-2237(a), and amendments thereto, on
any alleged perpetrator to whom the order is directed.

(5) The court shall provide a copy of any orders entered within 10
days of entering the order to the custodian designated under this subsec-
tion.

(e) Further determinations regarding a child removed from the home.
If custody has been awarded under subsection (d) to a person other than
a parent, a permanency plan shall be provided or prepared pursuant to
K.S.A. 2017 Supp. 38-2264, and amendments thereto. If a permanency
plan is provided at the dispositional hearing, the court may determine
whether reintegration is a viable alternative or, if reintegration is not a
viable alternative, whether the child should be placed for adoption or a
permanent custodian appointed. In determining whether reintegration is
a viable alternative, the court shall consider:

(1) Whether a parent has been found by a court to have committed
one of the following crimes or to have violated the law of another state
prohibiting such crimes or to have aided and abetted, attempted, con-
spired or solicited the commission of one of these crimes: (A) Murder in
the first degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 2017 Supp.
21-5402, and amendments thereto; (B) murder in the second degree,
K.S.A. 21-3402, prior to its repeal, or K.S.A. 2017 Supp. 21-5403, and
amendments thereto; (C) capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A. 2017 Supp. 21-5401, and amendments thereto; (D) voluntary manslaughter, K.S.A. 21-3403, prior to its repeal, or K.S.A. 2017 Supp. 21-5404, and amendments thereto; or (E) a felony battery that resulted in bodily injury;

(2) whether a parent has subjected the child or another child to aggravated circumstances;

(3) whether a parent has previously been found to be an unfit parent in proceedings under this code or in comparable proceedings under the laws of another state or the federal government;

(4) whether the child has been in extended out of home placement the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date on which a child in the secretary’s custody was removed from the child’s home;

(5) whether the parents have failed to work diligently toward reintegration;

(6) whether the secretary has provided the family with services necessary for the safe return of the child to the home; and

(7) whether it is reasonable to expect reintegration to occur within a time frame consistent with the child’s developmental needs.

(f) Proceedings if reintegration is not a viable alternative. If the court determines that reintegration is not a viable alternative, proceedings to terminate parental rights and permit placement of the child for adoption or appointment of a permanent custodian shall be initiated unless the court finds that compelling reasons have been documented in the case plan why adoption or appointment of a permanent custodian would not be in the best interests of the child. If compelling reasons have not been documented, the county or district attorney shall file a motion within 30 days to terminate parental rights or a motion to appoint a permanent custodian within 30 days and the court shall hold a hearing on the motion within 90 days of its filing. No hearing is required when the parents voluntarily relinquish parental rights or consent to the appointment of a permanent custodian.

(g) Additional Orders. In addition to or in lieu of any other order authorized by this section:

(1) The court may order the child and the parents of any child who has been adjudicated a child in need of care to attend counseling sessions as the court directs. The expense of the counseling may be assessed as an expense in the case. No mental health provider shall charge a greater fee for court-ordered counseling than the provider would have charged to the person receiving counseling if the person had requested counseling on the person’s own initiative.

(2) If the court has reason to believe that a child is before the court due, in whole or in part, to the use or misuse of alcohol or a violation of K.S.A. 2017 Supp. 21-5701 through 21-5717, and amendments thereto,
by the child, a parent of the child, or another person responsible for the care of the child, the court may order the child, parent of the child or other person responsible for the care of the child to submit to and complete an alcohol and drug evaluation by a qualified person or agency and comply with any recommendations. If the evaluation is performed by a community-based alcohol and drug safety program certified pursuant to K.S.A. 8-1008, and amendments thereto, the child, parent of the child or other person responsible for the care of the child shall pay a fee not to exceed the fee established by that statute. If the court finds that the child and those legally liable for the child’s support are indigent, the fee may be waived. In no event shall the fee be assessed against the secretary.

3) If child support has been requested and the parent or parents have a duty to support the child, the court may order one or both parents to pay child support and, when custody is awarded to the secretary, the court shall order one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the child. If the parent is not presently ordered to pay support for any child who is subject to the jurisdiction of the court and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 2017 Supp. 38-2277, and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 2017 Supp. 23-3101 et seq., and amendments thereto, for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 2017 Supp. 38-2279, and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent’s employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

Sec. 12. K.S.A. 2017 Supp. 38-2268 is hereby amended to read as follows: 38-2268. (a) Prior to a hearing to consider the termination of parental rights, if the child’s permanency plan is either adoption or appointment of a custodian, with the consent approval of the guardian ad litem and acceptance and approval of the secretary, either or both parents may: Relinquish parental rights to the child, to the secretary; consent to an adoption; or consent to appointment of a permanent custodian.

(b) Relinquishment of child to secretary. (1) Any parent or parents may relinquish a child to the secretary, and if the secretary accepts the relinquishment in writing, the secretary shall stand in loco parentis to the child and shall have and possess over the child all rights of a parent,
including the power to place the child for adoption and give consent thereto.

(2) All relinquishments to the secretary shall be in writing, in substantial conformity with the form for relinquishment contained in the appendix of forms following K.S.A. 59-2143, and amendments thereto, and shall be executed by either parent of the child.

(3) The relinquishment shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take acknowledgments. If the relinquishment is acknowledged before a judge of a court of record, it shall be the duty of the court to advise the relinquishing parent of the consequences of the relinquishment.

(4) Except as otherwise provided, in all cases where a parent has relinquished a child to the agency pursuant to K.S.A. 59-2111 through 59-2143, and amendments thereto, all the rights of the parent shall be terminated, including the right to receive notice in a subsequent adoption proceeding involving the child. Upon such relinquishment, all the rights of the parents to such child, including such parent’s right to inherit from or through such child, shall cease.

(5) If a parent has relinquished a child to the secretary based on a belief that the child’s other parent would relinquish the child to the secretary or would be found unfit, and this does not occur, the rights of the parent who has relinquished a child to the secretary shall not be terminated.

(6) A parent’s relinquishment of a child shall not terminate the right of the child to inherit from or through the parent.

(c) Permanent custody. (1) A parent may consent to appointment of an individual as permanent custodian and if the individual accepts the consent, such individual shall stand in loco parentis to the child and shall have and possess over the child all the rights of a legal guardian.

(2) All consents to appointment of a permanent custodian shall be in writing and shall be executed by either parent of the child.

(3) The consent shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take acknowledgments. If the consent is acknowledged before a judge of a court of record, it shall be the duty of the court to advise the consenting parent of the consequences of the consent.

(4) If a parent has consented to appointment of a permanent custodian based upon a belief that the child’s other parent would so consent or would be found unfit, and this does not occur, the consent shall be null and void.

(d) Adoption. If the child is in the custody of the secretary and the parental rights of both parents have been terminated or the parental rights of one parent have been terminated or that parent has relinquished parental rights to the secretary, the other parent may consent to the adoption of the child may be adopted by persons approved by the secretary
or approved by and the court. If the child is no longer in the custody of the secretary, the court may approve adoption of the child by persons who: (1) Both parents consent to adopt; or (2) one parent consents to adopt, if the parental rights of the other parent have been terminated. The consent shall follow the form contained in the appendix of forms following K.S.A. 59-2143, and amendments thereto.

Sec. 13. K.S.A. 2017 Supp. 38-2269 is hereby amended to read as follows: 38-2269. (a) When the child has been adjudicated to be a child in need of care, the court may terminate parental rights or appoint a permanent custodian when the court finds by clear and convincing evidence that the parent is unfit by reason of conduct or condition which renders the parent unable to care properly for a child and the conduct or condition is unlikely to change in the foreseeable future.

(b) In making a determination of unfitness the court shall consider, but is not limited to, the following, if applicable:

(1) Emotional illness, mental illness, mental deficiency or physical disability of the parent, of such duration or nature as to render the parent unable to care for the ongoing physical, mental and emotional needs of the child;

(2) conduct toward a child of a physically, emotionally or sexually cruel or abusive nature;

(3) the use of intoxicating liquors or narcotic or dangerous drugs of such duration or nature as to render the parent unable to care for the ongoing physical, mental or emotional needs of the child;

(4) physical, mental or emotional abuse or neglect or sexual abuse of a child;

(5) conviction of a felony and imprisonment;

(6) unexplained injury or death of another child or stepchild of the parent or any child in the care of the parent at the time of injury or death;

(7) failure of reasonable efforts made by appropriate public or private agencies to rehabilitate the family;

(8) lack of effort on the part of the parent to adjust the parent’s circumstances, conduct or conditions to meet the needs of the child; and

(9) whether the child has been in extended out of home placement, as a result of the actions or inactions attributable to the parent and one or more of the factors listed in subsection (c) apply, the child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date on which a child in the secretary’s custody was removed from the child’s home.

(c) In addition to the foregoing, when a child is not in the physical custody of a parent, the court, shall consider, but is not limited to, the following:

(1) Failure to assure care of the child in the parental home when able to do so;
(2) failure to maintain regular visitation, contact or communication with the child or with the custodian of the child;
(3) failure to carry out a reasonable plan approved by the court directed toward the integration of the child into a parental home; and
(4) failure to pay a reasonable portion of the cost of substitute physical care and maintenance based on ability to pay.

In making the above determination, the court may disregard incidental visitations, contacts, communications or contributions.

(d) A finding of unfitness may be made as provided in this section if the court finds that the parents have abandoned the child, the custody of the child was surrendered pursuant to K.S.A. 2017 Supp. 38-2282, and amendments thereto, or the child was left under such circumstances that the identity of the parents is unknown and cannot be ascertained, despite diligent searching, and the parents have not come forward to claim the child within three months after the child is found.

(e) If a person is convicted of a felony in which sexual intercourse occurred, or if a juvenile is adjudicated a juvenile offender because of an act which, if committed by an adult, would be a felony in which sexual intercourse occurred, and as a result of the sexual intercourse, a child is conceived, a finding of unfitness may be made.

(f) The existence of any one of the above factors standing alone may, but does not necessarily, establish grounds for termination of parental rights.

(g) (1) If the court makes a finding of unfitness, the court shall consider whether termination of parental rights as requested in the petition or motion is in the best interests of the child. In making the determination, the court shall give primary consideration to the physical, mental and emotional health of the child. If the physical, mental or emotional needs of the child would best be served by termination of parental rights, the court shall so order. A termination of parental rights under the code shall not terminate the right of a child to inherit from or through a parent. Upon such termination all rights of the parent to such child, including, such parent’s right to inherit from or through such child, shall cease.

(2) If the court terminates parental rights, the court may authorize adoption pursuant to K.S.A. 2017 Supp. 38-2270, and amendments thereto, appointment of a permanent custodian pursuant to K.S.A. 2017 Supp. 38-2272, and amendments thereto, or continued permanency planning.

(3) If the court does not terminate parental rights, the court may authorize appointment of a permanent custodian pursuant to K.S.A. 2017 Supp. 38-2272, and amendments thereto, or continued permanency planning.

(h) If a parent is convicted of an offense as provided in subsection (a)(7) of K.S.A. 2017 Supp. 38-2271(a)(7), and amendments thereto, or is adjudicated a juvenile offender because of an act which if committed
by an adult would be an offense as provided in subsection (a)(7) of K.S.A. 2017 Supp. 38-2271(a)(7), and amendments thereto, and if the victim was the other parent of a child, the court may disregard such convicted or adjudicated parent’s opinions or wishes in regard to the placement of such child.

(i) A record shall be made of the proceedings.

(j) When adoption, proceedings to appoint a permanent custodian or continued permanency planning has been authorized, the person or agency awarded custody of the child shall within 30 days submit a written plan for permanent placement which shall include measurable objectives and time schedules.

Sec. 14. K.S.A. 2017 Supp. 38-2282 is hereby amended to read as follows: 38-2282. (a) This section shall be known and may be cited as the newborn infant protection act. The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

(b) As used in this section:

(1) “Non-relinquishing parent” means the biological parent of an infant who does not leave the infant with any person listed in subsection (c) in accordance with this section; and

(2) “relinquishing parent” means the biological parent or person having legal custody of an infant who leaves the infant with any person listed in subsection (c) in accordance with this section.

(c) A person purporting to be an infant’s parent or other person having lawful custody of an infant which is 45 days old or younger and which has not suffered bodily harm may surrender physical custody of the infant to any employee who is on duty at a police station, sheriff’s office, law enforcement center, fire station, city or county health department or medical care facility as defined by K.S.A. 65-425, and amendments thereto. Such employee shall, without a court order, take physical custody of an infant surrendered pursuant to this section. A relinquishing parent or other person voluntarily surrendering an infant under this subsection shall not be required to reveal personally identifiable information, but may be offered the opportunity to provide information concerning the infant’s familial or medical history.

(d) Any employee of a facility described in subsection (c) to whom an infant is delivered pursuant to this subsection section shall not reveal the name or other personally identifiable information of the person who delivered the infant unless there is a reasonable suspicion that the infant has been abused or neglected, and such person or such facility and its employees shall be immune from administrative, civil or criminal liability for any action taken pursuant to this subsection. Such immunity shall not extend to any acts or omissions, including negligent
or intentional acts or omissions, occurring after the acceptance of the infant.

(e) If an infant is delivered pursuant to this section to any facility described in subsection (c) that is not a medical care facility, the employee of such facility who takes physical custody of the infant shall arrange for the immediate transportation of the infant to the nearest medical care facility as defined by K.S.A. 65-425, and amendments thereto. The medical care facility, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health and safety of the infant and shall be immune from administrative, civil and criminal liability for treatment performed consistent with such standard.

(f) As soon as possible after a person an employee of any facility described in subsection (c) takes physical custody of an infant under without a court order pursuant to this section, such person shall notify a local law enforcement agency that the person has taken physical custody of an infant pursuant to this section. Upon receipt of such notice a law enforcement officer from such law enforcement agency shall take custody of the infant as an abandoned infant. The law enforcement agency shall deliver the infant to a facility or person designated by the secretary pursuant to K.S.A. 2017 Supp. 38-2232, and amendments thereto.

(g) Any person, city or county or agency thereof or medical care facility taking physical custody of an infant surrendered pursuant to this section shall perform any act necessary to protect the physical health or safety of the infant, and shall be immune from liability for any injury to the infant that may result therefrom.

(h) (1) A relinquishing parent shall be immune from civil or criminal liability for action taken pursuant to this section only if:

(A) The relinquishing parent voluntarily delivered the infant safely to the physical custody of an employee at a facility described in subsection (c);

(B) the infant was no more than 60 days old when delivered by the relinquishing parent to the physical custody of an employee at a facility described in subsection (c); and

(C) the infant was not abused or neglected by the relinquishing parent prior to such delivery.

(2) The relinquishing parent’s voluntary delivery of an infant in accordance with this section shall constitute the parent’s implied consent to the adoption of such infant and a voluntary relinquishment of such parent’s parental rights.

(i) (1) In any termination of parental rights proceeding initiated after the relinquishment of an infant pursuant to this section, the state shall publish notice pursuant to chapter 60 of the Kansas Statutes Annotated, and amendments thereto, that an infant has been relinquished, including the sex of the infant and the date and location of such relinquishment.
Within 30 days after publication of such notice, a non-relinquishing parent seeking to establish parental rights shall notify the court where the termination of parental rights proceeding is filed and state such parent’s intentions regarding the infant. The court shall initiate proceedings to establish parentage if no person notifies the court within 30 days. There shall be an examination of the putative father registry to determine whether attempts have previously been made to preserve parental rights to the infant. If such attempts have been made, the state shall make reasonable efforts to provide notice of the abandonment of the infant to such putative father.

(2) If a relinquishing parent of an infant relinquishes custody of the infant in accordance with this section, to preserve the parental rights of the non-relinquishing parent, the non-relinquishing parent shall take the steps necessary to establish parentage within 30 days after the published notice or specific notice provided in paragraph (1).

(3) If a non-relinquishing parent fails to take the steps necessary to establish parentage within the 30-day period specified in paragraph (2), the non-relinquishing parent may have all of such parent’s rights terminated with respect to the child.

(4) If a non-relinquishing parent inquires at a facility described in subsection (c) regarding an infant whose custody was relinquished pursuant to this section, such facility shall refer the non-relinquishing parent to the Kansas department for children and families and the court exercising jurisdiction over the child.

(j) Upon request, all medical records of the infant shall be made available to the Kansas department for children and families and given to the person awarded custody of such infant. The medical facility providing such records shall be immune from liability for such records release.

Sec. 15. K.S.A. 2017 Supp. 39-708c is hereby amended to read as follows: 39-708c. (a) The secretary for children and families shall develop state plans, as provided under the federal social security act, whereby the state cooperates with the federal government in its program of assisting the states financially in furnishing assistance and services to eligible individuals. The secretary shall undertake to cooperate with the federal government on any other federal program providing federal financial assistance and services in the field of social welfare not inconsistent with this act. The secretary is not required to develop a state plan for participation or cooperation in all federal social security act programs or other federal programs that are available. The secretary shall also have the power, but is not required, to develop a state plan in regard to assistance and services in which the federal government does not participate.

(b) The secretary shall have the power and duty to determine the general policies relating to all forms of social welfare which are admin-
istered or supervised by the secretary and to adopt the rules and regulations therefor.

(c) The secretary shall hire, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the secretary, to carry out the provisions of this act. The secretary shall advise the governor and the legislature on all social welfare matters covered in this act.

(d) The secretary shall establish and maintain intake offices throughout the state. The secretary may establish and create area offices to coordinate and supervise the administration of the intake offices located within the area. The number and location of intake offices and area offices shall be within the discretion of the secretary. Each intake office shall be open at least 12 hours of each working week on a regularly scheduled basis. The secretary shall supervise all social welfare activities of the intake offices and area offices. The secretary may lease office or business space, but no lease or rental contract shall be for a period to exceed 10 years. A person desiring public assistance, or if the person is incapable or incapacitated, a relative, friend, personal representative or conservator of the person shall make application at the intake office. When it is necessary, employees may take applications elsewhere at any time. The applications shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which the applicant may have at the time of the filing of the application and such other information as may be required by the secretary. When a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for assistance unless otherwise prohibited by law. The form of application, the procedure for the determination of eligibility and the amount and kind of assistance or service shall be determined by the secretary.

(e) The secretary shall provide special inservice training for employees of the secretary and may provide the training as a part of the job or at accredited educational institutions.

(f) The secretary shall establish an adequate system of financial records. The secretary shall make annual reports to the governor and shall make any reports required by federal agencies.

(g) The secretary shall sponsor, operate or supervise community work experience programs whereby recipients of assistance shall work out a part or all of their assistance and conserve work skills and develop new skills. The compensation credited to recipients for the programs shall be based upon an hourly rate equal to or in excess of the federal minimum wage hourly rate. The programs shall be administered by the secretary. In the programs, the secretary shall provide protection to the recipient under the workmen’s compensation act or shall provide comparable protection and may enter into cooperative arrangements with other public officials and agencies or with private not-for-profit corporations providing
assistance to needy persons in developing, subject to the approval of the secretary, the programs under this section.

(h) The secretary may receive, have custody of, protect, administer, disburse, dispose of and account for federal or private commodities, equipment, supplies and any kind of property, including food stamps or coupons, which are given, granted, loaned or advanced to the state of Kansas for social welfare works, and for any other purposes provided for by federal laws or rules and regulations or by private devise, grant or loan, or from corporations organized to act as federal agencies, and to do all things and acts which are necessary or required to perform the functions and carry out the provisions of federal laws, rules and regulations under which such commodities, equipment, supplies and other property may be given, granted, loaned or advanced to the state of Kansas, and to act as an agent of the federal government when designated as an agent, and do and perform all things and acts that may be required by the federal laws or rules and regulations not inconsistent with the act.

(i) The secretary may assist other departments, agencies and institutions of the state and federal government and of other states under interstate agreements, when so requested, by performing services in conformity with the purpose of this act.

(j) The secretary shall have authority to lease real and personal property whenever the property is not available through the state or a political subdivision of the state, for carrying on the functions of the secretary.

(k) All contracts shall be made in the name of the secretary for children and families and in that name the secretary may sue and be sued on such contracts. The grant of authority under this subsection shall not be construed to be a waiver of any rights retained by the state under the 11th amendment to the United States constitution and shall be subject to and shall not supersede the provisions of any appropriations act of this state.

(l) All moneys and property of any kind whatsoever received from the Kansas emergency relief committee or from any other state department or political subdivision of the state shall be used by the secretary in the administration and promotion of social welfare in the state of Kansas. The property may be given, loaned or placed at the disposal of any county, city or state agency engaged in the promotion of social welfare.

(m) The secretary shall prepare annually, at the time and in the form directed by the governor, a budget covering the estimated receipts and expenditures of the secretary for the ensuing year.

(n) The secretary shall have authority to make grants of funds, commodities or other needed property to local units of government under rules and regulations adopted by the secretary for the promotion of social welfare in local units of government.

(o) The secretary shall have authority to sell any property in the secretary’s possession received from any source whatsoever for which there
is no need or use in the administration or the promotion of social welfare in the state of Kansas.

(p) The secretary shall adopt a seal.

(q) The secretary shall initiate or cooperate with other agencies in developing programs for the prevention of blindness, the restoration of eyesight and the vocational rehabilitation of blind persons and shall establish a division of services for the blind. The secretary may initiate or cooperate with other agencies in developing programs for the prevention and rehabilitation of other handicapped persons.

(r) The secretary shall develop a children and youth service program and shall administer or supervise program activities including the care and protection of children who are deprived, defective, wayward, miscreant, delinquent or children in need of care, as defined in K.S.A. 2017 Supp. 38-2202, and amendments thereto. The secretary shall cooperate with the federal government through its appropriate agency or instrumentality in establishing, extending and strengthening such services and undertake other services to children authorized by law. Nothing in this act shall be construed as authorizing any state official, agent or representative, in carrying out any of the provisions of this act, to take charge of any child over the objection of either of the parents of such child or of the person standing in loco parentis to such child except pursuant to a proper court order.

(s) The secretary shall develop plans financed by federal funds or state funds or both for providing medical care for needy persons. The secretary, in developing the plan, may enter into an agreement with an agent or intermediary for the purpose of performing certain functions, including the making of medical payment reviews, determining the amount due the medical vendors from the state in accordance with standards set by the secretary, preparing and certifying to the secretary lists of medical vendors and the amounts due them and other related functions determined by the secretary. The secretary may also provide medical, remedial, preventive or rehabilitative care and services for needy persons by the payment of premiums to the federal social security system for the purchase of supplemental medical insurance benefits as provided by the federal social security act and amendments thereto. Medicaid recipients who were residents of a nursing facility on September 1, 1991, and who subsequently lost eligibility in the period September 1, 1991, through June 30, 1992, due to an increase in income shall be considered to meet the 300% income cap eligibility test.

(t) The secretary shall carry on research and compile statistics relative to the entire social welfare program throughout the state, including all phases of dependency, defectiveness, delinquency and related problems; develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions giving rise to social welfare problems.
(u) The secretary may receive grants, gifts, bequests, money or aid of any character whatsoever, for state welfare work. All moneys coming into the hands of the secretary shall be deposited in the state social welfare fund provided for in this act.

(v) The secretary may enter into agreements with other states or the welfare department of other states, in regard to the manner of determining the state of residence in disputed cases, the manner of returning persons to the place of residence and the bearing or sharing of the costs.

(w) The secretary shall perform any other duties and services necessary to carry out the purposes of this act and promote social welfare in the state of Kansas, not inconsistent with the state law.

(x) The secretary shall establish payment schedules for each group of health care providers. Any payment schedules which are a part of the state medicaid plan shall conform to state and federal law. The secretary shall not be required to make any payments under the state medicaid plan which do not meet requirements for state and federal financial participation.

(1) The secretary shall consider budgetary constraints as a factor in establishing payment schedules so long as the result complies with state and federal law.

(2) The secretary shall establish payment schedules for providers of hospital and adult care home services under the medicaid plan that are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards. The secretary shall not be required to establish rates for any such facility that are in excess of the minimum necessary to efficiently and economically meet those standards regardless of any excess costs incurred by any such facility.

(y) The secretary shall maintain a system of centralized payment for all welfare expenditures.

Sec. 16. K.S.A. 39-713c is hereby amended to read as follows: 39-713c. The secretary shall find suitable homes for children who are deprived, wayward, miscreant, delinquent or children in need of care, as defined in K.S.A. 2017 Supp. 38-2202, and amendments thereto, referred to the secretary by the district court, and place and supervise the children in such homes. This shall not prevent the use of licensed private child-placing agencies by the secretary or district court when desired.


Sec. 18. On and after July 1, 2019, K.S.A. 2015 Supp. 38-2202, as amended by section 23 of chapter 46 of the 2016 session laws of Kansas,
and K.S.A. 2017 Supp. 38-2202, as amended by section 8 of this act, are hereby repealed. Adequate Sec. 19. This act shall take effect and be in force from and after its publication in the statute book. Approved May 14, 2018.

CHAPTER 108
HOUSE BILL No. 2579

AN ACT concerning civil actions and civil procedure; relating to wrongful conviction and imprisonment; compensation; tuition assistance; state health care benefits program; contact with jurors, procedures and limitations; code of civil procedure; amending K.S.A. 2017 Supp. 75-6117 and 75-6501 and repealing the existing sections.

WHEREAS, The Legislature intends by enactment of the provisions of this act that those innocent persons who can demonstrate by a preponderance of evidence that they were mistakenly convicted and imprisoned be able to recover damages against the State; and

WHEREAS, The Legislature finds and declares that innocent persons who have been convicted of crimes and subsequently imprisoned have been frustrated in seeking legal redress and that such persons should have an available avenue of redress to seek compensation for damages.

Now, therefore:

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

New Section 1. (a) As used in this section, “claimant” means a person convicted and subsequently imprisoned for one or more crimes that such person did not commit.
(b) Notwithstanding the provisions of any other law, a claimant may bring an action in the district court seeking damages from the state pursuant to this section.
(c) (1) The claimant shall establish the following by a preponderance of evidence:
(A) The claimant was convicted of a felony crime and subsequently imprisoned;
(B) the claimant’s judgment of conviction was reversed or vacated and either the charges were dismissed or on retrial the claimant was found to be not guilty;
(C) the claimant did not commit the crime or crimes for which the claimant was convicted and was not an accessory or accomplice to the acts that were the basis of the conviction and resulted in a reversal or vacation of the judgment of conviction, dismissal of the charges or finding of not guilty on retrial; and
(D) the claimant did not commit or suborn perjury, fabricate evidence, or by the claimant’s own conduct cause or bring about the conviction. Neither a confession nor admission later found to be false or a guilty plea shall constitute committing or suborning perjury, fabricating evidence or causing or bringing about the conviction under this subsection.

(2) The court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence submitted pursuant to this section, may, in the interest of justice, give due consideration to difficulties of proof caused by the passage of time, the death or unavailability of witnesses, the destruction of evidence or other factors not caused by such persons or those acting on their behalf.

(d) (1) The suit, accompanied by a statement of the facts concerning the claim for damages, verified in the manner provided for the verification of complaints in the rules of civil procedure, shall be brought by the claimant within a period of two years after the: (A) Dismissal of the criminal charges against the claimant or finding of not guilty on retrial; or (B) grant of a pardon to the claimant.

(2) A claimant convicted, imprisoned and released from custody before July 1, 2018, must commence an action under this section no later than July 1, 2020.

(3) All pleadings shall be captioned, “In the matter of the wrongful conviction of ______________.”

(4) Any claim filed pursuant to this section shall be served on the attorney general in accordance with the code of civil procedure.

(5) The suit for a claim filed pursuant to this section shall be tried by the court, and no request for a jury trial may be made pursuant to K.S.A. 60-238, and amendments thereto.

(e) (1) Damages awarded under this section shall be:

(A) $65,000 for each year of imprisonment, except as provided in subsection(e)(2); and

(B) not less than $25,000 for each additional year served on parole or postrelease supervision or each additional year the claimant was required to register as an offender under the Kansas offender registration act, whichever is greater.

(2) A claimant shall not receive compensation for any period of incarceration during which the claimant was concurrently serving a sentence for a conviction of another crime for which such claimant was lawfully incarcerated.

(3) (A) Except as provided in subparagraph (B), the court shall order that the award be paid as a combination of an initial payment not to exceed $100,000 or 25% of the award, whichever is greater, and the remainder as an annuity not to exceed $80,000 per year. The claimant shall designate a beneficiary or beneficiaries for the annuity by filing such designation with the court.
(B) The court may order that the award be paid in one lump sum if the court finds that it is in the best interests of the claimant.

(4) In addition to the damages awarded pursuant to subsection (e)(1), the claimant:

(A) Shall be entitled to receive reasonable attorney fees and costs incurred in the action brought pursuant to this section not to exceed a total of $25,000, unless a greater reasonable total is authorized by the court upon a finding of good cause shown;

(B) may also be awarded other non-monetary relief as sought in the complaint including, but not limited to, counseling, housing assistance and personal financial literacy assistance, as appropriate;

(C) shall be entitled to receive tuition assistance pursuant to section 2, and amendments thereto; and

(D) shall be entitled to participate in the state health care benefits program pursuant to K.S.A. 75-6501, and amendments thereto.

(f) (1) If, at the time of the judgment entry referred to in subsection (e), the claimant has won a monetary award against the state or any political subdivision thereof in a civil action related to the same subject, or has entered into a settlement agreement with the state or any political subdivision thereof related to the same subject, the amount of the award in the action or the amount received in the settlement agreement, less any sums paid to attorneys or for costs in litigating the other civil action or obtaining the settlement agreement, shall be deducted from the sum of money to which the claimant is entitled under this section. The court shall include in the judgment entry an award to the state of any amount deducted pursuant to this subsection.

(2) If subsection (f)(1) does not apply and if, after the time of the judgment entry referred to in subsection (e), the claimant wins a monetary award against the state or any political subdivision thereof in a civil action related to the same subject, or enters into a settlement agreement with the state or any political subdivision thereof related to the same subject, the claimant shall reimburse the state for the sum of money paid under the judgment entry referred to in subsection (e), less any sums paid to attorneys or for costs in litigating the other civil action or obtaining the settlement agreement. A reimbursement required under this subsection shall not exceed the amount of the monetary award the claimant wins for damages in the other civil action or the amount received in the settlement agreement.

(g) If the court finds that the claimant is entitled to a judgment, it shall enter a certificate of innocence finding that the claimant was innocent of all crimes for which the claimant was mistakenly convicted. The clerk of the court shall send a certified copy of the certificate of innocence and the judgment entry to the attorney general for payment pursuant to K.S.A. 75-6117, and amendments thereto.

(h) (1) Upon entry of a certificate of innocence, the court shall order
the associated convictions and arrest records expunged and purged from all applicable state and federal systems pursuant to this subsection. The court shall enter the expungement order regardless of whether the claimant has prior criminal convictions.

(2) The order of expungement shall state the:
   (A) Claimant’s full name;
   (B) claimant’s full name at the time of arrest and conviction, if different than the claimant’s current name;
   (C) claimant’s sex, race and date of birth;
   (D) crime for which the claimant was arrested and convicted;
   (E) date of the claimant’s arrest and date of the claimant’s conviction; and
   (F) identity of the arresting law enforcement authority and identity of the convicting court.

(3) The order of expungement shall also direct the Kansas bureau of investigation to purge the conviction and arrest information from the criminal justice information system central repository and all applicable state and federal databases. The clerk of the court shall send a certified copy to the Kansas bureau of investigation, which shall carry out the order and shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency that may have a record of the conviction and arrest. The Kansas bureau of investigation shall provide confirmation of such action to the court.

(4) If a certificate of innocence and an order of expungement are entered pursuant to this section, the claimant shall be treated as not having been arrested or convicted of the crime.

   (i) Upon entry of a certificate of innocence, the court shall order the expungement and destruction of the associated biological samples authorized by and given to the Kansas bureau of investigation in accordance with K.S.A. 21-2511, and amendments thereto. The order shall state the information required to be stated in a petition to expunge and destroy the samples and profile record pursuant to K.S.A. 21-2511, and amendments thereto, and shall direct the Kansas bureau of investigation to expunge and destroy such samples and profile record. The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation, which shall carry out the order and provide confirmation of such action to the court. Nothing in this subsection shall require the Kansas bureau of investigation to expunge and destroy any samples or profile record associated with the claimant that was submitted pursuant to K.S.A. 21-2511(a), and amendments thereto, related to any offense other than the offense for which the court has entered a certificate of innocence.

   (j) The decision to grant or deny a certificate of innocence shall not have a res judicata effect on any other proceedings.

   (k) Nothing in this section shall preclude the department of corrections from providing reentry services to a claimant that are provided to
other persons, including, but not limited to, financial assistance, housing assistance, mentoring and counseling. Such services shall be provided while an action under this section is pending and after any judgment is entered, as appropriate for such claimant.

(l) The decision of the district court may be appealed directly to the supreme court pursuant to the code of civil procedure.

New Sec. 2. (a) Any individual awarded tuition assistance pursuant to section 1, and amendments thereto, shall receive a waiver of tuition and required fees for attendance at a postsecondary educational institution for up to 130 credit hours. Such individual may attend a postsecondary educational institution either full or part time.

(b) (1) Subject to appropriations, the state board of regents may make expenditures to reimburse each individual awarded tuition assistance pursuant to section 1, and amendments thereto, who is enrolled in a postsecondary educational institution for additional fees, including, but not limited to, fees for room and board, technical equipment and course-required books.

(2) No postsecondary educational institution shall delay enrollment of an individual who is awarded tuition assistance pursuant to section 1, and amendments thereto, because appropriations are not available for any additional fees provided to such individual.

(c) To remain eligible for the tuition and fees waiver under this section, an individual shall remain in good standing at the postsecondary educational institution where the individual is enrolled.

(d) Individuals shall provide a written or electronic copy of the court order awarding relief in the form of tuition assistance to the postsecondary educational institution or the state board of regents.

(e) The state board of regents shall adopt rules and regulations to administer the provisions of this section.

(f) As used in this section, “postsecondary educational institution” means any state educational institution as defined in K.S.A. 76-711, and amendments thereto, municipal university, community college, technical college or institute of technology in Kansas.

Sec. 3. K.S.A. 2017 Supp. 75-6117 is hereby amended to read as follows: 75-6117. (a) There is hereby established in the state treasury the tort claims fund which shall be administered by the attorney general. All expenditures from such fund shall be made upon warrants of the director of accounts and reports pursuant to vouchers approved by the attorney general or by a designee of the attorney general.

(b) (1) Moneys in the tort claims fund shall be used only for the purpose of paying (A) Compromises, settlements and final judgments arising from claims against the state or an employee of the state under the Kansas tort claims act or under the civil rights laws of the United States or of the state of Kansas and (2) (B) costs of defending the state
or an employee of the state in any actions or proceedings on those claims; and (C) judgments arising from claims pursuant to section 1, and amendments thereto, including, but not limited to, premiums under the state health care benefits program.

(2) Payment of a judgment arising from a claim pursuant to section 1, and amendments thereto, shall be subject to review by the state finance council. The attorney general shall notify the state finance council of the need for such review and ensure that payment of the judgment occurs without unnecessary delay.

(3) Payment of a compromise or settlement shall be subject to approval by the state finance council as provided in K.S.A. 75-6106, and amendments thereto.

(4) Payment of a final judgment shall be made from the fund if there has been a determination of any appeal taken from the judgment or, if no appeal is taken, if the time for appeal has expired.

(5) No payment shall be made from the fund to satisfy a compromise, settlement or final judgment when there exists insurance coverage obtained therefor, except that payment shall be made from the fund to satisfy a compromise settlement or final judgment for claims against the state or an employee of the state in any actions or proceedings arising from rendering or failure to render professional services by:

(A) A charitable health care provider as defined by K.S.A. 75-6102, and amendments thereto;
(B) a local health department as defined by K.S.A. 65-241, and amendments thereto, or an employee thereof;
(C) an indigent health care clinic as defined by K.S.A. 75-6115, and amendments thereto, or an employee thereof, even if there exists insurance coverage obtained therefor.

(c) Upon certification by the attorney general to the director of accounts and reports that the unencumbered balance in the tort claims fund is insufficient to pay an amount for which the fund is liable, the director of accounts and reports shall transfer an amount equal to the insufficiency from the state general fund to the tort claims fund.

(d) When payment is made from the Kansas tort claims fund on behalf of the university of Kansas hospital authority, the authority shall transfer to the tort claims fund an amount equal to the payment made by the tort claims fund on behalf of the authority.

(e) This section shall be part of and supplemental to the Kansas tort claims act.

Sec. 4. K.S.A. 2017 Supp. 75-6501 is hereby amended to read as follows: 75-6501. (a) Within the limits of appropriations made or available therefor and subject to the provisions of appropriation acts relating thereto, the Kansas state employees health care commission shall develop and provide for the implementation and administration of a state health care benefits program.
(b) (1) Subject to the provisions of paragraph (2), the state health care benefits program may provide benefits for persons qualified to participate in the program for hospitalization, medical services, surgical services, nonmedical remedial care and treatment rendered in accordance with a religious method of healing and other health services. The program may include such provisions as are established by the Kansas state employees health care commission, including, but not limited to, qualifications for benefits, services covered, schedules and graduation of benefits, conversion privileges, deductible amounts, limitations on eligibility for benefits by reason of termination of employment or other change of status, leaves of absence, military service or other interruptions in service and other reasonable provisions as may be established by the commission.

(2) The state health care benefits program shall provide the benefits and services required by K.S.A. 2017 Supp. 75-6524, and amendments thereto.

(c) The Kansas state employees health care commission shall designate by rules and regulations those persons who are qualified to participate in the state health care benefits program, including active and retired public officers and employees and their dependents as defined by rules and regulations of the commission. Such rules and regulations shall not apply to students attending a state educational institution as defined in K.S.A. 76-711, and amendments thereto, who are covered by insurance contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto. In designating persons qualified to participate in the state health care benefits program, the commission may establish such conditions, restrictions, limitations and exclusions as the commission deems reasonable. Such conditions, restrictions, limitations and exclusions shall include the conditions contained in subsection (d) of K.S.A. 75-6506(d), and amendments thereto. Each person who was formerly elected or appointed and qualified to an elective state office and who was covered immediately preceding the date such person ceased to hold such office by the provisions of group health insurance or a health maintenance organization plan under the law in effect prior to August 1, 1984, or the state health care benefits program in effect after that date, shall continue to be qualified to participate in the state health care benefits program and shall pay the cost of participation in the program as established and in accordance with the procedures prescribed by the commission if such person chooses to participate therein.

(d) (1) Commencing with the 2009 plan year that begins January 1, 2009, if a state employee elects the high deductible health plan and health savings account, the state’s employer contribution shall equal the state’s contribution to any other health benefit plan offered by the state. The cost savings to the state for the high deductible health plan shall be deposited monthly into the employee’s health savings account up to the maximum annual amount allowed pursuant to subsection (d) of 26 U.S.C.
§ 223(d), as amended, for as long as the employee participates in the high deductible plan.

(2) If the employee had not previously participated in the state health benefits plan, the employer shall calculate the average savings to the employer of the high deductible plan compared to the other available plans and contribute that amount monthly to the employee’s health savings account up to the maximum annual amount allowed pursuant to subsection (d) of 26 U.S.C. § 223(d), as amended.

(3) The employer shall allow additional voluntary contributions by the employee to their health savings account by payroll deduction up to the maximum annual amount allowed pursuant to subsection (d) of 26 U.S.C. § 223(d), as amended.

e) The commission shall have no authority to assess charges for employer contributions under the student health care benefits component of the state health care benefits program for persons who are covered by insurance contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto.

(f) Nothing in this act shall be construed to permit the Kansas state employees health care commission to discontinue the student health care benefits component of the state health care benefits program until the state board of regents has contracts in effect that provide student coverage pursuant to the authority granted therefor in K.S.A. 75-4101, and amendments thereto.

(g) (1) On and after July 1, 2018, the commission shall designate claimants, as defined in section 1, and amendments thereto, as qualified to participate in the state health care benefits program. The commission shall implement this subsection in accordance with applicable federal law, including, but not limited to, the employee retirement income security act of 1974 and any regulations issued by the United States department of the treasury.

(2) A claimant shall have 31 calendar days from the date of judgment entered pursuant to section 1, and amendments thereto, to complete or decline enrollment in the state health care benefits program. A claimant shall be qualified to participate in the state health care benefits program for the remainder of the plan year when judgment is entered pursuant to section 1, and amendments thereto, and for the next ensuing plan year. A claimant shall not be qualified to elect a high-deductible health plan and health savings account under the state health care benefits program.

(3) Costs of premiums under the state health care benefits program for a claimant shall be paid from the tort claims fund established by K.S.A. 75-6117, and amendments thereto, and shall not be charged to the claimant. A claimant shall be responsible to pay any applicable copayments, deductibles and other related costs under the state health care benefits program.

(4) A claimant may elect to include the claimant’s dependents under
the state health care benefits program. For any covered dependents, the claimant shall be responsible to pay the costs of premiums, copayments, deductibles and other related costs under the state health care benefits program.

(5) The secretary of health and environment or the secretary’s designee shall provide assistance to a claimant to obtain and maintain coverage under the state health care benefits program pursuant to this subsection, including: Enrollment; maintenance of related records; and other assistance as may be required or incidental to implement this subsection.

New Sec. 5. (a) On completion of a jury trial in a civil action and before the jury is discharged, the judge shall inform the jurors that they have an absolute right to discuss or not to discuss the deliberations or verdict with anyone except as provided in subsections (f) and (g). The judge shall also inform the jurors of the provisions set forth in subsections (b), (c), (d) and (e).

(b) Immediately following the discharge of the jury in a civil action, the defendant, or the defendant’s attorney or representative, or the plaintiff, or the plaintiff’s attorney or representative, may discuss the jury deliberations or verdict with a member of the jury only if the juror consents to the discussion.

(c) If a discussion of the jury deliberations or verdict with a member of the jury occurs at any time other than immediately following the discharge of the jury, prior to discussing the jury deliberations or verdict with a member of a jury, the defendant, or the defendant’s attorney or representative, or the plaintiff, or the plaintiff’s attorney or representative, shall inform the juror of the identity of the case, the party in the case that the person represents, the subject of the interview, the absolute right of the juror to discuss or not discuss the deliberations or verdict in the case with the person and the juror’s right to review and have a copy of any declaration filed with the court.

(d) Any unreasonable contact with a juror by the defendant, or the defendant’s attorney or representative, or by the plaintiff, or the plaintiff’s attorney or representative, without the juror’s consent shall be immediately reported to the trial court.

(e) Any violation of this section shall be considered a violation of a lawful court order and may be punished as contempt of court.

(f) Nothing in this section shall prohibit a law enforcement officer from discussing the deliberations or verdict with a member of the jury for the purpose of investigating an allegation of criminal conduct.

(g) Nothing in this section shall prohibit the court or a judge from discussing the deliberations or verdict with a member of the jury for any lawful purpose.

(h) This section shall be part of and supplemental to the code of civil procedure.
Sec. 6. K.S.A. 2017 Supp. 75-6117 and 75-6501 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 15, 2018.

CHAPTER 109
House Substitute for SENATE BILL No. 109

<table>
<thead>
<tr>
<th>TO</th>
<th>SEC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjutant general</td>
<td>96, 97</td>
</tr>
<tr>
<td>Administration, department of</td>
<td>50, 51</td>
</tr>
<tr>
<td>Aging and disability services, Kansas department for</td>
<td>71, 72</td>
</tr>
<tr>
<td>Agriculture, Kansas department of</td>
<td>105, 106</td>
</tr>
<tr>
<td>Attorney general—Kansas bureau of investigation</td>
<td>101, 102</td>
</tr>
<tr>
<td>Barbering, Kansas board of</td>
<td>12, 13</td>
</tr>
<tr>
<td>Children and families, Kansas department for</td>
<td>73, 74</td>
</tr>
<tr>
<td>Commerce, department of</td>
<td>58, 59</td>
</tr>
<tr>
<td>Corrections, department of</td>
<td>94, 95</td>
</tr>
<tr>
<td>Cosmetology, Kansas state board of</td>
<td>14, 15</td>
</tr>
<tr>
<td>Education, department of</td>
<td>75, 76</td>
</tr>
<tr>
<td>Emporia state university</td>
<td>83, 84</td>
</tr>
<tr>
<td>Finance council, state</td>
<td>113, 114</td>
</tr>
<tr>
<td>Fire marshal, state</td>
<td>98</td>
</tr>
<tr>
<td>Fort Hays state university</td>
<td>78</td>
</tr>
<tr>
<td>Governmental ethics commission</td>
<td>30, 31</td>
</tr>
<tr>
<td>Governor’s department</td>
<td>37</td>
</tr>
<tr>
<td>Health and environment, department of—division of environment</td>
<td>69, 70</td>
</tr>
<tr>
<td>Health and environment, department of—division of health care finance</td>
<td>67, 68</td>
</tr>
<tr>
<td>Health and environment, department of—division of public health</td>
<td>65, 66</td>
</tr>
<tr>
<td>Hearing instruments, Kansas board of</td>
<td>16</td>
</tr>
<tr>
<td>Highway patrol, Kansas</td>
<td>90, 100</td>
</tr>
<tr>
<td>Historical society, state</td>
<td>77</td>
</tr>
<tr>
<td>Human rights commission, Kansas</td>
<td>48, 49</td>
</tr>
<tr>
<td>Indigents’ defense services, state board of</td>
<td>44, 45</td>
</tr>
<tr>
<td>Information technology services, office of</td>
<td>52, 53</td>
</tr>
<tr>
<td>Insurance department</td>
<td>42, 43</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TO</th>
<th>SEC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial branch</td>
<td>46</td>
</tr>
<tr>
<td>Kansas state university</td>
<td>79, 80</td>
</tr>
<tr>
<td>Kansas state university extension systems and agriculture research programs</td>
<td>81</td>
</tr>
<tr>
<td>Kansas state university veterinary medical center</td>
<td>82</td>
</tr>
<tr>
<td>Labor, department of</td>
<td>60, 61</td>
</tr>
<tr>
<td>Legislative coordinating council</td>
<td>32, 33</td>
</tr>
<tr>
<td>Legislature</td>
<td>34, 35</td>
</tr>
<tr>
<td>Nursing, board of</td>
<td>17, 18</td>
</tr>
<tr>
<td>Optometry, board of examiners in</td>
<td>19</td>
</tr>
<tr>
<td>Peace officers’ standards and training, Kansas commission on</td>
<td>103, 104</td>
</tr>
<tr>
<td>Pharmacy, state board of</td>
<td>20, 21</td>
</tr>
<tr>
<td>Pittsburg state university</td>
<td>85</td>
</tr>
<tr>
<td>Post audit, division of</td>
<td>36</td>
</tr>
<tr>
<td>Public employees retirement system, Kansas</td>
<td>47</td>
</tr>
<tr>
<td>Real estate appraisal board</td>
<td>22, 23</td>
</tr>
<tr>
<td>Real estate commission, Kansas</td>
<td>24, 25</td>
</tr>
<tr>
<td>Regents, state board of</td>
<td>92, 93</td>
</tr>
<tr>
<td>Revenue, department of</td>
<td>56, 57</td>
</tr>
<tr>
<td>State fair board</td>
<td>107</td>
</tr>
<tr>
<td>State treasurer</td>
<td>40, 41</td>
</tr>
<tr>
<td>Tax appeals, state board of</td>
<td>54, 55</td>
</tr>
<tr>
<td>Technical professions, state board of</td>
<td>26, 27</td>
</tr>
<tr>
<td>Transportation, department of</td>
<td>112</td>
</tr>
<tr>
<td>University of Kansas</td>
<td>86, 87</td>
</tr>
<tr>
<td>University of Kansas medical center</td>
<td>98, 89</td>
</tr>
<tr>
<td>Veterans affairs office, Kansas commission on</td>
<td>62, 63, 64</td>
</tr>
<tr>
<td>Veterinary examiners, state board of</td>
<td>28, 29</td>
</tr>
<tr>
<td>Water office, Kansas</td>
<td>108, 109</td>
</tr>
<tr>
<td>Wichita state university</td>
<td>90, 91</td>
</tr>
<tr>
<td>Wildlife, parks and tourism, Kansas state university</td>
<td>110, 111</td>
</tr>
</tbody>
</table>

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2017 Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a and repealing the existing sections.
Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) For the fiscal years ending June 30, 2018, and June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

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

(c) This act shall be known and may be cited as the omnibus appropriation act of 2018 and shall constitute the omnibus reconciliation spending limit bill for the 2018 regular session of the legislature for purposes of K.S.A. 75-6702(a), and amendments thereto.

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

Sec. 2. (a) The department of corrections is hereby authorized and directed to pay the following amounts from the Hutchinson correctional facility — facilities operations account of the state general fund for property lost to the following claimant:

Earl Harris #47043
P.O. Box 311
El Dorado, KS 67042 .............................................. $86.90

(b) The department of corrections is hereby authorized and directed to pay the following amounts from the El Dorado correctional facility — facilities operations account of the state general fund for property lost to the following claimants:

Donald C. Young #74516
P.O. Box 1568
Hutchinson, KS 67504 .............................................. $54.59

(c) The department of corrections is hereby authorized and directed to pay the following amounts from the Lansing correctional facility — facilities operations account of the state general fund for property lost to the following claimants:

Alphonso Briscoe
#66034 P.O. Box 2
Lansing, KS 66043 .............................................. $78.13

Joseph Jones #59134
P.O. Box 2
Lansing, KS 66043 .............................................. $17.61

Sec. 3. There is hereby appropriated from the state general fund, as
reimbursement for legal costs incurred for sexually violent predator proceedings, the following amount to the following claimants:

County Commissioners of Ellis County, KS  
c/o Donna Maskus, County Clerk  
Ellis County  
P.O. Box 720  
Hays, KS 67601 ................................................ $2,404.80

Johnson County District Court  
c/o Andre Tyler, Court Administrator  
100 Kansas Ave.  
Olathe, KS 66061 .............................................. $9,199.16

Sec. 4. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458, and amendments thereto, to the following claimants:

Kenneth R. Criss  
877 E. Highway K-31  
Melvern, KS 66510 .............................................. $344.30

Louis E. Davis  
27600 Spring Valley Rd.  
Louisburg, KS 66053 .............................................. $33.00

DHS Customs & Border Protect  
6650 Telecom Dr. Ste #100  
Indianapolis, IN 46278 ........................................... $228.83

Rick D. Gibson  
28468 L Rd.  
Circleville, KS 66416 .............................................. $106.44

Graham County Highway Dept.  
P.O. Box 218  
Hill City, KS 67642 .............................................. $1,581.14

Hesston College  
P.O. Box 3000  
Hesston, KS 67062 .............................................. $47.88

J&G Inc.  
10200 E. Road 170  
Scott City, KS 67871 .............................................. $109.32

James D. Jones  
25761 Limit Rd.  
Winchester, KS 66097 .............................................. $105.00

Larry D. Kehres  
516 Road R  
Olpe, KS 66865 .............................................. $411.70
Sec. 5. Fort Hays state university is hereby authorized and directed to pay the following amount from its operating expenditures (including official hospitality) account for reimbursement of medical expenses for personal injury:
Sec. 6. The department of health and environment is hereby authorized and directed to pay the following amount from its operating expenditures account for partial reimbursement of expenses related to efforts to become licensed as a home health agency:
Shoemaker Home Care, LLC
c/o Elwood Shoemaker
400 Poyntz Ave.
Manhattan, KS 66502 ............................................. $18,107.34

Sec. 7. The department of corrections is hereby authorized and directed to pay the following amount from its operating expenditures account for personal injury caused by corrections staff:
Deandre Green
1445 N. Broadview
Wichita, KS 67208 ............................................. $10,000

Sec. 8. The adjutant general is hereby authorized and directed to pay the following amounts from its operating expenditures account for damage to personal property:
Alan Weis Contracting
241 Cole Street
Lindsborg, KS 67456 ............................................. $1,962.25
Snodgrass & Sons Construction Co., Inc.
c/o Aaron Snodgrass
2700 George Washington Blvd.
Wichita, KS 67210 ............................................. $8,605.00

Sec. 10. Emporia state university is hereby authorized and directed to pay the following amount from its operating expenditures (including official hospitality) account for reimbursement of personal property damage:
Martin Griffey
14493 S. Shadow
Olathe, KS 66061 ............................................. $1,257.31

Sec. 11. (a) Except as otherwise provided by this act, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.
(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 4, as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by sections 2 through 10 of this act, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 12.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby decreased from $188,489 to $150,398.

Sec. 13.

KANSAS BOARD OF BARBERING

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby decreased from $188,212 to $151,157.

Sec. 14.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the cosmetology fee fund (149-00-2706-0100) of the Kansas state board of cosmetology is hereby increased from $1,016,509 to $1,023,423.

Sec. 15.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the cosmetology fee fund (149-00-2706-0100) of the Kansas state board of cosmetology is hereby increased from $1,019,564 to $1,041,172.

Sec. 16.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 19(a) of chapter 104 of the 2017 Session Laws of Kansas on the hearing instrument board fee fund (266-00-2712-9900) of the Kansas board of examiners in fitting and dispensing of hearing instruments is hereby increased from $27,043 to $32,284.
Sec. 17.  

BOARD OF NURSING  
(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 20(a) of chapter 104 of the 2017 Session Laws of Kansas on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from $2,541,423 to $2,577,129.

Sec. 18.  

BOARD OF NURSING  
(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 20(a) of chapter 104 of the 2017 Session Laws of Kansas on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from $2,594,467 to $2,722,173.

Sec. 19.  

BOARD OF EXAMINERS IN OPTOMETRY  
(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 21(a) of chapter 104 of the 2017 Session Laws of Kansas on the optometry fee fund (488-00-2717-0100) of the board of examiners in optometry is hereby increased from $161,360 to $163,708.

Sec. 20.  

STATE BOARD OF PHARMACY  
(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 22(a) of chapter 104 of the 2017 Session Laws of Kansas on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from $1,435,882 to $1,561,016.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Harold Rogers prescription fund (531-00-3188-3110) ...... No limit

Sec. 21.  

STATE BOARD OF PHARMACY  
(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 22(a) of chapter 104 of the 2017 Session Laws of Kansas on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from $1,468,285 to $1,608,919.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Harold Rogers prescription fund (531-00-3188-3110) ...... No limit
fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Harold Rogers prescription fund (531-00-3188-3110) ...... No limit

Sec. 22.

REAL ESTATE APPRAISAL BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Special litigation reserve fund ...................................... No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2018, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2018, the executive director of the real estate appraisal board, with the approval of the director of the budget, may transfer moneys from the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board to the special litigation reserve fund of the real estate appraisal board: Provided, That the aggregate of such transfers for the fiscal year ending June 30, 2018, shall not exceed $20,000: Provided further, That the executive director of the real estate appraisal board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 23.

REAL ESTATE APPRAISAL BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Special litigation reserve fund ...................................... No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2019, except upon the approval of the director of the budget acting after ascertaining that: (1)
Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2019, the executive director of the real estate appraisal board, with the approval of the director of the budget, may transfer moneys from the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board to the special litigation reserve fund of the real estate appraisal board: Provided, That the aggregate of such transfers for the fiscal year ending June 30, 2019, shall not exceed $20,000: Provided further, That the executive director of the real estate appraisal board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board is hereby increased from $162,342 to $324,684.

(d) On July 1, 2018, the director of accounts and reports shall transfer all moneys in the appraisal management companies fee fund (543-00-2138-2138) of the real estate appraisal board to the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board. On July 1, 2018, all liabilities of the appraisal management companies fee fund are hereby transferred to and imposed on the appraiser fee fund and the appraisal management companies fee fund is hereby abolished.

(e) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the appraisal management companies fee fund (543-00-2138-2138) of the real estate appraisal board is hereby decreased from $162,342 to $0.

Sec. 24.

KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby decreased from $1,188,512 to $1,059,696.
Sec. 25.  
KANSAS REAL ESTATE COMMISSION  
(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby decreased from $1,154,124 to $1,025,124.

Sec. 26.  
STATE BOARD OF TECHNICAL PROFESSIONS  
(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 25(a) of chapter 104 of the 2017 Session Laws of Kansas on the technical professions fee fund (663-00-2729-0100) of the state board of technical professions is hereby increased from $714,864 to $720,165.

Sec. 27.  
STATE BOARD OF TECHNICAL PROFESSIONS  
(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 25(a) of chapter 104 of the 2017 Session Laws of Kansas on the technical professions fee fund (663-00-2729-0100) of the state board of technical professions is hereby increased from $754,388 to $759,689.

Sec. 28.  
STATE BOARD OF VETERINARY EXAMINERS  
(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 26(a) of chapter 104 of the 2017 Session Laws of Kansas on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby decreased from $348,480 to $348,034.

Sec. 29.  
STATE BOARD OF VETERINARY EXAMINERS  
(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 26(a) of chapter 104 of the 2017 Session Laws of Kansas on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby decreased from $356,987 to $356,957.

Sec. 30.  
GOVERNMENTAL ETHICS COMMISSION  
(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the governmental ethics commission fee fund (247-00-2188-2000) of the governmental ethics commission is hereby decreased from $256,966 to $243,762.
Sec. 31.

GOVERNMENTAL ETHICS COMMISSION

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the governmental ethics commission fee fund (247-00-2188-2000) of the governmental ethics commission is hereby decreased from $268,027 to $267,660.

Sec. 32.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative research department</td>
<td>$3,084</td>
</tr>
</tbody>
</table>

(b) On the effective date of this act, of the $537,812 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 28(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the legislative coordinating council — operations account (422-00-1000-0100), the sum of $321 is hereby lapsed.

Sec. 33.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative coordinating council</td>
<td>$12,273</td>
</tr>
<tr>
<td>Legislative research department</td>
<td>$7,854</td>
</tr>
<tr>
<td>Office of revisor of statutes</td>
<td>$456,480</td>
</tr>
</tbody>
</table>

Sec. 34.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operations (including official hospitality)</td>
<td>$400,000</td>
</tr>
<tr>
<td>Jordan-legislative claim</td>
<td>$11,604</td>
</tr>
</tbody>
</table>

Sec. 35.

LEGISLATURE

(a) Any unencumbered balance in the legislative information system account in excess of $100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.
Sec. 36.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the $2,467,048 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 33(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the operations account (including legislative post audit committee) (540-00-1000-0100), the sum of $192,909 is hereby lapsed.

Sec. 37.

GOVERNOR’S DEPARTMENT

(a) On July 1, 2018, the provisions of section 36(e) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(b) On July 1, 2018, the provisions of section 36(f) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 38.

ATTORNEY GENERAL

(a) On the effective date of this act, of the $5,216,867 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 37(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the operating expenditures account (082-00-1000-0103), the sum of $4,000 is hereby lapsed.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $250,000 from the court cost fund (082-00-2012-2000) to the state general fund.

Sec. 39.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Abuse, neglect and exploitation unit (082-00-1000-0500)... $200,000

(b) On July 1, 2018, the provisions of section 38(g) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(c) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $1,750,000 from the court cost fund (082-00-2012-2000) to the state general fund.

(d) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $600,000 from the state general fund to the medicaid fraud prosecution revolving fund (082-00-2641-2280).

(e) Notwithstanding the provisions of K.S.A. 2017 Supp. 75-7c05, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the attorney general from moneys appropriated from
the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to fix, charge and collect a nonrefundable fee for the purpose of obtaining a concealed carry handgun license of $112, if the applicant has not previously been issued a statewide license or if the applicant’s license has permanently expired, which fee shall be in the form of two cashier’s checks, personal checks or money orders of $32.50 payable to the sheriff of the county where the applicant resides and $79.50 payable to the attorney general; 

Provided further: That no expenditures shall be made from the state general fund or from any special revenue fund or funds for fiscal year 2019 to increase the license renewal fee of $25 as set in K.S.A. 2017 Supp. 75-7c08, and amendments thereto.

(f) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State medicaid fraud forfeiture fund ........................................ No limit

Sec. 40.

STATE TREASURER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the state treasurer operating fund (670-00-2374-2300) of the office of the state treasurer is hereby decreased from $1,702,107 to $1,682,516; 

Provided, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2018, the state treasurer is hereby authorized and directed to credit the first $1,682,516 received and deposited in the state treasury to the state treasurer operating fund: Provided further, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2018 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: And provided further, That all moneys credited to the state treasurer operating fund during fiscal year 2018 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed to administer the provisions of the uniform unclaimed property act,
K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

Sec. 41.

STATE TREASURER

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the state treasurer operating fund (670-00-2374-2300) of the office of the state treasurer is hereby decreased from $1,718,838 to $1,680,844: Provided, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2019, the state treasurer is hereby authorized and directed to credit the first $1,680,844 received and deposited in the state treasury to the state treasurer operating fund: Provided further, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2019 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: And provided further, That all moneys credited to the state treasurer operating fund during fiscal year 2019 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

Sec. 42.

INSURANCE DEPARTMENT

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the securities act fee fund (331-00-2162-0100) of the insurance department is hereby decreased from $3,148,377 to $2,879,523.

Sec. 43.

INSURANCE DEPARTMENT

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the securities act fee fund (331-00-2162-0100) of the insurance department is hereby decreased from $3,030,872 to $2,924,049.

[ † ]

(c) There is appropriated for the above agency from the following
special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Captive insurance regulatory and supervision fund ........... No limit

(d) On July 1, 2018, the director of accounts and reports shall transfer all moneys in the commissioner’s travel reimbursement fund (331-00-9090-9200) to the insurance department service regulation fund (331-00-2270-2400). On July 1, 2018, all liabilities of the commissioner’s travel reimbursement fund are hereby transferred to and imposed on the insurance department service regulation fund and the commissioner’s travel reimbursement fund is hereby abolished.

Sec. 44.

STATE BOARD OF INDIGENTS’ DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital defense operations</td>
<td>$180,000</td>
</tr>
<tr>
<td>Assigned counsel expenditures</td>
<td>$37,436</td>
</tr>
</tbody>
</table>

(b) In addition to the other purposes for which expenditures may be made by the state board of indigents’ defense services from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 as authorized by section 52 of chapter 104 of the 2017 Session Laws of Kansas, this act or other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 to classify public defenders based on the level of cases such public defenders are assigned.

Sec. 45.

STATE BOARD OF INDIGENTS’ DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital defense operations</td>
<td>$180,000</td>
</tr>
<tr>
<td>Assigned counsel expenditures</td>
<td>$689,335</td>
</tr>
</tbody>
</table>

(b) In addition to the other purposes for which expenditures may be made by the state board of indigents’ defense services from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 as authorized by section 53 of chapter 104 of the 2017 Session Laws of Kansas, this act or other appropriation
act of the 2018 regular session of the legislature, expenditures may be
made by the above agency from moneys appropriated from the state gen-
eral fund or from any special revenue fund or funds for fiscal year 2019
to classify public defenders based on the level of cases such public de-
fenders are assigned.

Sec. 46.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2019, the following:

Judiciary operations (677-00-1000-0103) ......................... $200,000

(b) During the fiscal year ending June 30, 2019, the justices of the
supreme court, judges of the court of appeals, district court judges and
district magistrate judges shall receive a 2.0% salary increase, including
associated employer contributions.

Sec. 47.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On July 1, 2018, notwithstanding the provisions of K.S.A. 38-2102,
and amendments thereto, the amount prescribed by K.S.A. 38-
2102(d)(4), and amendments thereto, to be transferred on July 1, 2018,
by the director of accounts and reports from the Kansas endowment for
youth fund to the children’s initiatives fund is hereby increased to
$58,646,551.

(b) On July 1, 2018, the provisions of section 57(d) of chapter 104 of
the 2017 Session Laws of Kansas are hereby declared to be null and void
and shall have no force and effect.

(c) On July 1, 2018, or as soon thereafter as moneys are available, the
director of accounts and reports shall transfer $82,000,000 from the state
general fund to the Kansas public employees retirement fund (365-00-
7002-7000) of the Kansas public employees retirement system for pay-
ment, in full or in part, of reduced employer contributions from partici-
pating employers under K.S.A. 74-4931, and amendments thereto, in
prior fiscal years.

(d) For the fiscal years ending June 30, 2018, and June 30, 2019, the
director of the budget, in consultation with the director of legislative
research, shall certify, at the end of each such fiscal year, the amount of
actual tax receipt revenues to the state general fund that is in excess of,
or is less than, the amount of estimated tax receipt revenues to the state
general fund pursuant to the most recent joint estimate of revenue under
K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall
transmit such certification to the director of accounts and reports: Pro-
vided, That upon receipt of such certification, or as soon thereafter as
moneys are available, during each such fiscal year, the director of accounts
and reports shall transfer such certified excess amount, not to exceed
$56,000,000 in each such fiscal year, from the state general fund to the
Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for payment, in full or in part, of reduced employer contributions from participating employers under K.S.A. 74-4931, and amendments thereto, in prior fiscal years: Provided, however, That, if the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfers shall be made pursuant to this subsection.

Sec. 48.

KANSAS HUMAN RIGHTS COMMISSION

(a) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the annual banquet fund (058-00-2611-1400) of the Kansas human rights commission to the education and training fund (058-00-2282-2000) of the Kansas human rights commission. On the effective date of this act, all liabilities of the annual banquet fund are hereby transferred to and imposed on the education and training fund and the annual banquet fund is hereby abolished.

Sec. 49.

KANSAS HUMAN RIGHTS COMMISSION

(a) On July 1, 2018, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2019, by section 59(a) of chapter 104 of the 2017 Session Laws of Kansas on the operating expenditures account (058-00-1000-0103) of the state general fund of the Kansas human rights commission is hereby increased from $200 to $500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Database conversion fund........................................... No limit

Sec. 50.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Long-term care ombudsman (173-00-1000-0580).............. $43,837
Clyde mill and elevator demolition................................. $300,000

(b) On the effective date of this act, of the $245,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 65(j) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the SIBF — state building insurance account (173-00-8100-8920), the sum of $97,432 is hereby lapsed.

(c) On the effective date of this act, of the $265,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 65(k)
of chapter 104 of the 2017 Session Laws of Kansas from the correctional institutions building fund in the CIBF — state building insurance account (173-00-8600-8930), the sum of $141,081 is hereby lapsed.

(d) On the effective date of this act, the provisions of section 65(m) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(e) (1) (A) On the effective date of this act, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection: Provided, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than $1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection. At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) In accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection, the appropriation for fiscal year 2018 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children’s initiatives fund that is appropriated or reapportioned for the fiscal year ending June 30, 2018, by chapter 104 of the 2017 Session Laws of Kansas or by this or other appropriation act of the 2018 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection.

(2) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection, the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2018.

(3) (A) Prior to June 30, 2018, after receipt of each certification by
the director of the budget pursuant to this subsection, the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to this subsection in accordance with such certifications.

(B) Prior to June 30, 2018, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: Provided, however, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer’s receivables for the state general fund.

(C) Prior to June 30, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection during fiscal year 2018.

(D) On June 30, 2018, the director of accounts and reports shall record a credit to the state treasurer’s receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2028.

(E) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection and all reductions and adjustments made thereto pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state general fund by the state treasurer in accordance with the notice thereof.

(4) As used in this subsection, “regents agency” means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

(5) The provisions of this subsection shall not apply to:

(A) Any money held in trust in a trust fund or held in trust in any other special revenue fund or funds of any regents agency;

(B) Any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and
debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection;

(C) any account of the Kansas educational building fund or the state institutions building fund; or

(D) any fund of any regents agency in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection, including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

(6) Each amount transferred from any special revenue fund of any regents agency to the state general fund pursuant to this subsection is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the regents agency involved by other state agencies that receive appropriations from the state general fund to provide such services.

(f) During fiscal year 2018, any unencumbered balance from the state general fund in the judicial center rehabilitation and repair account (173-00-1000-8540) in excess of $100 as of the effective date of this act, and any unencumbered balance in the capitol complex repair and rehabilitation account (173-00-1000-8170) in excess of $100 as of the effective date of this act, are hereby reappropriated to the above agency in the rehabilitation and repair for state facilities account (173-00-1000-8500) of the state general fund for fiscal year 2018: Provided, That during fiscal year 2018, expenditures from the rehabilitation and repair for state facilities account shall be made on a priority basis for the rehabilitation and repair of the judicial center.

(g) On the effective date of this act, of the $4,644,292 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 65(a) of chapter 104 of the 2017 Session Laws of Kansas from the operating expenditures account (173-00-1000-0200), the sum of $35,193 is hereby lapsed.

(h) (1) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the secretary of administration, from moneys appropriated from the state general fund or any special revenue fund or funds for the department of administration for fiscal year 2018 by chapter 104 of the 2017 Session Laws of Kansas, this act or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the secretary of administration from the state general fund or from any special revenue fund or funds for fiscal year 2018, for the secretary, on behalf of the state of Kansas, to convey by quitclaim deed all of the rights, title and interest of the state of Kansas in the following real estate located in Cloud county, Kansas, to the City of Clyde, Kansas, subject to the provisions of this section: 0
Borton Ave, Clyde, Kansas, commonly known as the Clyde mill and elevator.

(2) The quitclaim deed shall be executed by the secretary of administration for and on behalf of the state of Kansas in a form approved by the attorney general.

(3) In the event that the secretary of administration determines that the legal description of any parcel of real estate described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 51.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating expenditures (173-00-1000-0200)</td>
<td>$197,083</td>
</tr>
<tr>
<td>Long-term care ombudsman (173-00-1000-0580)</td>
<td>$39,695</td>
</tr>
<tr>
<td>Rehabilitation and repair for state facilities account (173-00-1000-8500)</td>
<td>$2,049,614</td>
</tr>
</tbody>
</table>

Provided, That during fiscal year 2019, expenditures shall be made on a priority basis for the rehabilitation and repair of the judicial center.

(b) On July 1, 2018, the director of accounts and reports shall record a debit to the state treasurer’s receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget that shall be equal to 75% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2019, except that such amount shall be proportionally adjusted during fiscal year 2019 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2019. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2019 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection and section 66(h)(2) and (h)(3) of chapter 104 of the 2017 Session Laws of Kansas. On July 1, 2018, the provisions of section 66(h)(1) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(c) On July 1, 2018, the provisions of section 66(n) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(d) (1) (A) Prior to August 15, 2018, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or
from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection: Provided, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than $1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection. At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2018, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection, the appropriation for fiscal year 2019 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children’s initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2019, by chapter 104 of the 2017 Session Laws of Kansas or by this or other appropriation act of the 2018 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection.

(2) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection, the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2019.

(3) (A) On or before September 1, 2018, after receipt of each certification by the director of the budget pursuant to this subsection, the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to this subsection in accordance with such certifications.

(B) On September 1, 2018, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state
general fund to the master account of the state general fund: *Provided, however,* That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer’s receivables for the state general fund.

(C) On September 1, 2018, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection during fiscal year 2019.

(D) On June 30, 2019, the director of accounts and reports shall record a credit to the state treasurer’s receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2028.

(E) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection and all reductions and adjustments made thereto pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state general fund by the state treasurer in accordance with the notice thereof.

(4) As used in this subsection, “regents agency” means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

(5) The provisions of this subsection shall not apply to:

(A) Any money held in trust in a trust fund or held in trust in any other special revenue fund or funds of any regents agency;

(B) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection;

(C) any account of the Kansas educational building fund or the state institutions building fund; or

(D) any fund of any regents agency in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection, including, but not limited to, cash-flow problems, the inability
to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

(6) Each amount transferred from any special revenue fund of any regents agency to the state general fund pursuant to this subsection is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the regents agency involved by other state agencies that receive appropriations from the state general fund to provide such services.

(e) On July 1, 2018, the $73,861 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 180 of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the judicial center rehabilitation and repair account (173-00-1000-8540) is hereby lapsed.

(f) On July 1, 2018, the $1,975,753 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 180 of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the capitol complex repair and rehabilitation account (173-00-1000-8170) is hereby lapsed.

(g) On July 1, 2018, of the $4,699,654 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 66(a) of chapter 104 of the 2017 Session Laws of Kansas from the operating expenditures account (173-00-1000-0200), the sum of $2,917 is hereby lapsed.

(h) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dwight D. Eisenhower statue fund ......................... No limit

Sec. 52.

OFFICE OF INFORMATION TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Information technology modernization ...................... $4,067,889
Office 365 cloud email services .............................. $826,378

Sec. 53.

OFFICE OF INFORMATION TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Information technology modernization ...................... $5,382,852

Provided, That any unencumbered balance in the information technology modernization account in excess of $100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019: Provided further, That expenditures
shall be made from the information technology modernization account during fiscal year 2019 by the above agency to appear before the senate committee on ways and means and the house of representatives committee on appropriations during the 2019 regular legislative session and report on the measures the above agency has undertaken, or plans to undertake during fiscal year 2020, to maximize efficiencies concerning information technology modernization, including, but not limited to: Identifying savings in personnel expenditures; savings to the state general fund and any special revenue fund or funds for each state agency; and processes and duties that are transferring from other state agencies to the above agency: And provided further, That during fiscal year 2019, the above agency shall submit a written report to the legislative research department concerning such maximized efficiencies.

Office 365 cloud email services ........................................ $826,378

Provided, That any unencumbered balance in the office 365 cloud email services account in excess of $100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Sec. 54.

STATE BOARD OF TAX APPEALS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the BOTA filing fee fund (562-00-2240-2240) of the state board of tax appeals is hereby increased from $1,057,264 to $1,059,123.

Sec. 55.

STATE BOARD OF TAX APPEALS

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the BOTA filing fee fund (562-00-2240-2240) of the state board of tax appeals is hereby increased from $1,073,475 to $1,077,192.

Sec. 56.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (565-00-1000-0303) ...................... $439,669

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the division of vehicles operating fund (565-00-2089-2020) of the department of revenue is hereby increased from $46,491,890 to $48,685,210.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer
$2,632,968 from the state highway fund (276-00-4100-4100) of the department of transportation to the division of vehicles operating fund (565-00-2089-2020) of the department of revenue.

Sec. 57.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (565-00-1000-0303) ................... $224,000

(b) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the division of vehicles operating fund (565-00-2089-2020) of the department of revenue is hereby increased from $46,545,716 to $48,268,528.

(c) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the MSA compliance fund (565-00-2274-2274) of the department of revenue is hereby increased from $1,333,220 to no limit.

(d) On July 1, 2018, the amount of $11,513,742 authorized by section 75(c) of chapter 104 of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the state highway fund (276-00-4100-4100) of the department of transportation to the division of vehicles operating fund (565-00-2089-2020) of the department of revenue on July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, is hereby increased to $12,171,984.

(e) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Alcoholic beverage control modernization fund................. No limit
Native American veterans’ income tax refund fund........... No limit

Sec. 58.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the $7,976,452 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 82(b) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account (300-00-1900-1110), the sum of $926,154 is hereby lapsed.

(b) On the effective date of this act, of the $1,622,939 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 82(b) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity zones
program account (300-00-1900-1150), the sum of $665,156 is hereby lapsed.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $930,000 from the state economic development initiatives fund (300-00-1900-1100) to the state general fund.

(d) On the effective date of this act, of the $2,800,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 82(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the KBA grant commitments account (300-00-1000-0800), the sum of $2,088,238 is hereby lapsed.

[†]

Sec. 59.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2019, the following:

Registered apprenticeship program............................... $740,000
Older Kansans employment program (300-00-1900-1140) .................. $260,000
Global trade services........................................... $250,000

[†]

(b) On July 1, 2018, of the $2,053,457 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 83(b) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity zones program account (300-00-1900-1150), the sum of $805,000 is hereby lapsed.

(c) On July 1, 2018, of the $7,553,313 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 83(b) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account (300-00-1900-1110), the sum of $202,000 is hereby lapsed.

(d) On July 1, 2018, the amount of $19,200,000 authorized by section 83(g) of chapter 104 of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the state economic development initiatives fund (300-00-1900-1100) of the department of commerce to the state general fund is hereby decreased to $18,700,000.

Sec. 60.

DEPARTMENT OF LABOR

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 86(b) of chapter 104 of the 2017 Session Laws of Kansas on the workmen’s compensation
fee fund (296-00-2124-2220) of the department of labor is hereby increased from $14,681,786 to $15,072,758.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 187(d) of chapter 104 of the 2017 Session Laws of Kansas on the workmen’s compensation fee fund (296-00-2124-2220) of the department of labor for such capital improvement purposes is hereby increased from $780,000 to $1,165,000.

Sec. 61.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Amusement ride safety (296-00-1000-0513)................. $249,511

(b) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 87(b) of chapter 104 of the 2017 Session Laws of Kansas on the workmen’s compensation fee fund (296-00-2124-2220) of the department of labor is hereby increased from $12,812,732 to $15,149,481.

(c) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 188(d) of chapter 104 of the 2017 Session Laws of Kansas on the workmen’s compensation fee fund (296-00-2124-2220) of the department of labor for such capital improvement purposes is hereby increased from $265,000 to $870,000.

Sec. 62.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures — administration (649-00-1000-0103)................................. $2,175
Operating expenditures — veteran services (694-00-1000-0203).......................................... $10,809
Operating expenditures — Kansas soldiers’ home (694-00-1000-0403)................................. $17,641
Operating expenditures — state veterans cemeteries (694-00-1000-0703)................................. $8,646

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2018, the following:

WaKeeney hail storm damage ........................................... $136,881

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, or any other statute, expenditures may be made from the WaKeeney hail storm damage account during fiscal year 2018 for capital improvements at the state veterans cemetery in WaKeeney.
(c) On the effective date of this act, of the $812,050 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 190(b) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the veterans’ home rehabilitation and repair projects account (694-00-8100-8250), the sum of $64,800 is hereby lapsed.

Sec. 63.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) On July 1, 2018, of the $637,900 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 191(b) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the soldiers’ home rehabilitation and repair projects account (694-00-8100-7100), the sum of $22,727 is hereby lapsed.

(b) On July 1, 2018, of the $812,050 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 191(b) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the veterans’ home rehabilitation and repair projects account (694-00-8100-8250), the sum of $40,670 is hereby lapsed.

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, the following:

Waste disposal .............................................. $125,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, or any other statute, expenditures may be made from the waste disposal account during fiscal year 2019 for the purchase of a waste disposal vehicle.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans benefit lottery game fund ............................... $1,200,000

Provided, That expenditures from the veterans benefit lottery game fund shall be in an amount equal to 50% for operating expenditures and capital improvements of the above agency, or for the use and benefit of the Kansas veterans’ home, the Kansas soldiers’ home and the state veterans cemetery system; and 50% for the veterans enhanced service delivery program.

(e) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the lottery operating fund (450-00-5123-5100) pursuant to K.S.A. 74-8711, and amendments thereto, on July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $1,200,000 from the lottery operating fund of the Kansas lottery to the
veterans benefit lottery game fund of the Kansas commission on veterans affairs office.

(f) On July 1, 2018, the provisions of section 78(c) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(g) On July 1, 2018, the $105,685 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 90(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the scratch lotto — Kansas veterans’ home account (694-00-1000-0300), is hereby lapsed.

(h) On July 1, 2018, the $459,354 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 90(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the scratch lotto — veterans services account (694-00-1000-0330), is hereby lapsed.

(i) On July 1, 2018, the $137,270 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 90(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the scratch lotto — Kansas soldiers’ home account (694-00-1000-0310), is hereby lapsed.

(j) On July 1, 2018, the $216,399 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 90(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the scratch lotto — veterans cemeteries account (694-00-1000-0340), is hereby lapsed.

Sec. 64.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

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

Veterans benefit lottery game fund ............................... $1,260,000

Provided, That expenditures from the veterans benefit lottery game fund shall be in an amount equal to 50% for operating expenditures and capital improvements of the above agency, or for the use and benefit of the Kansas veterans’ home, the Kansas soldiers’ home and the state veterans cemetery system; and 50% for the veterans enhanced service delivery program.

(b) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $1,260,000 from the lottery operating fund (450-00-5123-5100) of the Kansas lottery to the veterans benefit lottery game fund of the Kansas commission on veterans affairs office.
Sec. 65. DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF PUBLIC HEALTH
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (including official hospitality) —
  health (264-00-1000-0270) ............................................... $18,100
  Infants and toddlers program (264-00-1000-0570) ........... $1,000,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

CDC multipurpose grant federal fund (264-00-3243-3243) .................................................. No limit
Kansas newborn screening information system maintenance and enhancement federal fund (264-00-3612-3612) .................................................. No limit
Lifting young families toward excellence federal fund (264-00-3627-3627) .................................................. No limit
Campus sexual assault prevention grant – federal fund .... No limit
Child care criminal background and fingerprint fund....... No limit

Sec. 66. DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF PUBLIC HEALTH
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) —
  health (264-00-1000-0270) ............................................... $401,556
  Infants and toddlers program (264-00-1000-0570) ........... $1,000,000

Provided, That any unencumbered balance in the infant and toddlers program account in excess of $100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

(b) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2019, the following:

Healthy start (264-00-2000-2105) $33,066

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

CDC multipurpose grant federal fund (264-00-3243-3243) .................................................. No limit
Kansas newborn screening information system maintenance and enhancement federal fund (264-00-3612-3612) .................................................................................. No limit
Lifting young families toward excellence federal fund (264-00-3627-3627) .................................................................................. No limit
Campus sexual assault prevention grant – federal fund ..... No limit
Child care criminal background and fingerprint fund........ No limit

Sec. 67.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Other medical assistance (264-00-1000-3026) ................. $64,740,052
Wichita center for graduate medical education ............... $3,000,000

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 94(b) of chapter 104 of the 2017 Session Laws of Kansas on the preventive health care program fund (264-00-2556-2550) of the department of health and environment — division of health care finance is hereby decreased from $1,640,046 to $491,161.

(c) On the effective date of this act, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2018, by section 94(b) of chapter 104 of the 2017 Session Laws of Kansas on the cafeteria benefits fund (264-00-7720-9002) of the department of health and environment — division of health care finance is hereby decreased from $3,844,401 to $2,492,845.

(d) On the effective date of this act, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2018, by section 94(b) of chapter 104 of the 2017 Session Laws of Kansas on the dependent care assistance program fund (264-00-7740-8700) of the department of health and environment — division of health care finance is hereby decreased from $3,981,219 to $622,302.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 94(b) of chapter 104 of the 2017 Session Laws of Kansas on the medical programs fee fund (264-00-2395-0110) of the department of health and environment — division of health care finance is hereby increased from $95,498,999 to $106,998,999.

(f) (1) During the fiscal year ending June 30, 2018, notwithstanding the provisions of K.S.A. 2017 Supp. 65-6217 and 65-6218, and amendments thereto, or any other statute to the contrary, the director of accounts and reports shall transfer $11,500,000 from the health care access improvement fund (264-00-2443-2215) of the department of health and
environment – division of health care finance to the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance: Provided, however, That any such transfer shall be subject to the provisions of paragraph (2).

(2) During the fiscal year ending June 30, 2018, no moneys shall be transferred from the health care access improvement fund (264-00-2443-2215) of the department of health and environment — division of health care finance to any other account or fund unless and until the department of health and environment – division of health care finance implements a process to fully disclose and reconcile the balance and use of moneys in the health care access improvement fund and from the hospital provider assessment imposed pursuant to K.S.A. 2017 Supp. 65-6208, and amendments thereto, including revenue, expenditures, running balance of such fund, any deficits and write-offs: Provided, That any such process shall be approved by the health care access improvement panel established by K.S.A. 2017 Supp. 65-6218, and amendments thereto, prior to any such transfer: Provided further, That, if a 4% increase to the medicaid reimbursement rate for hospitals is not passed by the 2018 legislature and enacted into law, then no moneys shall be transferred from the health care access improvement fund to any other account or fund during fiscal year 2018: And provided further, That the department of health and environment – division of health care finance shall advise and consult with the health care access improvement panel and the Kansas hospital association to develop such process: And provided further, That the department of health and environment – division of health care finance shall execute non-disclosure agreements with the Kansas hospital association and other persons as determined to be necessary by the department of health and environment – division of health care finance to implement this subsection: And provided further, That the department of health and environment – division of health care finance shall share information with a third party agreed upon by the department of health and environment – division of health care finance and the Kansas hospital association, if sharing such information would not violate any state or federal statute, United States centers for medicare and medicaid services regulations or the department of health and environment – division of health care finance’s contractual obligations with managed care organizations and would not diminish the state’s ability to negotiate competitive contract rates with managed care organizations, create competitive harm between managed care organizations or disclose trade secrets of the state’s actuary that could provide an economic benefit to an entity by using the actuary’s investment in the rate modeling process, subject to any applicable non-disclosure agreement entered into to prevent any such disclosure.

(g) On the effective date of this act, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2018, by section 94(b) of chapter 104 of the
2017 Session Laws of Kansas on the health benefits administrations clearing fund — remit admin service org (264-00-7746-7746) of the department of health and environment — division of health care finance is hereby increased from $9,050,000 to $12,157,000.

(h) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the department of health and environment — division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys to modify the manner in which state medicaid services under the Kansas medical assistance program were provided on January 1, 2018, by implementing: Any provision of K.S.A. 2017 Supp. 39-709h and 39-709i, and amendments thereto; any policy that expands access to behavioral health services or services delivered through telehealth technology services, if such policy does not impose any new eligibility requirements or limitations to receive state medicaid services that were not in effect on January 1, 2018; and any other action approved by express prior authorization by an act or appropriation act of the legislature.'

[ † ]

Sec. 68.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Other medical assistance (264-00-1000-3026) ................. $162,197,716

Provided, That expenditures shall be made from the other medical assistance account during fiscal year 2019 in an amount not to exceed $556,000 for medicaid reimbursement to emergency medical services providers:

[ † ]

Wichita center for graduate medical education .......... $2,950,000
Graduate medical education................................. $1,300,000
Health policy operating expenditures (264-00-1000-0010). .................. $302,600
Evidence based juvenile programs ......................... $6,000,000

(b) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 95(b) of chapter 104 of the 2017 Session Laws of Kansas on the preventive health care program fund (264-00-2556-2550) of the department of health and environment — di-
vision of health care finance is hereby decreased from $1,649,246 to $494,649.

(c) On July 1, 2018, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2019, by section 95(b) of chapter 104 of the 2017 Session Laws of Kansas on the cafeteria benefits fund (264-00-7720-9002) of the department of health and environment — division of health care finance is hereby decreased from $3,843,557 to $2,533,492.

(d) On July 1, 2018, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2019, by section 95(b) of chapter 104 of the 2017 Session Laws of Kansas on the dependent care assistance program fund (264-00-7740-8700) of the department of health and environment — division of health care finance is hereby decreased from $3,987,115 to $625,012.

(e) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment — division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to increase medicaid reimbursement rates for hospitals by 4%: Provided, That such rate increase shall be reflected in the hospital medicaid fee schedule.

(f) During the fiscal year ending June 30, 2019, no moneys shall be transferred from the health care access improvement fund (264-00-2443-2215) of the department of health and environment — division of health care finance to any other account or fund unless and until the department of health and environment — division of health care finance implements a process to fully disclose and reconcile the balance and use of moneys in the health care access improvement fund and from the hospital provider assessment imposed pursuant to K.S.A. 2017 Supp. 65-6208, and amendments thereto, including revenue, expenditures, running balance of such fund, any deficits and write-offs: Provided, That any such process shall be approved by the health care access improvement panel established by K.S.A. 2017 Supp. 65-6218, and amendments thereto, prior to any such transfer: Provided further, That the department of health and environment — division of health care finance shall advise and consult with the health care access improvement panel and the Kansas hospital association to develop such process: And provided further, That the department of health and environment — division of health care finance shall execute non-disclosure agreements with the Kansas hospital association and other persons as determined to be necessary by the department of health and environment — division of health care finance to implement this subsection: And provided further, That the department of health and
environment – division of health care finance shall share information with a third party agreed upon by the department of health and environment – division of health care finance and the Kansas hospital association, if sharing such information would not violate any state or federal statute, United States centers for medicare and medicaid services regulations or the department of health and environment – division of health care finance’s contractual obligations with managed care organizations and would not diminish the state’s ability to negotiate competitive contract rates with managed care organizations, create competitive harm between managed care organizations or disclose trade secrets of the state’s actuary that could provide an economic benefit to an entity by using the actuary’s investment in the rate modeling process, subject to any applicable non-disclosure agreement entered into to prevent any such disclosure: And provided further, That, if a 4% increase to the medicaid reimbursement rate for hospitals is not passed by the 2018 legislature and enacted into law, then no moneys shall be transferred from the health care access improvement fund to any other account or fund during fiscal year 2019.

(g) On July 1, 2018, the expenditure limitation for salaries and wages and other operating expenditures established for the fiscal year ending June 30, 2019, by section 95(b) of chapter 104 of the 2017 Session Laws of Kansas on the health benefits administrations clearing fund — remit admin service org (264-00-7746-7746) of the department of health and environment — division of health care finance is hereby increased from $9,050,000 to $11,005,000.

(h) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys in an amount not to exceed $2,500,000 from the state general fund, plus any matching federal moneys, to reinstate a program implementing state medicaid services for health homes pursuant to 42 U.S.C. § 1396w-4: Provided, That participation in such program shall be on an opt-in basis and not on the basis of automatic enrollment: Provided further, That participation in such program shall be open to youth and adults: And provided further, That the above agency shall not allow any managed care organization providing the above services under the Kansas medical assistance program to claim an administrative claiming rate higher than 10% to provide such services.
(j) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment — division of health care finance from moneys appropriated from the state general fund or in any special revenue fund or funds by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys in an amount not to exceed $350,000 of state moneys, plus any associated federal matching moneys, to provide coverage and reimburse any participating healthcare provider under the Kansas medical assistance program for tobacco cessation treatments for any state medicaid recipient, including: any United States Food and Drug Administration-approved medication prescribed as a tobacco cessation treatment; and individual, group or telephone counseling for tobacco cessation, as defined by the United States centers for medicare and medicaid services for purposes of medicaid reimbursement: Provided, That the above agency and any managed care organization administering state medicaid services shall not impose any prior authorization requirements upon any treatments prescribed or ordered for tobacco cessation purposes by a participating healthcare provider: Provided, however, That a recipient of state medicaid services shall not be limited in the number of covered tobacco cessation attempts for counseling treatments, whether on an annual, lifetime or other basis, but shall be limited to four covered tobacco cessation attempts per year for medication treatment: And provided, however, That the above agency shall implement and administer this subsection in accordance with federal law and requirements imposed by the United States centers for medicare and medicaid services: Provided further, That the above agency shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this subsection.

Sec. 69.
DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now and hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

EPA multi-purpose grant fund (264-00-3103-3630) .......... No limit
Sec. 70.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality)
(264-00-1000-0300) ................................................ $175,000

(b) There is appropriated for the above agency from the special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now and hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

EPA multi-purpose grant fund (264-00-3103-3630) ........... No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the state water plan project or projects specified, the following:

Watershed restoration and protection plan (264-00-1800-1808) ........................................................................... $175,000

Milford and Marion reservoirs harmful algae bloom pilot ................................................................................. $450,000

Sec. 71.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Larned state hospital — sexual predator treatment program (410-00-1000-0200) ......................................................... $2,519,398

Osawatomie state hospital — operating expenditures (494-00-1000-0100) ................................................................. $2,904,176

RSI crisis center base services ........................................... $3,576,100

Comcare crisis center base services ......................................... $1,300,000

Valeo crisis center base services ........................................... $500,000

Salina crisis center base services .......................................... $85,000

(b) On the effective date of this act, of the $616,064,457 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 99(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — NF account (039-00-1000-0520), the sum of $29,798,009 is hereby lapsed.

(c) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the LTC — medicaid assistance — NF account (039-00-1000-0520) of the Kansas department for aging and disability services for fiscal year 2018
by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys, notwithstanding the provisions of K.S.A. 2017 Supp. 75-5958, and amendments thereto, or any other statute to the contrary, and subject to appropriations, to provide rate increases for nursing facilities.

(d) On the effective date of this act, of the $36,137,277 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 99(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the Larned state hospital — operating expenditures account (410-00-1000-0103), the sum of $3,744,086 is hereby lapsed.

(e) On the effective date of this act, of the $33,180,993 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 99(a) of chapter 104 of the 2017 Session Laws of Kansas from the community mental health centers supplemental funding account (039-00-1000-3001), the sum of $1,885,000 is hereby lapsed.

(f) On the effective date of this act, of the $17,257,484 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 99(a) of chapter 104 of the 2017 Session Laws of Kansas from the community aid account (039-00-1000-3004), the sum of $3,576,100 is hereby lapsed.

(g) On the effective date of this act, of the $3,849,532 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 185(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service — new state security hospital account (039-00-8100-8320), the sum of $303 is hereby lapsed.

(h) On the effective date of this act, of the $2,583,200 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 185(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service — state hospitals rehabilitation and repair account (039-00-8100-8325), the sum of $116,590 is hereby lapsed.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 99(b) of chapter 104 of the 2017 Session Laws of Kansas on the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability service is hereby decreased from no limit to $6,822,437.

(j) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 99(b) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas neurological institute fee fund (363-00-2059-2000) of the Kansas department for aging and disability services is hereby increased from $1,744,846 to $1,902,791.

(k) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 99(b) of chapter
104 of the 2017 Session Laws of Kansas on the Larned state hospital fee 
fund (410-00-2073-2100) of the Kansas department for aging and disa-
Bility services is hereby increased from $3,444,194 to $3,556,862.

(l) On the effective date of this act, the expenditure limitation estab-
lished for the fiscal year ending June 30, 2018, by section 99(b) of chapter 
104 of the 2017 Session Laws of Kansas on the Osawatomie state hospital 
fee fund (494-00-2079-4200) of the Kansas department for aging and disa-
Bility services is hereby decreased from $1,589,186 to $875,690.

(m) On the effective date of this act, the expenditure limitation es-
lished for the fiscal year ending June 30, 2018, by section 99(b) of chapter 
104 of the 2017 Session Laws of Kansas on the Osawatomie state 
hospital certified care fund (494-00-2079-4201) of the Kansas department 
for aging and disability services is hereby decreased from $2,398,316 to 
$0.

(n) On the effective date of this act, the expenditure limitation estab-
lished for the fiscal year ending June 30, 2018, by section 99(b) of chapter 
104 of the 2017 Session Laws of Kansas on the Parsons state hospital and 
training center fee fund (507-00-2082-2200) of the Kansas department 
for aging and disability services is hereby decreased from $1,372,386 to 
$1,155,304.

(o) On the effective date of this act, of the $185,248 appropriated for 
the above agency for the fiscal year ending June 30, 2018, by section 
185(a) of chapter 104 of the 2017 Session Laws of Kansas from the state 
institutions building fund in the Kansas neurological institute — energy 
conservation improvement debt service account (363-00-8100-8000), the 
sum of $1,262 is hereby lapsed.

(p) There is appropriated for the above agency from the state insti-
tutions building fund for the fiscal year ending June 30, 2018, the follow-
ing:

Parsons state hospital and training center — energy con-
Bervation improvement debt service (507-00-8100-
8330) .................................................. $16,531

(q) There is hereby appropriated for the above agency from the fol-
lowing special revenue fund or funds for the fiscal year ending June 30, 
2018, all moneys now or hereafter lawfully credited to and available in 
such fund or funds, except that expenditures other than refunds author-
ized by law shall not exceed the following:

Opioid abuse treatment & prevention federal fund (039-
00-3023-3024) .................................................. No limit

(r) On the effective date of this act, any unencumbered balance in 
the Larned state hospital — SPTP reintegration program account (410-
00-1000-0400) in excess of $100 for the fiscal year ending June 30, 2018, 
is hereby transferred to the Larned state hospital — sexual predator treat-
ment program account (410-00-1000-0200) for fiscal year 2018.
(s) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made from the general fees fund (039-00-2524-2500) for fiscal year 2018 by the above agency by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such fund to pay rainbow services incorporated in an amount not to exceed $1,200,000.

Sec. 72.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

- Nursing facilities regulation (039-00-1000-0710) ............. $85,168
- Nursing facilities regulation — title XIX (039-00-1000-0712) .................................................. $155,854
- Larned state hospital — sexual predator treatment program (410-00-1000-0200) ........................................ $6,272,028
- Osawatomie state hospital – operating expenditures (494-00-1000-0100) .................................................. $12,321,514
- RSI crisis center base services ...................................... $3,576,100
- Comcare crisis center base services ............................... $1,300,000
- Valeo crisis center base services.................................... $500,000
- Salina crisis center base services ................................... $85,000
- Parsons state hospital – operating expenditures (507-00-1000-0100) .................................................. $559,765
- Program grants – nutrition – state match (039-00-1000-0280) .................................................. $200,000
- Clubhouse model rehabilitation services ........................ $500,000

Provided, however. That, if 2018 House Bill No. 2517, or any other legislation that requires the director of accounts and reports to transfer monies from the lottery operating fund to the clubhouse model program fund, is passed by the legislature during the 2018 regular session of the legislature and enacted into law, then the $500,000 appropriated by this section from the state general fund in the clubhouse model rehabilitation services account is hereby lapsed.

(b) On July 1, 2018, of the $651,956,862 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — NF account (039-00-1000-0520), the sum of $20,138,196 is hereby lapsed.

(c) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the LTC — medicaid assistance — NF account (039-00-1000-0520) of the
Kansas department for aging and disability services for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys, notwithstanding the provisions of K.S.A. 2017 Supp. 75-5958, and amendments thereto, or any other statute to the contrary, and subject to appropriations, to provide rate increases for nursing facilities.

(d) On July 1, 2018, of the $36,478,239 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Sessions Laws of Kansas from the state general fund in the Larned state hospital — operating expenditures account (494-00-1000-0103), the sum of $251,246 is hereby lapsed.

(e) On July 1, 2018, of the $35,880,993 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Sessions Laws of Kansas from the community mental health centers supplemental funding account (039-00-1000-3001), the sum of $1,768,800 is hereby lapsed.

(f) On July 1, 2018, of the $17,257,484 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Sessions Laws of Kansas from the community aid account (039-00-1000-3004), the sum of $3,576,100 is hereby lapsed.

(g) On July 1, 2018, of the $3,845,751 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 186(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – new state security hospital account (039-00-8100-8320), the sum of $1 is hereby lapsed.

(h) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services is hereby decreased from no limit to $6,825,996.

(i) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the neurological institute fee fund (363-00-2059-2000) of the Kansas department for aging and disability services is hereby decreased from $1,746,245 to $1,741,119.

(j) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the Larned state hospital fee fund (410-00-2073-2100) of the Kansas department for aging and disability services is hereby decreased from $3,946,302 to $3,946,301.

(k) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the Osawatomie state hospital fee fund
of the Kansas department for aging and disability services is hereby decreased from $1,469,674 to $840,706.

(l) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the Osawatomie state hospital certified care fund (494-00-2079-4201) of the Kansas department for aging and disability services is hereby increased from $2,220,000 to $2,638,131.

(m) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 100(b) of chapter 104 of the 2017 Session Laws of Kansas on the Parsons state hospital and training center fee fund (507-00-2082-2200) of the Kansas department for aging and disability services is hereby decreased from $1,372,386 to $1,049,582.

(n) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, the following:

Parsons state hospital and training center — energy conservation improvement debt service (507-00-8100-8330) .................................................. $9,367

(o) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Opioid abuse treatment & prevention federal fund (039-00-3023-3024) .................................................. No limit
Health occupations credentialing fee fund ..................... No limit

(p) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to ensure that no crisis center shall receive an amount of moneys from the above agency that is less than the amount that such crisis center received in fiscal year 2018.

(q) On July 1, 2018, the $1,888,206 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the Larned state hospital — SPTP reintegration program account (410-00-1000-0400), is hereby lapsed.

(r) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from the state general fund or
any special revenue fund or funds for fiscal year 2019 for the Kansas
department for aging and disability services as authorized by section 100
of chapter 104 of the 2017 Session Laws of Kansas, this or other appro-
priation act of the 2018 regular session of the legislature, expenditures
shall be made by the Kansas department for aging and disability services
for fiscal year 2019 to develop a long-term plan to eliminate the waiting
list for the home and community based services waiver: Provided, That
the Kansas department for aging and disability services shall include such
long-term plan in its revised budget estimate submission during the fall
of 2018.

(s) On July 1, 2018, the $673,756 appropriated for the above agency
for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104
of the 2017 Session Laws of Kansas from the state general fund in the
health occupational credentialing account (039-00-1000-0800) is hereby
lapsed.

(t) During the fiscal year ending June 30, 2019, in addition to the
other purposes for which expenditures may be made by the above agency
from moneys appropriated from the state general fund or from any special
revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017
Session Laws of Kansas, this or any other appropriation act of the 2018
regular session of the legislature, expenditures shall be made by the above
agency from such moneys, not to exceed $50,000, to continue the mental
health task force established by section 99(r) of chapter 104 of the 2017
Session Laws of Kansas: Provided, That in addition to the members ap-
pointed to the task force pursuant to section 99(r) of chapter 104 of the
2017 Session Laws of Kansas, the task force shall consist of two additional
members, one to be appointed by the Kansas hospital association and one
to be appointed by the Kansas association for the medically underserved:
Provided further, That such task force shall study the following topics:
The Kansas mental health delivery system, including a prioritization of,
or the creation of, a strategic plan addressing the recommendations of
the report filed on January 8, 2018; ascertaining the total number of
psychiatric beds needed to most effectively deliver mental health services
and the location where such services would be best provided in Kansas,
working in conjunction with the entity that facilitated the task force’s
activities in fiscal year 2018; and any other matters relating to mental
health services as such task force deems appropriate: And provided fur-
ther, That such task force shall submit a report on the task force’s findings
to the senate standing committees on ways and means and public health
and welfare and the house of representatives standing committees on
appropriations and health and human services on or before January 14,
2019.

(u) During the fiscal year ending June 30, 2019, in addition to the
other purposes for which expenditures may be made from the general
fees fund (039-00-2524-2500) for fiscal year 2019 by the above agency by
chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such fund to provide for emergency crisis housing and associated living expenses for: (1) Individuals who were served by the RSI crisis center in an amount not to exceed $200,000; (2) individuals who were served by the comcare crisis center in an amount not to exceed $200,000; and (3) individuals who were served by the valeo crisis center in an amount not to exceed $200,000: Provided, however, that the secretary of the above agency shall submit a written report on the use of such expenditures to the house of representatives committee on appropriations and the senate committee on ways and means on or before January 14, 2019.

(v) On July 1, 2018, of the $17,642,543 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the state operations account (039-00-1000-0801), the sum of $131,503 is hereby lapsed.

(w) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or in any special revenue fund or funds as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit a report to the legislature, the senate committee on ways and means and the house of representatives committee on appropriations during the 2019 regular session of the legislature detailing the above agency’s progress to submit to the United States centers for medicare and medicaid services a state medicaid plan amendment that would allow the state to receive federal matching moneys for supported behavioral health housing services projects.

Sec. 73.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

State operations (including official hospitality) (629-00-1000-0013) ........................................................................... $3,103,170

Provided, That on or before June 30, 2018, the director of the budget shall certify the amount expended for the protective investigator position to assist with locating missing foster children in fiscal year 2018 for salary and wages, including associated fringe benefits, and travel expenses, communications and supplies: Provided further, That on June 30, 2018, of the amount appropriated for the fiscal year ending June 30, 2018, by this section from the state general fund in the state operations (including official hospitality) account, any amount of the $31,146 budgeted for such
position that is not expended as part of such certified amount is hereby lapsed: And provided further, That if the director of the budget makes any certification under this proviso, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Youth services aid and assistance (629-00-1000-7020) ..... $15,060,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:
Project maintenance reserve fund (629-00-2214-0150) No limit

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:
State operations (including official hospitality) (629-00-1000-0013) $4,756,919
Youth services aid and assistance (629-00-1000-7020) $23,420,965

(b) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2019, the following:
Family preservation (629-00-2000-2413) $80,745

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:
Project maintenance reserve fund (629-00-2214-0150) No limit

(d) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the temporary assistance to needy families federal fund (629-00-3323-0530) of the Kansas department for children and families for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys in an amount not to exceed $1,000,000 to make direct payments to boys and girls club, YMCA and municipal parks and recreation agency programs: Provided, That 50% of such moneys shall be expended for the operation and administration of such programs that help youth explore a broad range of career areas; match youth skill and interest to career areas; support youth in preparing for employment; teach youth the negative consequences of using substances such as drugs, alcohol and tobacco; and help youth build skills for eating a healthy diet, exercising, accessing quality healthcare or developing positive relationships: Provided further, That 50% of such moneys shall be expended for the payment of fees for participation in
after-school programs by children in foster care in the state of Kansas:

*Provided, however,* That such payments shall only be made to the extent allowed under federal law.

Sec. 75.

**DEPARTMENT OF EDUCATION**

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>KPERS — employer contributions (652-00-1000-0100) ...</td>
<td>$2,140,000</td>
</tr>
<tr>
<td>KPERS — employer contributions — USDs (652-00-1000-0110)</td>
<td>$9,813,000</td>
</tr>
<tr>
<td>State foundation aid (652-00-1000-0820)</td>
<td>$10,968,783</td>
</tr>
<tr>
<td>Incentive for technical education (652-00-1000-0130)</td>
<td>$55,000</td>
</tr>
</tbody>
</table>

(b) On the effective date of this act, of the $480,920,922 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 1(a) of chapter 95 of the 2017 Session Laws of Kansas from the state general fund in the supplemental state aid account (652-00-1000-0840), the sum of $26,420,922 is hereby lapsed.

Sec. 76.

**DEPARTMENT OF EDUCATION**

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Juvenile transitional crisis center pilot project ......</td>
<td>$300,000</td>
</tr>
</tbody>
</table>

*Provided,* That expenditures from the juvenile transitional crisis center pilot project account shall be used by the above agency during fiscal year 2019 to develop a regional crisis center pilot project at the Beloit special education cooperative founded on research and evidence-based practices designed to meet the unique social and emotional needs of students identified as at-risk or with disabilities: *Provided further,* That such project shall provide individualized programming to attain such student’s high school diploma and job skills while working through the social skills program: *And provided further,* That the commissioner of education shall provide an update to the legislature on or before the first day of the 2019 regular legislative session on the implementation of the pilot project developed by this proviso.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State foundation aid (652-00-1000-0820)</td>
<td>$75,612,255</td>
</tr>
<tr>
<td>KPERS – employer contributions – USDs (652-00-1000-0110)</td>
<td>$32,147,000</td>
</tr>
<tr>
<td>KPERS – employer contributions (652-00-1000-0100) .....</td>
<td>$5,632,000</td>
</tr>
<tr>
<td>Special education services aid (652-00-1000-0700) ......</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Career and technical education transportation ..........</td>
<td>$650,000</td>
</tr>
<tr>
<td>Teach for America pilot program</td>
<td>$520,000</td>
</tr>
</tbody>
</table>
Education super highway........................................... $300,000
Incentive for technical education (652-00-1000-0130)........ $750,000
Operating expenditures (including official hospitality)
(652-00-1000-0053) ................................................ $300,000

Provided, That, in addition to other positions within the department of education as prescribed by law, expenditures shall be made from the operating expenditures (including official hospitality) account to employ two additional employees to review and evaluate school safety and security plans and provide technical assistance to school districts on such plans.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:
School safety and security grant fund ....................... $5,000,000

Provided, That all moneys in the school safety and security grant fund expended for fiscal year 2019 shall be matched by the receiving school district on a $1 for $1 basis from other moneys of the district:
Provided further, That all expenditures from the school safety and security grant fund shall be used for the disbursement of grant moneys for school safety and security improvements as approved by the state board of education under this section.

(c) On July 1, 2018, the director of accounts and reports shall transfer $5,000,000 from the state general fund to the school safety and security grant fund of the department of education.

(d) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for such agency as authorized by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys for the state board of education to develop and adopt statewide standards for making all public schools and attendance centers operated by school districts in this state safe and secure: Provided, That in developing such standards, the state board of education: (1) Shall consult with the office of the adjutant general, the Kansas bureau of investigation, the department of health and environment, the state fire marshal and any other state agencies as deemed necessary by the state board of education; and (2) may consult with any local agencies and school boards as deemed necessary by the state board of education: Provided further, That the standards developed by the state board of education under this subsection shall include, but are not limited to: (1) The infrastructure of school buildings and attendance centers operated by school districts in this state, including secured entrances, windows and other facets of the structural integrity of
such buildings; (2) security technology to be utilized in such buildings, including, but not limited to, intrusion detection systems and security cameras; (3) communications systems, including, but not limited to, systems for interoperability between the school district and law enforcement agencies; and (4) any other systems or facilities the state board of education deems necessary for the safety and security of such buildings: And provided further, That the state board of education shall notify all school districts of the standards adopted under this subsection on or before January 1, 2019: And provided further, That the state board of education shall also provide notice of the adopted standards to those state agencies set forth in this subsection and any other state agencies the state board of education consulted with in developing such standards: And provided further, That to the extent such standards contain emergency or security information or procedures, the state board of education shall maintain the confidentiality of such standards when sending notices pursuant to this subsection.

(e) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for such agency as authorized by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys for the state board of education to develop and adopt statewide standards for school safety and security plans to be adopted by each school district: Provided, That in developing such standards, the state board of education: (1) Shall consult with the office of the adjutant general, the Kansas bureau of investigation, the department of health and environment, the state fire marshal and any other state agencies as deemed necessary by the state board of education; and (2) may consult with any local agencies and school boards as deemed necessary by the state board of education: Provided further, That the standards developed by the state board of education under this subsection shall include, but are not limited to: (1) Evaluation of the infrastructure of school buildings and attendance centers for compliance with standards adopted under subsection (d); (2) training of school district employees on school safety and security policies and procedures and conducting student drills on emergency situations; (3) procedures for making notifications to individuals located outside of the school building during emergency situations and maintaining communication with law enforcement agencies and other necessary individuals; (4) procedures for securing school buildings during an emergency situation; (5) procedures for emergency evacuation of school buildings, including evacuation routes and sites; (6) procedures for recovery after an emergency situation ceases; (7) coordination and incorporation of school safety and security plans with existing school district emergency response plans; (8) distribution of
school safety and security plans to local law enforcement agencies and emergency management agencies; (9) procedures for ensuring there is accountability for adopting and implementing the school safety and security plan in accordance with this subsection and the standards adopted by the state board of education; and (10) any other policies and procedures the state board of education deems necessary for school safety and security plans: And provided further, That in developing standards for school safety and security plans under this subsection, the state board of education shall identify roles and responsibilities for implementing school safety and security plans at the school district and school building level: And provided further, That the state board of education also shall identify the role of local law enforcement agencies and local emergency management agencies when partnering with school districts in the development and implementation of school safety and security plans: And provided further, That the state board of education may consider and utilize any materials, documentation or videos that are available through the United States department of homeland security in developing standards under this subsection: And provided further, That the state board of education shall notify all school districts of the standards adopted under this subsection on or before January 1, 2019: And provided further, That the state board of education shall also provide notice of the adopted standards to those state agencies set forth in this subsection and any other state agencies the state board of education consulted with in developing such standards: And provided further, That to the extent such standards contain emergency or security information or procedures, the state board of education shall maintain the confidentiality of such standards when sending notices pursuant to this subsection.

(f) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for such agency as authorized by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to require each school district to adopt a comprehensive school safety and security plan based on the statewide standards adopted by the state board of education under subsections (d) and (e): Provided, That prior to the adoption of a school safety and security plan, each school district shall consult with one or more local law enforcement agencies and local emergency management agencies to review and evaluate: (1) Existing infrastructure of school buildings and attendance centers operated by such school district; and (2) current school district safety and security policies and procedures: Provided further, That the local law enforcement agencies and emergency management agencies may provide guidance on improving a school district’s building infrastructure or safety and security polices and
procedures: And provided further, That the review and evaluation, and any guidance provided as a result thereof, shall be done in accordance with the standards adopted by the state board of education under subsections (d) and (e): And provided further, That upon adoption of a school safety and security plan, the superintendent of the school district shall send a copy of such plan to each local law enforcement agency and emergency management agency the school district consulted with, and shall send a copy to the state board of education: And provided further, That each school district may submit an application to the state board of education for a grant of school safety and security improvement moneys: And provided further, That such application shall be submitted in such form and manner as prescribed by the state board of education, and shall include the current school district safety and security policies and procedures and a description of the school safety and security improvements the school district determines to be necessary: And provided further, That school safety and security improvements shall be determined based on the standards adopted by the state board of education under subsections (d) and (e): And provided further, That the state board of education shall review all applications and approve or deny such applications based on whether the applicant school district has demonstrated the necessity of school safety and security improvements: And provided further, That as part of its review of an application, the state board of education may conduct a hearing and provide the applicant school district an opportunity to present testimony as to the necessity of such school safety and security improvements: And provided further, That if the state board of education approves an application, it shall determine the amount of moneys to be disbursed to the applicant school district from the school safety and security grant fund: And provided further, That if the state board of education denies an application, then, within 15 days of such denial, the state board of education shall send written notice of such denial to the superintendent of such school district: And provided further, That all administrative proceedings pursuant to this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act: And provided further, That any action by the state board of education pursuant to this subsection shall be subject to review in accordance with the Kansas judicial review act.

(g) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 for such agency as authorized by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys for school districts to provide firearm safety education programs for the purposes of promoting the safety and protection of students and emphasizing how
students should respond when encountering a firearm: Provided, That the state board of education shall establish curriculum guidelines for a standardized firearm safety education program: Provided further, That such guidelines shall include, but not be limited to, accident prevention and: (1) For students enrolled in kindergarten and grades one through five, shall be based on the eddie eagle gunsafe program offered by the national rifle association or any other evidence-based program or any successor program; (2) for students enrolled in grades six, seven and eight, shall be based on the eddie eagle gunsafe program offered by the national rifle association or any successor program, the hunter education in our schools program offered by the Kansas department of wildlife, parks and tourism or any successor program, or any other evidence-based program or any successor program; and (3) for students enrolled in grades nine through 12, shall be based on the hunter education in our schools program offered by the Kansas department of wildlife, parks and tourism or any successor program, or any other evidence-based program or any successor program: And provided further, That if a board of education of a school district elects to provide firearm safety education, such instruction shall be in accordance with the accident prevention guidelines and guidelines established in paragraphs (1), (2) and (3).

(h) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2019, the following:

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIF grants (652-00-2000-2408)</td>
<td>$2,343,930</td>
</tr>
<tr>
<td>Quality initiative infants and toddlers (652-00-2000-2420)</td>
<td>$69,534</td>
</tr>
<tr>
<td>Early childhood block grant autism diagnosis (652-00-2000-2422)</td>
<td>$6,953</td>
</tr>
<tr>
<td>Communities aligned in early development and education</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Pre-K pilot (652-00-2000-2535)</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>Parent education program (652-00-2000-2510)</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

Provided, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant.

(i) On July 1, 2018, during the fiscal year ending June 30, 2019, any expenditures from the parent education program account (652-00-2000-2510) of the children’s initiatives fund by section 2(c) of chapter 95 of the 2017 Session Laws of Kansas for each grant shall be matched by the school district in an amount that is equal to not less than 50% of the grant, and on July 1, 2018, the provisions of section 2(c) of chapter 95 of the 2017 Session Laws of Kansas that provide for such match to be in an amount that is equal to not less than 65% of the grant are hereby declared to be null and void and shall have no force and effect.

(j) In addition to the other purposes for which expenditures may be
made by the above agency from the moneys appropriated from the state foundation aid account (652-00-1000-0820) of the state general fund for fiscal year 2019 for such state agency as authorized by chapter 95 of the 2017 Session Laws of Kansas, 2018 Substitute for Senate Bill No. 423, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by such agency from moneys appropriated from the state foundation aid account of the state general fund for fiscal year 2019 for the commissioner of education to allow three-year old preschool-aged at-risk students to participate in the program if such students meet the following requirements: (1) Are under the age of eligibility for attendance at kindergarten; (2) have been selected by the state board of education in accordance with guidelines governing the selection of students for participation in head start programs; (3) do not replace four-year old preschool-aged at-risk students; and (4) only fill available openings in such programs.

(k) On July 1, 2018, the amount of $24,150,000 authorized by section 2(b) of chapter 95 of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the state highway fund (276-00-4100-4100) of the department of transportation to the general state aid transportation weighting — state highway fund (652-00-2222-2222) of the department of education on July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, is hereby decreased to $11,250,000.

(l) The director of accounts and reports shall not make the transfer of $2,500,000 from the state highway fund of the department of transportation to the special education transportation weighting — state highway fund (652-00-2223-2223) of the department of education that was authorized to be made on July 1, 2018, October 1, 2018, January 1, 2019, and April 1, 2019, by section 2(b) of chapter 95 of the 2017 Session Laws of Kansas and, on July 1, 2018, the provisions of section 2(b) of chapter 95 of the 2017 Session Laws of Kansas that provide for such transfers are hereby declared to be null and void and shall have no force and effect.

(m) The director of accounts and reports shall not make the transfer of $650,000 from the state highway fund of the department of transportation to the career and technical education transportation — state highway fund (652-00-2139-2139) of the department of education that was authorized to be made on July 1, 2018, by section 2(b) of chapter 95 of the 2017 Session Laws of Kansas and, on July 1, 2018, the provisions of section 2(b) of chapter 95 of the 2017 Session Laws of Kansas that provide for such transfer is hereby declared to be null and void and shall have no force and effect.

(n) On July 1, 2018, of the $486,109,284 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 2(a) of chapter 95 of the 2017 Session Laws of Kansas from the state general fund in the supplemental state aid account (652-00-1000-0840), the sum of $8,186,284 is hereby lapsed.
(o) On July 1, 2018, the provisions of section 1(b) of 2018 Substitute for Senate Bill No. 423 are hereby declared to be null and void and shall have no force and effect.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund in the mental health intervention team pilot program account for fiscal year 2019 as authorized by section 1(a) of 2018 Substitute for Senate Bill No. 423, this act or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated from the state general fund in the mental health intervention team pilot program account for fiscal year 2019 for the commissioner of education to review and approve the memorandums of understanding that have been executed between the participating school districts and community mental health centers to implement the mental health intervention team pilot program: Provided, That upon approval, moneys in such account shall be expended to provide treatment and services for students under the mental health intervention team pilot program: Provided, however, That the aggregate of such expenditures for treatment and services provided pursuant to this subsection shall not exceed $1,541,050.

Sec. 77.

STATE HISTORICAL SOCIETY

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 116(b) of chapter 104 of the 2017 Session Laws of Kansas on expenditures from the heritage trust fund (288-00-7379-7600) of the state historical society for state operations is hereby increased from $56,244 to $57,476.

Sec. 78.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (246-00-1000-0013) ........................................................... $618,799
Master’s-level nursing capacity (246-00-1000-0100) ........ $77
Kansas wetlands education center at Cheyenne bottoms (246-00-1000-0200) ............................................................ $4,927
Kansas academy of math and science (246-00-1000-0300) ............................................................... $13,751

Sec. 79.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:
Electrical distribution system project fund (367-00-8001-8318) .......................................................... No limit
Salina project fund (367-00-2062-2000) ......................... No limit
Sec. 80.

KANSAS STATE UNIVERSITY
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (367-00-1000-0003) ................................................ $1,790,142
Midwest institute for comparative stem cell biology (367-00-1000-0170) ................................................ $2,443
Global food systems (367-00-1000-0190) ......................... $18,817
Kansas state university polytechnic campus (367-00-1000-0150) ................................................ $116,415
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Electrical distribution system project fund (367-00-2520-2080) ................................................ No limit
Salina project fund (367-00-2062-2000) ......................... No limit
Sec. 81.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Cooperative extension service (including official hospitality) (369-00-1000-1020) ........................................... $321,171
Agricultural experiment stations (including official hospitality) (369-00-1000-1030) ........................................ $524,335
Sec. 82.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (368-00-1000-5003) ................................................ $189,662
Operating enhancement (368-00-1000-5023) ...................... $94,407
Sec. 83.

EMPORIA STATE UNIVERSITY
(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018,
all moneys now or hereafter lawfully credited to and available in such
fund or funds, except that expenditures shall not exceed the following:
Abigail Morse hall and the residential life residence project
fund (379-00-5650-5120) ......................................... No limit

Sec. 84.

EMPORIA STATE UNIVERSITY
(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2019, the following:
Department of nursing.............................................. $535,000
Operating expenditures (including official hospitality)
(379-00-1000-0083) ............................................ $530,635
Reading recovery program (379-00-1000-0100)............... $3,585
Nat’l Board Cert/Future Teacher Academy (379-00-1000-0200) .................................................. $2,185
(b) There is appropriated for the above agency from the following
special revenue fund or funds for the fiscal year ending June 30, 2019,
all moneys now or hereafter lawfully credited to and available in such
fund or funds, except that expenditures shall not exceed the following:
Abigail Morse hall and the residential life residence project
fund (379-00-5650-5120) ......................................... No limit

Sec. 85.

PITTSBURG STATE UNIVERSITY
(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2019, the following:
Operating expenditures (including official hospitality)
(385-00-1000-0063) ............................................ $609,586
School of construction (385-00-1000-0200)............... $13,142
Polymer science program (385-00-1000-0300) ............. $17,553

Sec. 86.

UNIVERSITY OF KANSAS
(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2018, the following:
Geological survey (682-00-1000-0170) ......................... $8,198
(b) On the effective date of this act, of the $122,379,585 appropriated
for the above agency for the fiscal year ending June 30, 2018, by section
129(a) of chapter 104 of the 2017 Session Laws of Kansas from the state
general fund in the operating expenditures (including official hospitality)
account (682-00-1000-0023), the sum of $8,198 is hereby lapsed.
(c) There is appropriated for the above agency from the following
special revenue fund or funds for the fiscal year ending June 30, 2018,
all moneys now or hereafter lawfully credited to and available in such
fund or funds, except that expenditures shall not exceed the following:
2017A — refunding fund............................................. No limit
Sec. 87.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:
Operating expenditures (including official hospitality)
(682-00-1000-0023) ................................................ $2,448,065
Umbilical cord matrix project (682-00-1000-0370)........... $2,462
Geological survey (682-00-1000-0170) ........................... $122,207

(b) On July 1, 2018, of the $123,932,492 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 130(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account (682-00-1000-0023), the sum of $8,198 is hereby lapsed.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:
Earth, energy, and environment center project fund (682-00-2545-2080) ................................................ No limit
2017A — refunding fund............................................. No limit
Corbin hall fund (682-00-5142-5050) ............................ No limit

Sec. 88.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $970,000 from the rural health bridging psychiatry fund (683-00-2218-2218) to the psychiatry medical loan repayment fund (683-00-7233-7233).

Sec. 89.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:
Operating expenditures (including official hospitality)
(683-00-1000-0503) ................................................ $2,009,373
Medical scholarships and loans (683-00-1000-0600).......... $84,618
Midwest stem cell therapy center (683-00-1000-0800) ...... $14,482
Rural health bridging (683-00-1000-1010) ........................ $2,639

(b) On July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $970,000 from the rural health bridging psychiatry fund (683-00-2218-2218) to the psychiatry medical loan repayment fund (683-00-7233-7233).

Sec. 90.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following
special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking garage project fund (715-00-5148-5000) ............. No limit
2016J — refunding fund ........................................... No limit

Sec. 91.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (715-00-1000-0003) ................................................ $1,206,107
Technology transfer facility (715-00-1000-0005) .............. $37,634
Aviation infrastructure (715-00-1000-0010) .................... $1,765,231
Aviation research (715-00-1000-0015) ............................ $5,094,084

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking garage project fund (715-00-5148-5000) ............. No limit

Sec. 92.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Tuition for technical education (561-00-1000-0120)......... $7,300,000

Sec. 93.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (including official hospitality) (561-00-1000-0103) ................................................ $112,095
Midwest higher education commission (561-00-1000-0250) .......................... $2,383
State scholarship program (561-00-1000-4300) .............. $53,731
Kansas work-study program (561-00-1000-2000) ............ $31,361
ROTC service scholarships (561-00-1000-4600) ............. $6,272
Military service scholarships (561-00-1000-1310) .......... $25,089
Teachers scholarship program (561-00-1000-0800) ........... $250,890
Nursing student scholarship program (561-00-1000-4100) .......................... $125,445
Municipal university operating grant (561-00-1000-1010) .......................... $223,943
Adult basic education (561-00-1000-0900) .................... $36,555
Postsecondary tiered technical education state aid (561-00-1000-0760) .................................................. $1,327,860
Non-tiered course credit hour grant (561-00-1000-0550) .................................................. $1,740,458
Technology equipment at community colleges and Washburn university (561-00-1000-0500) .................................................. $9,997
Vocational education capital outlay aid (561-00-1000-0310) .................................................. $1,796
Tuition waivers (561-00-1000-1650) .................................................. $12,545
Nurse educator grant program (561-00-1000-4120) .................................................. $43,906
Nursing faculty and supplies grant program (561-00-1000-4130) .................................................. $44,839
Postsecondary technical education authority (561-00-1000-0750) .................................................. $499
Tuition for technical education (561-00-1000-0120) .................................................. $8,300,000
National guard education assistance (561-00-1000-1300) .................................................. $1,814,565

(b) If the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2019, by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, in the postsecondary tiered technical education state aid account (561-00-1000-0760) is $58,300,000 or greater, then the difference between the amount of moneys appropriated for the fiscal year 2019 and $58,300,000 shall be distributed based on each eligible institution’s calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 2017 Supp. 71-1801 through 71-1810, and amendments thereto: Provided, That if the amount of moneys appropriated for the above agency for fiscal year 2019 is less than $58,300,000, then each eligible institution shall receive an amount of moneys proportionally adjusted to equal the amount of moneys such eligible institution received in fiscal year 2016: And provided further, That on July 1, 2018, the provisions of the proviso to the appropriation of moneys in the postsecondary tiered technical education state aid account of the state board of regents in section 136(a) of chapter 104 of the 2017 Session Laws of Kansas is hereby declared to be null and void and shall have no force and effect.

(c) Notwithstanding the provisions of K.S.A. 2017 Supp. 74-32,182, and amendments thereto, on July 1, 2018, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer $535,000 from the private and out-of-state postsecondary educational institution fee fund (561-00-2614-2610) of the above agency to the state general fund.

Sec. 94.

DEPARTMENT OF CORRECTIONS

(a) On the effective date of this act, of the $3,997,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section
Sec. 95. DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (521-00-1000-0603) ................... $276,024
Topeka correctional facility — facilities operations (660-00-1000-0303) ................................. $774,351
Hutchinson correctional facility — facilities operations (313-00-1000-0303) ......................... $1,463,428
Lansing correctional facility — facilities operations (400-00-1000-0303) ............................. $1,579,404
Ellsworth correctional facility — facilities operations (177-00-1000-0303) ........................... $616,036
Winfield correctional facility — facilities operations (712-00-1000-0303) ......................... $561,234
Norton correctional facility — facilities operations (581-00-1000-0303) ............................ $742,893
El Dorado correctional facility — facilities operations (195-00-1000-0303) ....................... $1,899,076
Larned correctional mental health facility — facilities operations (408-00-1000-0303) ........... $586,194
Kansas juvenile correctional complex — facilities operations (352-00-1000-0303) ............... $533,007

(b) On July 1, 2018, of the $8,000,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 139(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the evidence based juvenile program account (521-00-1000-0050) the sum of $6,000,000 is hereby lapsed.

Sec. 96. ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

Operating expenditures (034-00-1000-0053) ...................... $9,984

Provided, That on or before June 30, 2018, the director of the budget shall certify that the above agency hired to fill a national bio and agro-defense facility planner position during fiscal year 2018: Provided, however, That if the above agency did not hire to fill such position during fiscal year 2018, the director of the budget shall certify the amount budgeted for such unfilled position: Provided further, That on June 30, 2018,
of the amount appropriated for the fiscal year ending June 30, 2018, by
this section from the state general fund in the operating expenditures
account, an amount equal to such certified amount is hereby lapsed: And
provided further, That if the director of the budget makes any certifica-
tion under this proviso, the director of the budget shall transmit a copy
of such certification to the director of legislative research.

Disaster relief (034-00-1000-0200) .............................. $1,663,979

Sec. 97.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general
fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (034-00-1000-0053) .................. $20,277

Disaster relief (034-00-1000-0200) .............................. $2,446,318

(b) There is appropriated for the above agency from the following
special revenue fund or funds for the fiscal year ending June 30, 2019,
all moneys now or hereafter lawfully credited to and available in such
fund or funds, except that expenditures other than refunds authorized by
law shall not exceed the following:

Kansas national guard counter drug state forfeiture
fund .............................................................. No limit

Sec. 98.

STATE FIRE MARSHAL

(a) On July 1, 2018, the expenditure limitation established for the
fiscal year ending June 30, 2019, by the state finance council by section
178(d) of chapter 104 of the 2017 Session Laws of Kansas on the fire
marshal fee fund (234-00-2330-2000) is hereby increased from
$5,067,836 to $5,287,336.

(b) On July 1, 2018, the amount of $1,000,000 authorized by section
143(b) of the 2017 Session Laws of Kansas to be transferred by the di-
rector of accounts and reports from the fire marshal fee fund (234-00-
2330-2000) of the state fire marshal to the state general fund on July 1,
2018, and January 1, 2019, is hereby decreased to $500,000.

(c) Notwithstanding the provisions of K.S.A. 31-133, and amend-
ments thereto, or any other statute, during the fiscal year ending June
30, 2019, in addition to the other purposes for which expenditures may
be made by the above agency from moneys appropriated from any special
revenue fund or funds for fiscal year 2019, as authorized by chapter 104
of the 2017 Session Laws of Kansas, this or other appropriation act of the
2018 regular session of the legislature, expenditures shall be made by the
above agency from such moneys appropriated from any special revenue
fund or funds for fiscal year 2019 to require administrators of public and
private schools and educational institutions, except community colleges,
colleges and universities, to conduct at least 16 emergency preparedness
drills during the school year at some time during school hours, aside from the regular dismissal at the close of the day’s session, and to prescribe the manner in which such emergency preparedness drills are to be conducted: Provided, That such emergency preparedness drills shall include at least: (1) Four fire drills; (2) three tornado drills conducted pursuant to the tornado procedures established by administrators of public and private schools and educational institutions, except community colleges, colleges and universities and subject to approval by the state fire marshal; and (3) nine crisis drills that shall include, but not be limited to, intruder response drills and lockdown drills.

Sec. 99.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol is hereby increased from $52,236,578 to $52,332,772,60.

(b) On the effective date of this act, the amount of $12,998,317.75 authorized by section 144(d) of chapter 104 of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol on April 1, 2018, is hereby increased to $13,010,151.35.

(c) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer $250,000 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol for the purpose of acquiring a use-of-force training simulator for the Kansas highway patrol training academy.

Sec. 100.

KANSAS HIGHWAY PATROL

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol is hereby decreased from $52,597,147 to $52,353,840.
Sec. 101.
ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, for the capital improvement project or projects specified, the following:
Internet crimes against children fund ......................... $250,000

Sec. 102.
ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION
(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:
Operating expenditures (083-00-1000-0083) ................. $1,645,188
(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, for the capital improvement project or projects specified, the following:
Internet crimes against children fund ......................... $250,000

Sec. 103.
KANSAS COMMISSION ON PEACE OFFICERS’ STANDARDS AND TRAINING
(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas commission on peace officers’ standards and training fund (529-00-2583-2580) of the Kansas commission on peace officers’ standards and training is hereby increased from $605,176 to $634,068.

Sec. 104.
KANSAS COMMISSION ON PEACE OFFICERS’ STANDARDS AND TRAINING
(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the Kansas commission on peace officers’ standards and training fund (529-00-2583-2580) of the Kansas commission on peace officers’ standards and training is hereby increased from $635,318 to $667,505.

Sec. 105.
KANSAS DEPARTMENT OF AGRICULTURE
(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2018, for the water plan project or projects specified, the following:
Riparian and wetland program (046-00-1800-1260) ........ $281,312
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2018, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Alternative crop research act licensing fee fund ............... No limit

Sec. 106.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (046-00-1000-0053) ................... $167,868
Animal traceability pilot study ................................... $250,000

(b) On July 1, 2018, of the $1,050,980 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 155(f) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the agricultural marketing program account (046-00-1900-1110), the sum of $62,334 is hereby lapsed.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Alternative crop research act licensing fee fund ............... No limit

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the state water plan project or projects specified, the following:

Streambank stabilization projects (046-00-1800-1290) ...... $500,000

Provided, That any unencumbered balance in the streambank stabilization account (709-00-1800-1265) of the Kansas water office in excess of $100 as of June 30, 2018, is hereby reappropriated to the streambank stabilization projects account of the above agency for fiscal year 2019.

Irrigation technology ........................................... $100,000
Crop research — hemp ......................................... $100,000
Crop research — sorghum ....................................... $150,000

Sec. 107.

STATE FAIR BOARD

(a) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds of the above agency for the fiscal year ending June 30, 2019, by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide for the issuance of bonds by the
Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to renovate the bison arena on the state fairgrounds: Provided, That such capital improvement project is hereby approved for the state fair board for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That the state fair board may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: And provided further. That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed $1,700,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state fair capital improvements fund (373-00-2533-2500): And provided further, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: Provided, however, That if 2018 Senate Bill No. 415, or any other legislation that authorizes the crediting of state sales tax revenues from the sale of tangible personal property at retail while on the Kansas state fairgrounds to the state fair capital improvements fund is not passed by the legislature during the 2018 regular session and enacted into law, then on July 1, 2018, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

Sec. 108.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2018, for the state water plan project or projects specified, the following:

Milford lake watershed regional conservation partnership program ................................................................. $200,000

Sec. 109.

KANSAS WATER OFFICE

(a) During the fiscal year ending June 30, 2019, the director of the Kansas water office shall certify to the director of accounts and reports the amount of moneys expended by the Kansas department of agriculture
from the state general fund that is attributable to administration of the state water plan storage act (K.S.A. 82a-1301 et seq., and amendments thereto) or the water assurance program act (K.S.A. 82a-1330 et seq., and amendments thereto): Provided, That upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund: Provided further, That the director of the Kansas water office shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(b) On July 1, 2018, the amount of $419,474 authorized by section 159(i) of chapter 104 of the 2017 Session Laws of Kansas to be transferred by the director of accounts and reports from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund on July 1, 2018, is hereby decreased to $411,074.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the state water plan project or projects specified, the following:

Milford lake watershed regional conservation partnership program .................................................. $200,000

Provided, That any unencumbered balance in the Milford lake watershed regional conservation partnership program account in excess of $100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Best management practices implementation .................. $900,000
Water vision education ........................................ $100,000
Reservoir bathymetric surveys and biological research (709-00-1800-1275) ........................................ $100,000

Provided, That any unencumbered balance in the reservoir bathymetric surveys and biological research account in excess of $100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Streambank stabilization effectiveness research ........... $100,000
Harmful algae bloom research ................................ $100,000
Water technology farms ........................................ $75,000
Water resource planner ....................................... $100,000

Provided, That notwithstanding the provisions of K.S.A. 82a-951, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, expenditures may be made from the water resource planner account of the state water plan fund by the above agency for salaries and wages, and associated fringe benefits, for a water resource planner.

Kansas river alluvial aquifer observation well network (709-00-1800-1270) ........................................ $50,000

Provided, That any unencumbered balance in the Kansas river alluvial
aquifer observation well network account in excess of $100 as of June 30, 2018, is hereby reappropriated for fiscal year 2019.

Equus Beds aquifer chloride plume pilot $50,000

Sec. 110.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife, parks and tourism is hereby increased from $30,346,754 to $32,231,161.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the parks fee fund (710-00-2122-2050) of the Kansas department of wildlife, parks and tourism is hereby increased from $9,026,919 to $9,959,340.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the boating fee fund (710-00-2245-2800) of the Kansas department of wildlife, parks and tourism is hereby increased from $1,118,974 to $1,126,942.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2018, by the state finance council by section 177(d) of chapter 104 of the 2017 Session Laws of Kansas on the department access roads fund (710-00-2178-2761) of the Kansas department of wildlife, parks and tourism is hereby increased from $1,634,413 to $1,652,261.

(e) During the fiscal year ending June 30, 2018, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2018, from which expenditures may be made for salaries and wages, as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from any special revenue fund or funds for fiscal year 2018, from which expenditures may be made for salaries and wages, for progression within the existing pay structure for natural resource officers of the Kansas department of wildlife, parks and tourism: Provided, however, That notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the secretary of wildlife, parks and tourism shall not require such officer to transfer into the unclassified service in...
order to progress within the existing pay structure pursuant to this sub-
section.

(f) Notwithstanding the provisions of K.S.A. 2017 Supp. 32-9,100, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the Kansas department of wildlife, parks and tourism from moneys appropriated from the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife, parks and tourism for the fiscal year ending June 30, 2018, by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys during fiscal year 2018 to issue senior lifetime hunting and fishing licenses to Kansas resident disabled veterans who are 65 years of age or older: Provided, That such licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism: Provided further, That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions and have a disability certified by the Kansas commission on veterans affairs office as being service related and such service-connected disability is equal to or greater than 30%.

Sec. 111.

KANSAS DEPARTMENT OF WILDLIFE,
PARKS AND TOURISM

(a) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife, parks and tourism is hereby increased from $30,187,879 to $33,894,060.

(b) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the parks fee fund (710-00-2122-2050) of the Kansas department of wildlife, parks and tourism is hereby increased from $9,098,199 to $9,969,845.

(c) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the boating fee fund (710-00-2245-2800) of the Kansas department of wildlife, parks and tourism is hereby increased from $1,107,541 to $1,168,599.

(d) On July 1, 2018, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 178(d) of chapter 104 of the 2017 Session Laws of Kansas on the department access road fund (710-00-2178-2761) of the Kansas department
of wildlife, parks and tourism is hereby increased from $1,636,652 to $1,654,683.

(e) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2019, from which expenditures may be made for salaries and wages, as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from any special revenue fund or funds for fiscal year 2019, from which expenditures may be made for salaries and wages, for progression within the existing pay structure for natural resource officers of the Kansas department of wildlife, parks and tourism: Provided, however, That notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the secretary of wildlife, parks and tourism shall not require such officer to transfer into the unclassified service in order to progress within the existing pay structure pursuant to this subsection.

(f) Notwithstanding the provisions of K.S.A. 2017 Supp. 32-9,100, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the Kansas department of wildlife, parks and tourism from moneys appropriated from the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife, parks and tourism for the fiscal year ending June 30, 2019, by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures may be made by the above agency from such moneys during fiscal year 2019 to issue senior lifetime hunting and fishing licenses to Kansas resident disabled veterans who are 65 years of age or older: Provided, That such licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism: Provided further, That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions and have a disability certified by the Kansas commission on veterans affairs office as being service related and such service-connected disability is equal to or greater than 30%.

Sec. 112.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, notwithstanding the provisions of K.S.A. 68-2320, and amendments thereto, or any other statute, regarding the $400,000,000 limitation on the issuance of bonds pursuant to section 163(j) and 164(j) of chapter 104 of the 2017 Session Laws of Kansas for fiscal year 2018 and fiscal year 2019, any remaining authority
to issue bonds pursuant to section 163(j) and 164(j) of chapter 104 of the 2017 Session Laws of Kansas for fiscal year 2018 and fiscal year 2019 shall be limited to $200,000,000 of the net proceeds of the bonds issued pursuant to such sections and not the principal amount of the bond issuance.

(b) Notwithstanding the provisions of K.S.A. 2017 Supp. 68-2314b, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from any special revenue fund or funds for fiscal year 2018 and fiscal year 2019 for such state agency as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by such agency from moneys appropriated from any special revenue fund or funds for fiscal year 2018 and fiscal year 2019 for the secretary of transportation to review the 23 transportation works for Kansas projects that have been delayed: Provided, That the secretary shall meet with the local government officials concerning such delayed projects to confirm such project continues to be such local government’s priority project: Provided further, That upon confirming the 23 transportation works for Kansas projects, the secretary shall implement the construction, improvement and reconstruction of such transportation works for Kansas projects in the most cost effective manner to maximize savings: And provided further, That the secretary shall provide an update to the legislature on or before the first day of the 2019 regular legislative session on the implementation of the transportation works for Kansas projects required by this subsection.

Sec. 113.

STATE FINANCE COUNCIL

(a) On the effective date of this act, of the $12,200,000 appropriated for the above agency for the fiscal year ending June 30, 2018, by section 177(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the state employee pay increase fund account, the sum of $264,875 is hereby lapsed.

Sec. 114.

STATE FINANCE COUNCIL

(a) On July 1, 2018, of the $12,200,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 178(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the state employee pay increase fund account, the sum of $264,875 is hereby lapsed.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

State employee pay increase ........................................ $14,900,000

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the
cost to the state general fund of the salary increase, including associated employer contributions, during fiscal year 2019: Provided further, That expenditures in the state employee pay increase account shall be made for the purpose of paying the proportionate share of the cost to the state general fund of the salary increase, including associated employer contributions, to the judicial branch, during fiscal year 2019.

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2019, the following:

State employee pay increase ........................................ $134,802

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2019.

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, the following:

State employee pay increase ........................................ $30,210

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state water plan fund of the salary increase, including associated employer contributions, during fiscal year 2019.

(e) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2019, the following:

State employee pay increase ........................................ $3,787

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the children’s initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2019.

(f) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts and increase the transfers between special revenue funds as necessary to pay the salary increases under this section for the fiscal year ending June 30, 2019. The director of accounts and reports is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts and increase the transfers between special revenue funds in accordance with such approval for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions,
of the salary increases and other amounts specified for the fiscal year ending June 30, 2019.

(g) The director of the budget shall prepare a budget estimate based upon the most recent payroll information for the salary increases and other amounts specified, and all amendments and revisions of such estimate, and the director of the budget shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the director of legislative research.

(h) A benefits-eligible state employee, who has been continuously employed since July 1, 2017, shall be eligible for a salary increase under this subsection based on only one of the following:

(1) A single step for employees in the classified service and the equivalent amount for employees in the unclassified service, including associated employer contributions, under this section, if such state employee received an increase in salary pursuant to: (A) Section 177(f)(2) of chapter 104 of the 2017 Session Laws of Kansas; or (B) any executive branch initiative to provide a salary adjustment for individuals not included in the salary increase pursuant to section 177 of chapter 104 of the 2017 Session Laws of Kansas;

(2) two steps for employees in the classified service and the equivalent amount for employees in the unclassified service, including associated employer contributions, under this section, if such state employee did not receive an increase in salary pursuant to: (A) Section 177(f)(1) or (2) of chapter 104 of the 2017 Session Laws of Kansas; or (B) any executive branch initiative to provide a salary adjustment for individuals not included in the salary increase pursuant to section 177 of chapter 104 of the 2017 Session Laws of Kansas; or

(3) two steps for department of corrections employees assigned to the job classifications listed in executive directive no. 17-482.

(i) (1) Notwithstanding the provisions of K.S.A. 46-137a and 46-137b, and amendments thereto, or any other statute, the provisions of subsection (h) shall not apply to the compensation or bi-weekly allowance paid to each member of the legislature.

(2) Notwithstanding the provisions of K.S.A. 75-3111a, and amendments thereto, or any other statute, the provisions of subsection (h) shall not apply to state officers elected on a statewide basis.

(3) Notwithstanding the provisions of K.S.A. 75-3120l, and amendments thereto, or any other statute, the provisions of subsection (h) shall not apply to justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges.

(4) The provisions of subsection (h) shall not apply to:

(A) Employees assigned to a trooper or officer classification of the Kansas highway patrol.

(B) Teachers and licensed personnel and employees at the Kansas state school for the deaf or the Kansas state school for the blind.
(C) Employees of the Kansas bureau of investigation who were included in the recruitment and retention plan of the Kansas bureau of investigation.

(D) Employees of the judicial branch and any employee whose pay is linked as provided by law to the pay of employees in the judicial branch.

(E) Employees of the board of regents and regents institutions.

(F) Employees authorized to receive a salary increase for fiscal year 2019 in another section of this act.

Sec. 115. (a) Notwithstanding the provisions of sections 198(b), 199(b), 200(b), 201(b), 202(b), 203(b), 204(b), 205(b), 206(c), 207(c), 208(b), 209(b), 210(b), 211(b), 252(a)(2) and 252(b)(2) of chapter 104 of the 2017 Session Laws of Kansas, during the fiscal year ending June 30, 2018, and during the fiscal year ending June 30, 2019, any regents agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of any regents agency of moneys transferred to such account by the state board of regents, including any unencumbered balance in any account of the Kansas educational building fund of any regents agency.

(b) The provisions of sections 198(b), 199(b), 200(b), 201(b), 202(b), 203(b), 204(b), 205(b), 206(c), 207(c), 208(b), 209(b), 210(b), 211(b), 252(a)(2) and 252(b)(2) of chapter 104 of the 2017 Session Laws of Kansas that limit expenditures of unencumbered balances in such accounts during the fiscal year ending June 30, 2018, and during the fiscal year ending June 30, 2019, are hereby declared to be null and void and shall have no force and effect.

(c) As used in this section, “regents agency” means Fort Hays state university, Kansas state university, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

Sec. 116. (a) For the fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022, the director of the budget, in consultation with the director of legislative research, shall certify, at the end of each such fiscal year, the amount of actual tax receipt revenues to the state general fund that is in excess of, or is less than, the amount of estimated tax receipt revenues to the state general fund pursuant to the most recent joint estimate of revenue under K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall transmit such certification to the director of accounts and reports.

(b) Upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer such certified excess amount from the state general fund as follows:

(1) For the fiscal years ending June 30, 2020, and June 30, 2021:
(A) 50% to the budget stabilization fund established by K.S.A. 2017 Supp. 75-6706, and amendments thereto; and
(B) 50% to the pooled money investment portfolio pursuant to K.S.A. 75-4209(m)(2) and (m)(4), and amendments thereto, to pay in full or in part the amounts to be transferred. Any moneys transferred to the pooled money investment portfolio pursuant to this section shall be credited to the final payment to be made in fiscal year 2024, and each next preceding fiscal year thereafter as moneys are available; and
(2) for the fiscal year ending June 30, 2022:
(A) 50% to the budget stabilization fund; and
(B) 50% to the Kansas public employees retirement fund to be applied to the payment, in full or in part, of the unfunded actuarial pension liability as directed by the Kansas public employees retirement system.
(c) If the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfers shall be made pursuant to this section.

Sec. 117. During the fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services and the department of health and environment — division of health care finance from moneys appropriated from the state general fund or in any special revenue fund or funds by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the Kansas department for aging and disability services and the department of health and environment — division of health care finance from such moneys to include the following individuals as eligible for services under the traumatic brain injury home and community-based services waiver under the Kansas medical assistance program: (1) Individuals with a documented brain injury acquired from a cause not already covered under the traumatic brain injury waiver, including, but not limited to, stroke, brain trauma, infection of the brain, brain tumor, anoxia or other cause; and (2) individuals of any age who would otherwise qualify for services under the traumatic brain injury waiver but for the individual’s age: Provided, That financial eligibility requirements for children under the age of 18 years to receive such waiver services shall be the same as financial eligibility requirements for children under the age of 18 years to receive services under the serious emotional disturbance waiver: Provided, however, That the Kansas department for aging and disability services and the department of health and environment — division of health care finance shall implement and administer this section in accordance with federal law and requirements imposed by the United States centers for medicare and medicaid services: Provided further, That the Kansas department for aging and disability services and the department of health and environ-
ment — division of health care finance shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement this section.

Sec. 118. During the fiscal years ending June 30, 2018, and June 30, 2019, notwithstanding any other provision of law to the contrary, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 or 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature to submit or maintain to the United States centers for medicare and medicaid services any request to administer or provide state medicaid services under the Kansas medical assistance program using a capitated managed care delivery system in any manner that is substantially different than the manner in which state medicaid services under the Kansas medical assistance program were provided on January 1, 2018, including, but not limited to, imposing any new eligibility requirements or limitations to receive such services, without express prior authorization by an act or appropriation act of the legislature: Provided, That no state agency shall enter into any contract for the administration and provision of state medicaid services using a capitated managed care delivery system in violation of this section without express prior authorization by an act or appropriation act of the legislature: Provided further, That the department of health and environment, the Kansas department for aging and disability services and the department of administration shall negotiate for contracts to administer state medicaid services using a capitated managed care delivery system that comply with this section, including altering the request for proposal identified by the department of administration as bid event 0005464, opened on October 27, 2017, and closed on January 5, 2018, limited to persons who have submitted a bid in response to bid event 0005464: And provided further, That any such contract shall be for a term of three years commencing on the termination date of contracts for the administration and provision of state medicaid services under the Kansas medical assistance program using a capitated managed care delivery system that were in effect on January 1, 2018, may include two one-year options to renew such contract at the discretion of the department of health and environment and shall not impose any new eligibility requirements or limitations to receive such services that were not in effect on January 1, 2018: And provided further, That the department of health and environment and the Kansas department for aging and disability services shall submit to the United States centers for medicare and medicaid services a request to extend for three years any waiver that was in effect on January 1, 2018, authorizing the state of Kansas to administer state medicaid services under the Kansas medical assistance program using a capitated managed care delivery system in accordance with this section: Provided, however,
That the department of health and environment and the Kansas department for aging and disability services may modify the manner in which state medicaid services were provided on January 1, 2018, by implementing: Any provision of K.S.A. 2017 Supp. 39-709h and 39-709i, and amendments thereto; any policy that expands access to behavioral health services or services delivered through telehealth technology services, if such policy does not impose any new eligibility requirements or limitations to receive state medicaid services that were not in effect on January 1, 2018; and any other action approved by express prior authorization by an act or appropriation act of the legislature: And provided, however,

That the department of health and environment may negotiate with the United States centers for medicare and medicaid services for the implementation of work requirements to receive state medicaid services, including submitting a waiver request to the United States centers for medicare and medicaid services, but shall not implement such requirements, even if approved by the United States centers for medicare and medicaid services, without prior express authorization by an act or appropriation act of the legislature and shall submit a report of such negotiations to the legislature during the 2019 regular session of the legislature.

Sec. 119. (a) During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 or 2019 as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature to create, enter into or enforce any nondisclosure agreement or any agreement governing post-employment benefits or other matters pertaining to the resignation or termination of an employee or the employee’s post-employment activities entered into by the employee regarding claims of sexual abuse or sexual harassment during the term of employment: Provided, That the employer shall not impose any damages, penalties or loss of benefits against the employee for, or otherwise prohibit, communications by the employee regarding alleged sexual abuse or sexual harassment committed against the employee by another employee or officer of the employer, or an employee or officer of any other party to the agreement or by any other person, whether a party or not to the agreement, who is covered by the terms of the agreement.

(b) For purposes of this section:

(1) “Employee” means any appointed or elected officer or an employee of any state agency; and

(2) “communication” means verbal or written communications with any other person or persons regarding the alleged sexual abuse or sexual harassment.

Sec. 120. During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency named in chapter 104 of the 2017 Session Laws of
Kansas, this or any other appropriation act of the 2018 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2018 and 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature for the purposes of settling claims of sexual harassment made against a state officer, as defined in K.S.A. 25-1118, and amendments thereto, or for the purposes of requesting a non-disclosure agreement as part of a settlement agreement resulting from a claim of sexual harassment made against a state officer when such state officer is the person accused of sexual harassment: Provided, however, That no such agency shall expend any such moneys for the purpose of preventing a claimant from requesting a non-disclosure agreement.

Sec. 121. During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency named in chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2018 and 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature to conduct research using tissue from any aborted fetus or to conduct any destructive embryonic research.

Sec. 122. (a) Any unencumbered balance in excess of $100 as of June 30, 2018, which was appropriated in fiscal year 2018, in each of the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of each regents agency is hereby reappropriated for fiscal year 2019.

(b) Any unencumbered balance in excess of $100 as of June 30, 2019, which was appropriated in fiscal year 2018, in each of the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of each regents agency is hereby reappropriated for fiscal year 2020.

(c) Any unencumbered balance in excess of $100 as of June 30, 2020, which was appropriated in fiscal year 2018, in each of the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects and improvements to classroom projects for institutions of higher education accounts of the Kansas educational building fund of each regents agency is hereby reappropriated for fiscal year 2021.

(d) Any unencumbered balance in excess of $100 as of June 30, 2019,
which was appropriated in fiscal year 2019, in each of the rehabilitation 
and repair projects, Americans with disabilities act compliance projects, 
state fire marshal code compliance projects and improvements to class-
room projects for institutions of higher education accounts of the Kansas 
educational building fund of each regents agency is hereby reappro-
priated for fiscal year 2020.

(e) Any unencumbered balance in excess of $100 as of June 30, 2020, 
which was appropriated in fiscal year 2019, in each of the rehabilitation 
and repair projects, Americans with disabilities act compliance projects, 
state fire marshal code compliance projects and improvements to class-
room projects for institutions of higher education accounts of the Kansas 
educational building fund of each regents agency is hereby reappro-
priated for fiscal year 2021.

(f) Any unencumbered balance in excess of $100 as of June 30, 2021, 
which was appropriated in fiscal year 2019, in each of the rehabilitation 
and repair projects, Americans with disabilities act compliance projects, 
state fire marshal code compliance projects and improvements to class-
room projects for institutions of higher education accounts of the Kansas 
educational building fund of each regents agency is hereby reappro-
priated for fiscal year 2022.

(g) As used in this section, “regents agency” means Fort Hays state 
university, Kansas state university, Emporia state university, Pittsburg 
state university, the university of Kansas, the university of Kansas medical 
center and Wichita state university.

Sec. 123. Notwithstanding any other statute, during the fiscal year 
ending June 30, 2018, and June 30, 2019, in addition to the other purposes 
for which expenditures may be made from the state general fund or any 
special revenue fund or funds for fiscal year 2018 and fiscal year 2019 by 
the university of Kansas, Kansas state university, Emporia state university, 
Pittsburg state university, Fort Hays state university and Wichita state 
university by chapter 104 of the 2017 Session Laws of Kansas, this or 
other appropriation act of the 2018 regular session of the legislature, 
expenditures shall be made by such universities from the state general 
fund or any special revenue fund or funds to conduct any meeting of such 
universities or any groups or committees thereof to discuss the allocation 
of student activities fees in accordance with the Kansas open meetings 
act, K.S.A. 75-4317 et seq., and amendments thereto.

Sec. 124. K.S.A. 2017 Supp. 75-2263 is hereby amended to read as 
follows: 75-2263. (a) Subject to the provisions of subsection (j), the board 
of trustees is responsible for the management and investment of that 
portion of state moneys available for investment by the pooled money 
investment board that is certified by the state treasurer to the board of 
trustees as being equivalent to the aggregate net amount received for 
unclaimed property and shall discharge the board’s duties with respect to
such moneys solely in the interests of the state general fund and shall invest and reinvest such moneys and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of such moneys within the limitations and according to the powers, duties and purposes as prescribed by this section.

(b) Moneys specified in subsection (a) shall be invested and reinvested to achieve the investment objective which is preservation of such moneys and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this section. No such moneys shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(c) In investing and reinvesting moneys specified in subsection (a) and in acquiring, retaining, managing and disposing of investments of the moneys, the board of trustees shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the moneys so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar moneys, considering the probable income as well as the probable safety of their capital.

(d) In the discharge of such management and investment responsibilities the board of trustees may contract for the services of one or more professional investment advisors or other consultants in the management and investment of such moneys and otherwise in the performance of the duties of the board of trustees under this section.

(e) The board of trustees shall require that each person contracted with under subsection (d) to provide services shall obtain commercial insurance which provides for errors and omissions coverage for such person in an amount to be specified by the board of trustees. The amount of such coverage specified by the board of trustees shall be at least the greater of $500,000 or 1% of the funds entrusted to such person up to a maximum of $10,000,000. The board of trustees shall require a person contracted with under subsection (d) to provide services to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board of trustees, with corporate surety authorized to do business in this state. Such persons contracted with the board of trustees pursuant to subsection (d) and any persons contracted with such persons to perform the functions specified in subsection (b) shall be deemed to be fiduciary agents of the board of trustees in the performance of contractual obligations.

(f) (1) Subject to the objective set forth in subsection (b) and the standards set forth in subsection (c), the board of trustees shall formulate
and adopt policies and objectives for the investment and reinvestment of such moneys and the acquisition, retention, management and disposition of investments of the moneys. Such policies and objectives shall be in writing and shall include:

(A) Specific asset allocation standards and objectives;

(B) establishment of criteria for evaluating the risk versus the potential return on a particular investment; and

(C) a requirement that all investment advisors, and any managers or others with similar duties and responsibilities as investment advisors, shall immediately report all instances of default on investments to the board of trustees and provide such board of trustees with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment.

(2) The board of trustees shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(g) Except as provided in subsection (d) and this subsection, the custody of such moneys shall remain in the custody of the state treasurer, except that the board of trustees may arrange for the custody of such moneys as it considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale. All such moneys shall be considered moneys in the state treasury for purposes of K.S.A. 75-6704, and amendments thereto.

(h) All interest or other income of the investments of the moneys invested under this section, after payment of any management fees, shall be deposited in the state treasury to the credit of the state general fund.

(i) Subject to the provisions of subsection (j), the state treasurer shall certify to the board of trustees a portion of state moneys available for investment by the pooled money investment board that is equivalent to the aggregate net amount received for unclaimed property. The state treasurer shall transfer the amount certified to the board of trustees. During fiscal years 2018 and 2019, the state treasurer shall not certify or transfer any state moneys available for investment pursuant to this subsection.

(j) (1) During fiscal year 2017, the board of trustees shall liquidate all investments and reinvestments of state moneys certified by the state treasurer to the board of trustees pursuant to subsection (a).

(2) Upon receiving any such amounts from any such liquidation, the state treasurer shall remit the entire amount in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit any earnings from the liquidation to the state
general fund and credit the principal that had been invested and reinvested to the pooled money investment portfolio.

(k) As used in this section:

(1) “Board of trustees” means the board of trustees of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto.

(2) “Fiduciary” means a person who, with respect to the moneys invested under this section, is a person who:

(A) Exercises any discretionary authority with respect to administration of the moneys;

(B) exercises any authority to invest or manage such moneys or has any authority or responsibility to do so;

(C) provides investment advice for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so;

(D) provides actuarial, accounting, auditing, consulting, legal or other professional services for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so; or

(E) is a member of the board of trustees or of the staff of the board of trustees.

Sec. 125. K.S.A. 2017 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a) The director of investments may invest and reinvest state moneys eligible for investment which are not invested in accordance with K.S.A. 75-4237, and amendments thereto, in the following investments:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, on and after the effective date of this act moneys available for investment under this subsection shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;

(2) repurchase agreements with a bank or a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;

(3) commercial paper that does not exceed 270 days to maturity and
which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm; and

(4) corporate bonds which have received one of the two highest ratings by a nationally recognized investment rating firm.

(b) When moneys are available for deposit or investments, the director of investments may invest in SKILL act projects and bonds pursuant to K.S.A. 74-8920, and amendments thereto, and in state agency bonds and bond projects.

(c) When moneys are available for deposits or investments, the director of investments may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of $10,000,000.

(d) When moneys are available for deposits or investments, the director of investments may invest in loans pursuant to legislative mandates, except that not more than the greater of 10% or $140,000,000 of the state moneys shall be invested. The provisions of this subsection shall not apply to the provisions of subsection (m).

(e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.

(f) Investments made by the director of investments under the provisions of this section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(g) Investments under subsection (a) or (b) or under K.S.A. 75-4237, and amendments thereto, shall be for a period not to exceed four years, except that linked deposits authorized under the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall not exceed a period of 10 years; agricultural production loan deposits authorized under the provisions of K.S.A. 2017 Supp. 75-4268 through 75-4274, and amendments thereto, shall not exceed a period of eight years and housing loan deposits authorized under K.S.A. 2017 Supp. 75-4276 through 75-4282, and amendments thereto, shall not exceed a period of five years or 20 years, as applicable pursuant to K.S.A. 2017 Supp. 75-4279, and amendments thereto.

(h) Investments in securities under subsection (a)(1) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, “interest rate risk” means market value changes due to changes in current interest rates.

(i) The director of investments shall not invest state moneys eligible for investment under subsection (a), in the municipal investment pool fund, created under K.S.A. 12-1677a, and amendments thereto.
(j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, “derivatives” means a financial contract whose value depends on the value of an underlying asset or index of asset values.

(k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the pooled money investment board. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.

(l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under subsection (a)(3), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.

(m) (1) During the fiscal year ending June 30, 2017, the director of the budget shall estimate on or before June 27, 2017, the amount of the unencumbered ending balance in the state general fund for fiscal year 2017. If the amount of such unencumbered ending balance in the state general fund is less than $50,000,000, the director of the budget shall certify the difference between $50,000,000, and the amount of such unencumbered ending balance to the pooled money investment board. Upon the liquidation of all investments and reinvestments of state moneys pursuant to K.S.A. 2017 Supp. 75-2263(j), and amendments thereto, and upon receipt of such certification by the director of the budget, during the fiscal year ending June 30, 2017, the pooled money investment board shall authorize the director of accounts and reports to transfer an amount equal to the amount certified by the director of the budget pursuant to this subsection from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(2) On or before June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, the director of accounts and reports shall transfer an amount equal to 1/6 of the amount transferred pursuant to subsection (m)(1) from the state general fund to the pooled money investment portfolio. Any transfer made pursuant to this subsection shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to section 116, and amendments thereto.
(3) During the fiscal year ending June 30, 2018, after any transfer made pursuant to subsection (m)(1), the pooled money investment board shall authorize the director of accounts and reports to transfer the remaining amount of all investments and reinvestments of state moneys liquidated pursuant to K.S.A. 2017 Supp. 75-2263(j), and amendments thereto, from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(4) On or before June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, the director of accounts and reports shall transfer an amount equal to 1/6 of the amount transferred pursuant to subsection (m)(3) from the state general fund to the pooled money investment portfolio. Any transfer made pursuant to this subsection shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to section 116, and amendments thereto.

Sec. 126. K.S.A. 2017 Supp. 75-6706 is hereby amended to read as follows: 75-6706. (a) On July 1, 2017, the budget stabilization fund is hereby established in the state treasury.

(b) On or before the 10th day of each month commencing July 1, 2017, the director of accounts and reports shall transfer from the state general fund to the budget stabilization fund interest earnings based on:

(1) The average daily balance of moneys in the budget stabilization fund, for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(c) On and after July 1, 2017, no moneys in the budget stabilization fund shall be expended pursuant to this subsection unless the expenditure either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto.

(d) (1) The legislative budget committee shall study and review the policy concerning the balance of, transfers to and expenditures from the budget stabilization fund. The legislative budget committee study and review shall include, but not be limited to, the following:

(A) Risk-based budget stabilization fund practices utilized in other states.

(B) The appropriate number of years to review the state general fund:

(i) Revenue variances from projections; and

(ii) expenditure variances from budgets.
(C) The entity to certify the amount necessary in the budget stabilization fund to maintain the appropriate risk-based balance.

(D) Plan to fund the budget stabilization fund.

(E) Process and circumstances to reach the appropriate risk-based balance, including the amount of risk that is acceptable.

(F) Circumstances under which expenditures may be made from the fund.

(2) The legislative budget committee may make recommendations and introduce legislation as it deems necessary to implement such recommendations.

(e) On or before August 15, 2019, the director of the budget, in consultation with the director of legislative research, shall certify the amount of the unencumbered ending balance in the state general fund for fiscal year 2019. Such ending balance shall not include the transfers made pursuant to section 116, and amendments thereto. Upon making such certification, the director of the budget shall authorize the director of accounts and reports to transfer 10% of such ending balance from the state general fund to the budget stabilization fund.

Sec. 127. K.S.A. 2017 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 2017 Supp. 79-4806, and amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than 1/2 of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions
under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including, but not limited to, continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) Except as provided further, in each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal $2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. In state fiscal year 2019, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal $500,000 from the state economic development initiatives fund to the state water plan fund. No moneys shall be transferred from the state economic development initiatives fund to the state water plan fund on such dates during state fiscal year 2018, state fiscal year 2019, and state fiscal year 2020. No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range
goals, objectives and considerations set forth in the state water resource planning act.

Sec. 128. K.S.A. 2017 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer $6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, except that during the fiscal year ending June 30, 2018, the transfer shall not exceed $1,200,000 $1,400,000. On the effective date of this act, the director of accounts and reports shall transfer $200,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. During the fiscal year ending June 30, 2019, the transfer shall not exceed $2,750,000. No moneys shall be transferred from the state general fund to the state water plan fund during the fiscal years ending June 30, 2019, and June 30, 2020.

Sec. 129. Severability. If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 130. Appeals to exceed expenditure limitations. (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children’s initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 131. If any fund or account name described by words and the numerical accounting code that follows such fund or account name do not match, it shall be conclusively presumed that the legislature intended that the fund or account name described by words is the correct fund or account name, and such fund or account name described by words shall control over a contradictory or incorrect numerical accounting code.

Sec. 132. K.S.A. 2017 Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a are hereby repealed.

Sec. 133. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 15, 2018.
Published in the Kansas Register May 31, 2018.
† Section 9 was line-item vetoed.
† Section 43(b) was line-item vetoed.
† A portion of section 44(a) was line-item vetoed.
† A portion of section 45(a) was line-item vetoed.
† Section 58(e) was line-item vetoed.
† A portion of section 59(a) was line-item vetoed.
† Section 67(i) was line-item vetoed.
† A portion of section 68(a) was line-item vetoed.
† Section 68(i) was line-item vetoed.
† Section 74(e) was line-item vetoed.
† Section 100(b) was line-item vetoed.
† Section 100(c) was line-item vetoed.
† Section 100(d) was line-item vetoed.
(See Message from the Governor)

CHAPTER 110
SENATE BILL No. 281

AN ACT concerning protection orders; relating to the protection from abuse act; the protection from stalking, sexual assault or human trafficking act; amending K.S.A. 60-3105 and K.S.A. 2017 Supp. 21-5924, 60-3104, 60-31a01, 60-31a02, 60-31a03, 60-31a04, 60-31a05, 60-31a06, 60-31a07, 60-31a08 and 60-31a09 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 21-5924 is hereby amended to read as follows: 21-5924. (a) Violation of a protective order is knowingly violating:

(1) A protection from abuse order issued pursuant to K.S.A. 60-3105, 60-3106 or 60-3107, and amendments thereto;

(2) a protective order issued by a court or tribunal of any state or Indian tribe that is consistent with the provisions of 18 U.S.C. § 2265, and amendments thereto;

(3) a restraining order issued pursuant to K.S.A. 2017 Supp. 23-2707, 38-2243, 38-2244 or 38-2255, and amendments thereto, or K.S.A. 60-1607, prior to its transfer;

(4) an order issued in this or any other state as a condition of pretrial release, diversion, probation, suspended sentence, postrelease supervision or at any other time during the criminal case that orders the person to refrain from having any direct or indirect contact with another person;

(5) an order issued in this or any other state as a condition of release after conviction or as a condition of a supersedeas bond pending disposition of an appeal, that orders the person to refrain from having any direct or indirect contact with another person; or

(6) a protection from stalking or, sexual assault or human trafficking order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments thereto.

(b) (1) Violation of a protective order is a class A person misdemeanor, except as provided in subsection (b)(2).

(2) Violation of an extended protective order as described in K.S.A.
(e) No protective order, as set forth in this section, shall be construed to prohibit an attorney, or any person acting on such attorney's behalf, who is representing the defendant in any civil or criminal proceeding, from contacting the protected party for a legitimate purpose within the scope of the civil or criminal proceeding. The attorney, or person acting on such attorney's behalf, shall be identified in any such contact.

(d) As used in this section, “order” includes any order issued by a municipal or district court.

Sec. 2. K.S.A. 2017 Supp. 60-3104 is hereby amended to read as follows: 60-3104. (a) An intimate partner or household member may seek relief under the protection from abuse act by filing a verified petition with any district judge of the district court or with the clerk of the court alleging abuse by another intimate partner or household member.

(b) A parent of or an adult residing with a minor child may seek relief under the protection from abuse act on behalf of the minor child by filing a verified petition with any district judge of the district court or with the clerk of the court alleging abuse by another intimate partner or household member: (1) A parent of the minor child; (2) an adult residing with the minor child; or (3) the child's court-appointed legal custodian or court-appointed legal guardian.

(c) The clerk of the court shall supply the forms for the petition and orders, which shall be prescribed by the judicial council.

(d) Service of process served under this section shall be by personal service and not by certified mail return receipt requested. No docket fee shall be required for proceedings under the protection from abuse act.

(e) If the court finds that the plaintiff's address or telephone number, or both, needs to remain confidential for the protection of the plaintiff, plaintiff's minor children or minor children residing with the plaintiff, such information shall not be disclosed to the public, but only to authorized court or law enforcement personnel and to the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 3. K.S.A. 60-3105 is hereby amended to read as follows: 60-3105. (a) When the court is unavailable, a verified petition, accompanied by a proposed order, may be presented to any district judge of the district court. The judge may grant relief in accordance with subsection (a)(1), (2), (4) or (5) of K.S.A. 60-3107(a)(1), (2), (4) or (5), and amendments thereto, or any combination thereof, if the judge deems it necessary to protect the plaintiff or minor child or children from abuse. An emergency order pursuant to this subsection may be granted ex parte. Immediate
and present danger of abuse to the plaintiff or minor child or children shall constitute good cause for the entry of the emergency order.

(b) An emergency order issued under subsection (a) shall expire on 5:00 p.m. on the first day when the court resumes court business. At that time, the plaintiff may seek a temporary order from the court.

(c) The judge shall note on the petition and any order granted, including any documentation in support thereof, the filing date, together with the judge’s signature, and shall deliver them to the clerk of the court on the next day of the resumption of business of the court.

Sec. 4. K.S.A. 2017 Supp. 60-31a01 is hereby amended to read as follows: 60-31a01. (a) K.S.A. 60-31a01 through 60-31a09, and amendments thereto, shall be known and may be cited as the protection from stalking or sexual assault or human trafficking act.

(b) This act shall be liberally construed to protect victims of stalking, sexual assault and human trafficking and to facilitate access to judicial protection for victims of stalking, sexual assault, and human trafficking, whether represented by counsel or proceeding pro se.

Sec. 5. K.S.A. 2017 Supp. 60-31a02 is hereby amended to read as follows: 60-31a02. As used in the protection from stalking, sexual assault or human trafficking act:

(a) “Human trafficking” means any act that would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or an act that, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2017 Supp. 21-6419, and amendments thereto.

(b) “Human trafficking victim” means a person who has been subjected to an act that would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto, or has committed an act that, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 21-6419, and amendments thereto.

(c) “Sexual assault” means:

(1) A nonconsensual sexual act; or
(2) an attempted sexual act against another by force, threat of force, duress or when the person is incapable of giving consent.

(d) “Stalking” means an intentional harassment of another person that places the other person in reasonable fear for that person’s safety.

(e) “Harassment” means a knowing and intentional course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person, and that serves no legitimate purpose. “Harass-
ment’ shall include any course of conduct carried out through the use of an unmanned aerial system over or near any dwelling, occupied vehicle or other place where one may reasonably expect to be safe from uninvited intrusion or surveillance.

(d)(2) “Course of conduct” means conduct consisting of two or more separate acts over a period of time, however short, evidencing a continuity of purpose which would cause a reasonable person to suffer substantial emotional distress. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(e) “Unmanned aerial system” means a powered, aerial vehicle that:

(1) Does not carry a human operator;
(2) uses aerodynamic forces to provide vehicle lift;
(3) may fly autonomously or be piloted remotely;
(4) may be expendable or recoverable; and
(5) may carry a lethal or nonlethal payload.

Sec. 6. K.S.A. 2017 Supp. 60-31a03 is hereby amended to read as follows: 60-31a03. The district courts shall have jurisdiction over all proceedings under the protection from stalking, sexual assault or human trafficking act.

Sec. 7. K.S.A. 2017 Supp. 60-31a04 is hereby amended to read as follows: 60-31a04. (a) A person may seek relief under the protection from stalking, sexual assault or human trafficking act by filing a verified petition with any district judge of the district court or clerk of the court. A verified petition must allege facts sufficient to show the following:

(1) The name of the stalking or sexual assault victim or human trafficking victim;
(2) the name of the defendant;
(3) the dates on which the alleged stalking or sexual assault or human trafficking behavior occurred; and
(4) the acts committed by the defendant that are alleged to constitute stalking or sexual assault or human trafficking.

(b) A parent or an adult residing with a minor child The following persons may seek relief under the protection from stalking, sexual assault or human trafficking act on behalf of a minor child by filing a verified petition with the district judge of the district court or with the clerk of the court in the county where the stalking, sexual assault or human trafficking occurred: (1) A parent of the minor child; (2) an adult residing with the minor child; or (3) the child’s court-appointed legal custodian or court-appointed legal guardian.

(c) The following persons may seek relief for a minor child who is alleged to be a human trafficking victim under the protection from stalking, sexual assault or human trafficking act on behalf of the minor child by filing a verified petition with any district judge or with the clerk of the court alleging acts committed by an individual that are alleged to consti-
tute human trafficking: (1) A parent of the minor child; (2) an adult residing with the minor child; (3) the child’s court-appointed legal custodian or court-appointed legal guardian; (4) a county or district attorney; or (5) the attorney general.

(d) The clerk of the court shall supply the forms for the petition and orders, which shall be prescribed by the judicial council.

(e) Service of process served under this section shall be by personal service. No docket fee shall be required for proceedings under the protection from stalking or sexual assault or human trafficking act.

(f) The victim’s address and telephone number shall not be disclosed to the defendant or to the public, but only to authorized court or law enforcement personnel and to the commission on judicial performance in the discharge of the commission’s duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 8. K.S.A. 2017 Supp. 60-31a05 is hereby amended to read as follows: 60-31a05. (a) Within 21 days of the filing of a petition under the protection from stalking or sexual assault or human trafficking act a hearing shall be held at which the plaintiff must prove the allegation of stalking or sexual assault or human trafficking by a preponderance of the evidence and the defendant shall have an opportunity to present evidence on the defendant’s behalf. Upon the filing of the petition, the court shall set the case for hearing. At the hearing, the court shall advise the parties of the right to be represented by counsel.

(b) Prior to the hearing on the petition and upon a finding of good cause shown, the court on motion of a party may enter such temporary relief orders in accordance with K.S.A. 60-31a06, and amendments thereto, or any combination thereof, as it deems necessary to protect the victim from being stalked, sexually assaulted or trafficked. Temporary orders may be granted ex parte on presentation of a verified petition by the victim supporting a prima facie case of stalking or sexual assault or human trafficking.

(c) If a hearing under subsection (a) is continued, the court may make or extend such temporary orders under subsection (b) as it deems necessary.

Sec. 9. K.S.A. 2017 Supp. 60-31a06 is hereby amended to read as follows: 60-31a06. (a) The court may issue a protection from stalking or sexual assault or human trafficking order granting any one or more of the following orders:

1. Restraining the defendant from following, harassing, telephoning, contacting or otherwise communicating with the victim. Such order shall contain a statement that, if such order is violated, such violation may constitute stalking as defined in K.S.A. 2017 Supp. 21-5427, and amendments thereto, and violation of a protective order as defined in K.S.A. 2017 Supp. 21-5924, and amendments thereto.
(2) Restraining the defendant from abusing, molesting or interfering with the privacy rights of the victim. The order shall contain a statement that, if the order is violated, the violation may constitute stalking as defined in K.S.A. 2017 Supp. 21-5427, and amendments thereto, assault as defined in K.S.A. 2017 Supp. 21-5412(a), and amendments thereto, battery as defined in K.S.A. 2017 Supp. 21-5413(a), and amendments thereto, and violation of a protective order as defined in K.S.A. 2017 Supp. 21-5924, and amendments thereto.

(3) Restraining the defendant from entering upon or in the victim’s residence or the immediate vicinity thereof. The order shall contain a statement that, if the order is violated, the violation shall constitute criminal trespass as defined in K.S.A. 2017 Supp. 21-5808(a)(1)(C), and amendments thereto, and violation of a protective order as defined in K.S.A. 2017 Supp. 21-5924, and amendments thereto.

(4) Restraining the defendant from committing or attempting to commit a sexual assault upon the victim. The order shall contain a statement that, if the order is violated, the violation shall constitute violation of a protective order, and violation of a protective order, as defined in K.S.A. 2017 Supp. 21-5924, and amendments thereto. The order shall also contain a statement that, if the order is violated, the violation may constitute a sex offense under article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, and the accused may be prosecuted, convicted of and punished for such sex offense.

(5) Restraining the defendant from following, harassing, telephoning, contacting, recruiting, harboring, transporting, or committing or attempting to commit human trafficking upon the human trafficking victim, or otherwise communicating with the human trafficking victim. The order shall contain a statement that, if the order is violated, the violation shall constitute violation of a protective order as defined in K.S.A. 2017 Supp. 21-5924, and amendments thereto. The order shall also contain a statement that, if the order is violated, the violation may constitute an offense under chapter 21 of the Kansas Statutes Annotated, and amendments thereto, and the accused may be prosecuted, convicted of and punished for such offense.

(6) Any other order deemed necessary by the court to carry out the provisions of this act.

(b) A protection from stalking or sexual abuse or human trafficking order shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year except as provided in subsections (c) and (d).

(c) Upon motion of the plaintiff the court may extend the order for an additional year.

(d) Upon verified motion of the plaintiff and after the defendant has been personally served with a copy of the motion and has had an opportunity to present evidence and cross-examine witnesses at a hearing on
the motion, the court shall extend a protective order for not less than two additional years and up to a period of time not to exceed the lifetime of the defendant, if the court determines by a preponderance of the evidence that the defendant has:

1. Violated a valid protection order;
2. Previously violated a valid protection order; or
3. Been convicted of a person felony or any conspiracy, criminal solicitation or attempt thereof, under the laws of Kansas or the laws of any other jurisdiction which are substantially similar to such person felony, committed against the plaintiff or any member of the plaintiff's household.

No service fee shall be required for a motion filed pursuant to this subsection.

(e) The court may amend its order at any time upon motion filed by either party.

(f) The court shall assess costs against the defendant and may award attorney fees to the victim in any case in which the court issues a protection from stalking or sexual assault or human trafficking order pursuant to this act. The court may award attorney fees to the defendant in any case where the court finds that the petition to seek relief pursuant to this act is without merit.

(g) A no contact or restraining provision in a protective order issued pursuant to this section shall not be construed to prevent:
1. Contact between the attorneys representing the parties;
2. A party from appearing at a scheduled court or administrative hearing; or
3. A defendant or defendant's attorney from sending the plaintiff copies of any legal pleadings filed in court relating to civil or criminal matters presently relevant to the plaintiff.

Sec. 10. K.S.A. 2017 Supp. 60-31a07 is hereby amended to read as follows: 60-31a07. A copy of any order under the protection from stalking or sexual assault or human trafficking act shall be issued to the victim, the defendant and the police department of the city where the victim resides. If the victim does not reside in a city or resides in a city with no police department, a copy of the order shall be issued to the sheriff of the county where the order is issued.

Sec. 11. K.S.A. 2017 Supp. 60-31a08 is hereby amended to read as follows: 60-31a08. Except as otherwise provided in the protection from stalking or sexual assault or human trafficking act, any proceedings under this act shall be in accordance with chapter 60 of the Kansas Statutes Annotated, and amendments thereto, and shall be in addition to any other available civil or criminal remedies.

Sec. 12. K.S.A. 2017 Supp. 60-31a09 is hereby amended to read as follows: 60-31a09. If, upon hearing, the court finds a violation of any order
under the protection from stalking, sexual assault or human trafficking act, the court may find the defendant in contempt pursuant to K.S.A. 20-1204a, and amendments thereto.

Sec. 13. K.S.A. 60-3105 and K.S.A. 2017 Supp. 21-5924, 60-3104, 60-31a01, 60-31a02, 60-31a03, 60-31a04, 60-31a05, 60-31a06, 60-31a07, 60-31a08 and 60-31a09 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 16, 2018.

CHAPTER 111
SENATE BILL No. 415

AN ACT concerning the Kansas state fair; relating to state sales tax revenues collected on the Kansas state fairgrounds; deposit of revenues in state fair capital improvements fund; amending K.S.A. 2017 Supp. 2-223 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of K.S.A. 74-5905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities, except that:

(1) For the fiscal year ending June 30, 2018, notwithstanding the other provisions of this section, on March 1, 2018, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of $300,000 or the amount equal to 5% of the total gross receipts during fiscal year 2018 from state fair activities and non-fair days activities through March 1, 2018, except that, subject to approval by the director of the budget prior to March 1,
2018, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2018, the state fair board may certify an amount on March 1, 2018, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2018, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2018. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification; and

(2) for the fiscal year ending June 30, 2019, notwithstanding the other provisions of this section, on March 1, 2019, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of $300,000 or the amount equal to 5% of the total gross receipts during fiscal year 2019 from state fair activities and non-fair days activities through March 1, 2019, except that, subject to approval by the director of the budget prior to March 1, 2019, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2019, the state fair board may certify an amount on March 1, 2019, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2019, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2019. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant
to subsection (b), except that: (1) No transfer from the state general fund under this subsection shall exceed $300,000 in any fiscal year except for the fiscal years ending June 30, 2018, and June 30, 2019, the transfer shall not exceed $100,000.

New Sec. 2. (a) Notwithstanding any provision to the contrary in the Kansas retailers’ sales tax act, state sales tax levied pursuant to K.S.A. 79-3603, and amendments thereto, and collected by the Kansas state fair or any retailer upon the gross receipts received from the sale of tangible personal property at retail while on the Kansas state fairgrounds, shall be remitted to the director of taxation who shall remit all such state sales tax revenue to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit to the state highway fund the same percentage in effect and credited pursuant to K.S.A. 79-3620(c), and amendments thereto, of the sales tax revenue collected and the remainder to be credited to the state fair capital improvements fund established pursuant to K.S.A. 2-223, and amendments thereto. The provisions of this section shall expire and have no effect if the state fair is located outside the city limits of the city of Hutchinson, Kansas.

(b) The provisions of this section shall be part of and supplemental to the Kansas retailers’ sales tax act.

Sec. 3. K.S.A. 2017 Supp. 2-223 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 16, 2018.

CHAPTER 112

HOUSE BILL No. 2458
(Amends Chapter 71)

AN ACT concerning crimes, punishment and criminal procedure; creating the crime of counterfeiting currency; relating to mistreatment of a dependent adult and mistreatment of an elder person; inherently dangerous felonies; assault and battery; definition of law enforcement officer; controlled substances; possession; escape and aggravated escape from custody; definition of escape; certified drug abuse treatment programs; amending K.S.A. 2017 Supp. 21-5402, 21-5412, 21-5413, 21-5417, 21-5706, 21-5911 and 21-6824 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 21-5417, as amended by section 3 of 2018 Senate Bill No. 217.

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

New Section 1. (a) Counterfeiting currency is, with the intent to defraud:
(1) Making, forging or altering any note, obligation or security of the United States;
(2) distributing, or possessing with the intent to distribute, any obligation or security of the United States knowing such obligation or security has been so made, forged or altered; or
(3) possessing any paper, ink, printer, press, currency plate or other item with the intent to produce any counterfeit note, currency, obligation or security of the United States.

(b) Counterfeiting currency as defined in:
(1) Subsection (a)(1) or (a)(2) is a:
   (A) Severity level 7, nonperson felony, if the total face value of the obligations or securities seized is $25,000 or more; and
   (B) severity level 8, nonperson felony, if the total face value of the obligations or securities seized is less than $25,000; and
(2) subsection (a)(3) is a severity level 9, nonperson felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. K.S.A. 2017 Supp. 21-5402 is hereby amended to read as follows: 21-5402. (a) Murder in the first degree is the killing of a human being committed:
(1) Intentionally, and with premeditation; or
(2) in the commission of, attempt to commit, or flight from any inherently dangerous felony.

(b) Murder in the first degree is an off-grid person felony.

(c) As used in this section, an “inherently dangerous felony” means:
(1) Any of the following felonies, whether such felony is so distinct from the homicide alleged to be a violation of subsection (a)(2) as not to be an ingredient of the homicide alleged to be a violation of subsection (a)(2):
   (A) Kidnapping, as defined in subsection (a) of K.S.A. 2017 Supp. 21-5408(a), and amendments thereto;
   (B) aggravated kidnapping, as defined in subsection (b) of K.S.A. 2017 Supp. 21-5408(b), and amendments thereto;
   (C) robbery, as defined in subsection (a) of K.S.A. 2017 Supp. 21-5420(a), and amendments thereto;
   (D) aggravated robbery, as defined in subsection (b) of K.S.A. 2017 Supp. 21-5420(b), and amendments thereto;
   (E) rape, as defined in K.S.A. 2017 Supp. 21-5503, and amendments thereto;
   (F) aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2017 Supp. 21-5504(b), and amendments thereto;
   (G) abuse of a child, as defined in K.S.A. 2017 Supp. 21-5602, and amendments thereto;
(H) felony theft of property, as defined in subsection (a)(1) or (a)(3) of K.S.A. 2017 Supp. 21-5801(a)(1) or (a)(3), and amendments thereto;
(I) burglary, as defined in subsection (a) of K.S.A. 2017 Supp. 21-5807(a), and amendments thereto;
(J) aggravated burglary, as defined in subsection (b) of K.S.A. 2017 Supp. 21-5807(b), and amendments thereto;
(K) arson, as defined in subsection (a) of K.S.A. 2017 Supp. 21-5812(a), and amendments thereto;
(L) aggravated arson, as defined in subsection (b) of K.S.A. 2017 Supp. 21-5812(b), and amendments thereto;
(M) treason, as defined in K.S.A. 2017 Supp. 21-5901, and amendments thereto;
(N) any felony offense as provided in K.S.A. 2017 Supp. 21-5703, 21-5705 or 21-5706, and amendments thereto;
(O) any felony offense as provided in subsection (a) or (b) of K.S.A. 2017 Supp. 21-6308(a) or (b), and amendments thereto;
(P) endangering the food supply, as defined in subsection (a) of K.S.A. 2017 Supp. 21-6317(a), and amendments thereto;
(Q) aggravated endangering the food supply, as defined in subsection (b) of K.S.A. 2017 Supp. 21-6317(b), and amendments thereto;
(R) fleeing or attempting to elude a police officer, as defined in subsection (b) of K.S.A. 8-1568(b), and amendments thereto;
(S) aggravated endangering a child, as defined in subsection (b)(1) of K.S.A. 2017 Supp. 21-5601(b)(1), and amendments thereto;
(T) abandonment of a child, as defined in subsection (a) of K.S.A. 2017 Supp. 21-5605(a), and amendments thereto; or
(U) aggravated abandonment of a child, as defined in subsection (b) of K.S.A. 2017 Supp. 21-5605(b), and amendments thereto; and
(V) mistreatment of a dependent adult or mistreatment of an elder person, as defined in K.S.A. 2017 Supp. 21-5417, and amendments thereto; and
(2) any of the following felonies, only when such felony is so distinct from the homicide alleged to be a violation of subsection (a)(2) as to not be an ingredient of the homicide alleged to be a violation of subsection (a)(2):
(A) Murder in the first degree, as defined in subsection (a)(1);  
(B) murder in the second degree, as defined in subsection (a)(1) of K.S.A. 2017 Supp. 21-5403(a)(1), and amendments thereto;
(C) voluntary manslaughter, as defined in subsection (a)(1) of K.S.A. 2017 Supp. 21-5404(a)(1), and amendments thereto;
(D) aggravated assault, as defined in subsection (b) of K.S.A. 2017 Supp. 21-5412(b), and amendments thereto;
(E) aggravated assault of a law enforcement officer, as defined in subsection (d) of K.S.A. 2017 Supp. 21-5412(d), and amendments thereto;
(F) aggravated battery, as defined in subsection (b)(1) of K.S.A. 2017 Supp. 21-5413(b)(1), and amendments thereto; or

(G) aggravated battery against a law enforcement officer, as defined in subsection (d) of K.S.A. 2017 Supp. 21-5413(d), and amendments thereto.

(d) Murder in the first degree as defined in subsection (a)(2) is an alternative method of proving murder in the first degree and is not a separate crime from murder in the first degree as defined in subsection (a)(1). The provisions of K.S.A. 2017 Supp. 21-5109, and amendments thereto, are not applicable to murder in the first degree as defined in subsection (a)(2). Murder in the first degree as defined in subsection (a)(2) is not a lesser included offense of murder in the first degree as defined in subsection (a)(1), and is not a lesser included offense of capital murder as defined in K.S.A. 2017 Supp. 21-5401, and amendments thereto. As set forth in subsection (b) of K.S.A. 2017 Supp. 21-5109, and amendments thereto, there are no lesser included offenses of murder in the first degree under subsection (a)(2).

(e) The amendments to this section by this act chapter 96 of the 2013 Session Laws of Kansas establish a procedural rule for the conduct of criminal prosecutions and shall be construed and applied retroactively to all cases currently pending.

Sec. 3. K.S.A. 2017 Supp. 21-5412 is hereby amended to read as follows: 21-5412. (a) Assault is knowingly placing another person in reasonable apprehension of immediate bodily harm;

(b) Aggravated assault is assault, as defined in subsection (a), committed:

(1) With a deadly weapon;
(2) while disguised in any manner designed to conceal identity; or
(3) with intent to commit any felony.

(c) Assault of a law enforcement officer is assault, as defined in subsection (a), committed against:

(1) A uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of such officer’s duty; or
(2) a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty; or
(3) a uniformed or properly identified federal law enforcement officer as defined in K.S.A. 2017 Supp. 21-5413, and amendments thereto, while such officer is engaged in the performance of such officer’s duty.

(d) Aggravated assault of a law enforcement officer is assault of a law enforcement officer, as defined in subsection (c), committed:

(1) With a deadly weapon;
(2) while disguised in any manner designed to conceal identity; or
(3) with intent to commit any felony.
(e) (1) Assault is a class C person misdemeanor.
(2) Aggravated assault is a severity level 7, person felony.
(3) Assault of a law enforcement officer is a class A person misdemeanor.
(4) Aggravated assault of a law enforcement officer is a severity level 6, person felony. A person convicted of aggravated assault of a law enforcement officer shall be subject to the provisions of subsection (g) of K.S.A. 2017 Supp. 21-6804(g), and amendments thereto.

Sec. 4. K.S.A. 2017 Supp. 21-5413 is hereby amended to read as follows: 21-5413. (a) Battery is:
(1) Knowingly or recklessly causing bodily harm to another person; or
(2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner.
(b) Aggravated battery is:
(1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;
(B) knowingly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or
(C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;
(2) (A) recklessly causing great bodily harm to another person or disfigurement of another person; or
(B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or
(3) (A) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act; or
(B) committing an act described in K.S.A. 8-1567, and amendments thereto, when bodily harm to another person results from such act under circumstances whereby great bodily harm, disfigurement or death can result from such act.
(c) Battery against a law enforcement officer is:
(1) Battery, as defined in subsection (a)(2), committed against a:
(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty;
(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or
county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) battery, as defined in subsection (a)(1), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(3) battery, as defined in subsection (a) committed against a:

(A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(B) state correctional officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(d) Aggravated battery against a law enforcement officer is:

(1) An aggravated battery, as defined in subsection (b)(1)(A) committed against a:
(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer’s duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer’s duty;

(D) judge, while such judge is engaged in the performance of such judge’s duty;

(E) attorney, while such attorney is engaged in the performance of such attorney’s duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer’s duty;

(2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)(C), committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer’s duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer’s duty;

(D) judge, while such judge is engaged in the performance of such judge’s duty;

(E) attorney, while such attorney is engaged in the performance of such attorney’s duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer’s duty; or

(3) knowingly causing, with a motor vehicle, bodily harm to a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer’s duty; or

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty; or

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer’s duty.

(e) Battery against a school employee is a battery, as defined in subsection (a), committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly
(f) Battery against a mental health employee is a battery, as defined in subsection (a), committed against a mental health employee by a person in the custody of the secretary for aging and disability services, while such employee is engaged in the performance of such employee’s duty.

(g) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

(A) Subsection (b)(1)(A) is a severity level 4, person felony;

(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;

(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and

(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.

(3) Battery against a law enforcement officer as defined in:

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

(B) subsection (c)(2) is a severity level 7, person felony; and

(C) subsection (c)(3) is a severity level 5, person felony.

(4) Aggravated battery against a law enforcement officer as defined in:

(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and

(B) subsection (d)(2) is a severity level 4, person felony.

(5) Battery against a school employee is a class A person misdemeanor.

(6) Battery against a mental health employee is a severity level 7, person felony.

(h) As used in this section:

(1) “Correctional institution” means any institution or facility under the supervision and control of the secretary of corrections;

(2) “state correctional officer or employee” means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, whose duties include working at a correctional institution;

(3) “juvenile detention facility officer or employee” means any officer or employee of a juvenile detention facility as defined in K.S.A. 2017 Supp. 38-2302, and amendments thereto;

(4) “city or county correctional officer or employee” means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, whose duties include working at a city holding facility or county jail facility;

(5) “school employee” means any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12;
(6) “mental health employee” means: (A) An employee of the Kansas department for aging and disability services working at Larned state hospital, Osawatomie state hospital, Kansas neurological institute and Parsons state hospital and training center and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility;

(7) “judge” means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;

(8) “attorney” means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents’ defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

(9) “community corrections officer” means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs;

(10) “court services officer” means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court and

(11) “federal law enforcement officer” means a law enforcement officer employed by the United States federal government who, as part of such officer’s duties, is permitted to make arrests and to be armed.

Sec. 5. K.S.A. 2017 Supp. 21-5417 is hereby amended to read as follows: 21-5417. (a) Mistreatment of a dependent adult or an elder person is knowingly committing one or more of the following acts:

(1) Infliction of physical injury, unreasonable confinement or unreasonable punishment upon a dependent adult or an elder person;

(2) Taking the personal property or financial resources of a dependent adult or an elder person for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of a dependent adult or an elder person through:

(A) Undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such dependent adult or elder person;
(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto; or

(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(D) a violation of the act for obtaining a guardian or a conservator, or both, K.S.A. 59-3050 et seq., and amendments thereto; or

(3) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of such dependent adult or elder person.

(b) Mistreatment of an elder person is knowingly committing one or more of the following acts:

(1) taking the personal property or financial resources of an elder person for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of an elder person through:

(A) undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such elder person;

(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto; or

(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(2) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of such elder person.

(c) Mistreatment of a dependent adult or an elder person as defined in:

(1) Subsection (a)(1) is a severity level 5, person felony;

(2) subsection (a)(2) if the aggregate amount of the value of the personal property or financial resources is:

(A) $1,000,000 or more is a severity level 2, person felony;

(B) at least $250,000 but less than $1,000,000 is a severity level 3, person felony;

(C) at least $100,000 but less than $250,000 is a severity level 4, person felony;

(D) at least $25,000 but less than $100,000 is a severity level 5, person felony;

(E) at least or $1,000 $1,500 but less than $25,000 is a severity level 7, person felony;

(F) less than $1,000 $1,500 is a class A person misdemeanor, except as provided in subsection (e) (b)(2)(G); and

(G) less than $1,000 $1,500 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of mistreatment of a dependent adult or violation of this section two or more times is a severity level 7, person felony; and
(3) subsection (a)(3) is a severity level 8, person felony.

(d) — Mistreatment of an elder person as defined in:

(1) subsection (b)(1) if the aggregate amount of the value of the personal property or financial resources is:

(A) $1,000,000 or more is a severity level 2, person felony;

(B) at least $250,000 but less than $1,000,000 is a severity level 3, person felony;

(C) at least $100,000 but less than $250,000 is a severity level 4, person felony;

(D) at least $25,000 but less than $100,000 is a severity level 5, person felony;

(E) at least $5,000 but less than $25,000 is a severity level 7, person felony;

(F) less than $5,000 is a class A person misdemeanor, except as provided in subsection (d)(1)(G); and

(G) less than $5,000 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of mistreatment of an elder person two or more times is a severity level 7, person felony; and

(2) subsection (b)(2) is a severity level 8, person felony.

(e) It shall be an affirmative defense to any prosecution for mistreatment of a dependent adult or mistreatment of an elder person as described in subsections (a)(2) and (b)(1) subsection (a)(2) that:

(1) the personal property or financial resources were given as a gift consistent with a pattern of gift giving to the person that existed before the dependent adult or elder person became vulnerable;

(2) the personal property or financial resources were given as a gift consistent with a pattern of gift giving to a class of individuals that existed before the dependent adult or elder person became vulnerable;

(3) the personal property or financial resources were conferred as a gift by the dependent adult or elder person to the benefit of a person or class of persons, and such gift was reasonable under the circumstances; or

(4) a court approved the transaction before the transaction occurred.

(f) No dependent adult or elder person is considered to be mistreated under subsection (a)(1); or (a)(3); or (b)(2) for the sole reason that such dependent adult or elder person relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult or elder person is a member or adherent.

(g) As used in this section:

(1) “Adequate consideration” means the personal property or financial resources were given to the person as payment for bona fide goods
or services provided by such person and the payment was at a rate customary for similar goods or services in the community that the dependent adult or elder person resided in at the time of the transaction. 

(2) “Dependent adult” means an individual 18 years of age or older who is unable to protect the individual’s own interest. Such term shall include, but is not limited to, any:

(A) Resident of an adult care home including, but not limited to, those facilities defined by K.S.A. 39-923, and amendments thereto; 

(B) adult cared for in a private residence; 

(C) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a medical care facility; 

(D) individual with intellectual disability or a developmental disability receiving services through a community facility for people with intellectual disability or residential facility licensed under K.S.A. 75-3307b 2017 Supp. 39-2001 et seq., and amendments thereto; 

(E) individual with a developmental disability receiving services provided by a community service provider as provided in the developmental disability reform act; or 

(F) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a state psychiatric hospital or state institution for people with intellectual disability. 

(3) “Elder person” means a person 70 years of age or older. 

(f) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in article 54, 55, 56 or 58 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6418, and amendments thereto. 

Sec. 6. K.S.A. 2017 Supp. 21-5706 is hereby amended to read as follows: 21-5706. (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled substance analog thereof. 

(b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:

(1) Any depressant designated in K.S.A. 65-4105(e), K.S.A. 65-4107(e), K.S.A. 65-4109(b) or (c) or K.S.A. 65-4111(b), and amendments thereto; 

(2) any stimulant designated in K.S.A. 65-4105(f), K.S.A. 65-4107(d)(2), (d)(4), (d)(5) or (f)(2) or K.S.A. 65-4109(e), and amendments thereto; 

(3) any hallucinogenic drug designated in K.S.A. 65-4105(d), K.S.A. 65-4107(g) or K.S.A. 65-4109(g), and amendments thereto; 

(4) any substance designated in K.S.A. 65-4105(g) and K.S.A. 65-4111(c), (d), (e), (f) or (g), and amendments thereto;
(5) any anabolic steroids as defined in K.S.A. 65-4109(f), and amendments thereto;
(6) any substance designated in K.S.A. 65-4113, and amendments thereto; or
(7) any substance designated in K.S.A. 65-4105(h), and amendments thereto.

(c) (1) Violation of subsection (a) is a drug severity level 5 felony.
(2) Except as provided in subsection (c)(3):
(A) Violation of subsection (b) is a class A nonperson misdemeanor, except as provided in subsection (c)(2)(B); and
(B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana as designated in K.S.A. 65-4105(d), and amendments thereto, or any substance designated in K.S.A. 65-4105(h), and amendments thereto, or an analog thereof.
(3) If the substance involved is marijuana, as designated in K.S.A. 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as designated in K.S.A. 65-4105(h), and amendments thereto, violation of subsection (b) is a:
(A) Class B nonperson misdemeanor, except as provided in (c)(3)(B) and (c)(3)(C);
(B) class A nonperson misdemeanor if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense; and
(C) drug severity level 5 felony if that person has two or more prior convictions under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense.
(d) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog.

Sec. 7. K.S.A. 2017 Supp. 21-5911 is hereby amended to read as follows: 21-5911. (a) Escape from custody is escaping while held in custody on a:
(1) Charge, conviction of or arrest for a misdemeanor;
(2) charge, adjudication or arrest as a juvenile offender where the act, if committed by an adult, would constitute a misdemeanor; or
(3) commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting a misdemeanor or by a person 18 years of age or over who is being held in custody on an adjudication of a misdemeanor.

(b) Aggravated escape from custody is:
   (1) Escaping while held in custody:
      (A) Upon a charge, conviction of or arrest for a felony;
      (B) upon a charge, adjudication or arrest as a juvenile offender where the act, if committed by an adult, would constitute a felony;
      (C) prior to or upon a finding of probable cause for evaluation as a sexually violent predator as provided in K.S.A. 59-29a05, and amendments thereto;
      (D) upon commitment to a treatment facility as a sexually violent predator as provided in K.S.A. 59-29a01 et seq., and amendments thereto;
      (E) upon a commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting a felony;
      (F) by a person 18 years of age or over who is being held on an adjudication of a felony; or
      (G) upon incarceration at a state correctional institution while in the custody of the secretary of corrections.
   (2) Escaping effected or facilitated by the use of violence or the threat of violence against any person while held in custody:
      (A) On a charge or conviction of any crime;
      (B) on a charge or adjudication as a juvenile offender where the act, if committed by an adult, would constitute a felony;
      (C) prior to or upon a finding of probable cause for evaluation as a sexually violent predator as provided in K.S.A. 59-29a05, and amendments thereto;
      (D) upon commitment to a treatment facility as a sexually violent predator as provided in K.S.A. 59-29a01 et seq., and amendments thereto;
      (E) upon a commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting any crime;
      (F) by a person 18 years of age or over who is being held on a charge or adjudication of a misdemeanor or felony; or
      (G) upon incarceration at a state correctional institution while in the custody of the secretary of corrections.
   (c) (1) Escape from custody is a class A nonperson misdemeanor.
   (2) Aggravated escape from custody as defined in:
      (A) Subsection (b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(E) or (b)(1)(F) is a severity level 8, nonperson felony;
(B) subsection (b)(1)(B) or (b)(1)(G) is a severity level 5, nonperson felony;
(C) subsection (b)(2)(A), (b)(2)(C), (b)(2)(D), (b)(2)(E) or (b)(2)(F) is a severity level 6, person felony; and
(D) subsection (b)(2)(B) or (b)(2)(G) is a severity level 5, person felony.
(d) As used in this section and K.S.A. 2017 Supp. 21-5912, and amendments thereto:
(1) “Custody” means arrest; detention in a facility for holding persons charged with or convicted of crimes or charged or adjudicated as a juvenile offender; detention for extradition or deportation; detention in a hospital or other facility pursuant to court order, imposed as a specific condition of probation or parole or imposed as a specific condition of assignment to a community correctional services program; commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto; or any other detention for law enforcement purposes. “Custody” does not include general supervision of a person on probation or parole or constraint incidental to release on bail;
(2) “escape” means departure from custody without lawful authority or failure to return to custody following temporary leave lawfully granted pursuant to express authorization of law or order of a court:
(A) Departure from custody without lawful authority; or
(B) failure to return to custody following temporary leave lawfully granted by:
(i) Express authorization of law;
(ii) order of a court; or
(iii) a custodial official authorized to grant such leave;
(3) “juvenile offender” means the same as in K.S.A. 2017 Supp. 38-2302, and amendments thereto; and
(4) “state correctional institution” means the same as in K.S.A. 75-5202, and amendments thereto.
(e) As used in this section, the term “charge” shall not require that the offender was held on a written charge contained in a complaint, information or indictment, if such offender was arrested prior to such offender’s escape from custody.

Sec. 8. K.S.A. 2017 Supp. 21-6824 is hereby amended to read as follows: 21-6824. (a) There is hereby established a nonprison sanction of certified drug abuse treatment programs for certain offenders who are sentenced on or after November 1, 2003. Placement of offenders in certified drug abuse treatment programs by the court shall be limited to placement of adult offenders, convicted of a felony violation of K.S.A. 65-4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 2017 Supp. 21-5706, and amendments thereto, whose offense is classified in grid blocks:
(1) whose offense is classified in grid blocks 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines grid for drug crimes and such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2017 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction; or

(2) whose offense is classified in grid blocks 5-A, 5-B, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes, such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2017 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction, if the person felonies in the offender’s criminal history were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes, and the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program.

(b) As a part of the presentence investigation pursuant to K.S.A. 2017 Supp. 21-6813, and amendments thereto, offenders who meet the requirements of subsection (a), unless otherwise specifically ordered by the court, shall be subject to:

(1) A drug abuse assessment which shall include a clinical interview with a mental health professional and a recommendation concerning drug abuse treatment for the offender; and

(2) a criminal risk-need assessment. The criminal risk-need assessment shall assign a high or low risk status to the offender.

(c) If the offender is assigned a high risk status as determined by the drug abuse assessment performed pursuant to subsection (b)(1) and a moderate or high risk status as determined by the criminal risk-need assessment performed pursuant to subsection (b)(2), the sentencing court shall commit the offender to treatment in a drug abuse treatment program until the court determines the offender is suitable for discharge by the court. The term of treatment shall not exceed 18 months. The court may extend the term of probation, pursuant to subsection (c)(3) of K.S.A. 2017 Supp. 21-6608(c)(3), and amendments thereto. The term of treatment may not exceed the term of probation.

(d) (1) Offenders who are committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services.

(2) Offenders who are not committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services or court services based on the result of the criminal risk assessment.
(e) Placement of offenders under subsection (a)(2) shall be subject to the departure sentencing statutes of the revised Kansas sentencing guidelines act.

(f) (1) Offenders in drug abuse treatment programs shall be discharged from such program if the offender:

   (A) Is convicted of a new felony; or

   (B) has a pattern of intentional conduct that demonstrates the offender’s refusal to comply with or participate in the treatment program, as established by judicial finding.

   (2) Offenders who are discharged from such program shall be subject to the revocation provisions of subsection (n) of K.S.A. 2017 Supp. 21-6604(n), and amendments thereto.

(g) As used in this section, “mental health professional” includes licensed social workers, persons licensed to practice medicine and surgery, licensed psychologists, licensed professional counselors or registered alcohol and other drug abuse counselors licensed or certified as addiction counselors who have been certified by the secretary of corrections to treat offenders pursuant to K.S.A. 2017 Supp. 75-52,144, and amendments thereto.

(h) (1) Offenders who meet the requirements of subsection (a) shall not be subject to the provisions of this section and shall be sentenced as otherwise provided by law, if such offenders:

   (A) Are residents of another state and are returning to such state pursuant to the interstate corrections compact or the interstate compact for adult offender supervision; or

   (B) are not lawfully present in the United States and being detained for deportation; or

   (C) do not meet the risk assessment levels provided in subsection (c).

   (2) Such sentence shall not be considered a departure and shall not be subject to appeal.

   (i) The court may order an offender who otherwise does not meet the requirements of subsection (c) to undergo one additional drug abuse assessment while such offender is on probation. Such offender may be ordered to undergo drug abuse treatment pursuant to subsection (a) if such offender is determined to meet the requirements of subsection (c). The cost of such assessment shall be paid by such offender.

Sec. 9. K.S.A. 2017 Supp. 21-5402, 21-5412, 21-5413, 21-5417, 21-5417, as amended by section 3 of 2018 Senate Bill No. 217, 21-5706, 21-5911 and 21-6824 are hereby repealed.

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

Approved May 16, 2018.
CHAPTER 113
House Substitute for SENATE BILL No. 391*

An Act concerning roads and highways; establishing the joint legislative transportation vision task force; relating to the evaluation of the state highway fund and the state highway transportation system; report to the legislature.

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

Section 1. (a) There is hereby established the joint legislative transportation vision task force. The task force shall consist of the following members:

(1) The chairperson of the house committee on transportation;
(2) the chairperson of the house committee on transportation and public safety budget;
(3) the ranking minority member of the house committee on transportation;
(4) one member of the house of representatives to be appointed by the speaker of the house of representatives;
(5) the chairperson of the house committee on appropriations, or such chairperson’s designee from the house committee on appropriations;
(6) one member of the house of representatives to be appointed by the minority leader of the house of representatives;
(7) the chairperson of the senate committee on transportation;
(8) the chairperson of the senate committee on ways and means subcommittee on transportation;
(9) the ranking minority member of the senate committee on transportation;
(10) one member of the senate to be appointed by the president of the senate;
(11) the chairperson of the senate committee on ways and means, or such chairperson’s designee from the senate committee on ways and means;
(12) one member of the senate to be appointed by the minority leader of the senate;
(13) two city representatives to be appointed by the Kansas league of municipalities, including one who resides in a city with a population greater than 25,000 people and one who resides in a city with a population less than or equal to 25,000 people;
(14) two county commissioners to be appointed by the Kansas association of counties, including one who resides in a county with a population greater than 40,000 people and one who resides in a county with a population less than or equal to 40,000 people;
(15) four Kansas residents to be appointed by the speaker of the house of representatives;
(16) two Kansas residents to be appointed by the minority leader of the house of representatives;
(17) four Kansas residents to be appointed by the president of the senate;
(18) two Kansas residents to be appointed by the minority leader of the senate;
(19) three Kansas residents to be appointed by Kansas economic life-lines; and
(20) the following ex-officio members, who all shall be nonvoting members:
   (A) The secretary of transportation or the secretary’s designee;
   (B) the secretary of revenue or the secretary’s designee;
   (C) the secretary of agriculture or the secretary’s designee; and
   (D) the chief executive officer of the Kansas turnpike authority or the chief executive officer’s designee.

(b) The speaker of the house of representatives shall select one member of the task force who is a member of the house of representatives to serve as co-chairperson of the task force. The president of the senate shall select one member of the task force who is a member of the senate to serve as co-chairperson of the task force.

(c) For any Kansas resident appointed as a member to the task force, such member must be affiliated with one of the following stakeholder organizations. Not more than two members may be affiliated from each of the following stakeholder organizations. Two members appointed by the speaker of the house of representatives pursuant to subsection (a)(15) and two members appointed by the president of the senate pursuant to subsection (a)(17) are not required to be affiliated with one of the following stakeholder organizations:

   (1) The Kansas contractors association;
   (2) the heavy constructors association;
   (3) the Kansas aggregate producers association;
   (4) the Kansas ready mix association;
   (5) the greater Kansas City building and construction trades council;
   (6) the American council of engineering companies of Kansas;
   (7) the Kansas public transit association;
   (8) a class I railroad company;
   (9) a short line railroad company;
   (10) the Kansas motor carriers association;
   (11) the Portland cement association;
   (12) the petroleum marketers and convenience store association of Kansas;
   (13) the Kansas asphalt pavement association;
   (14) the international association of sheet metal, air, rail and transportation workers;
   (15) a Kansas aerospace company;
   (16) the Kansas grain and feed association;
   (17) the Kansas economic development alliance; or
(18) the AFL-CIO.

(d) (1) Members shall be appointed to the task force not later than 45 days from the effective date of this act. Members of the task force must all be residents of Kansas and shall consist of at least two members from all six department of transportation districts in Kansas.

(2) The joint legislative transportation vision task force may meet in an open meeting at any time upon the call of either co-chairperson of the task force.

(3) A majority of the voting members of the joint legislative transportation vision task force constitute 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.

(4) Any vacancy on the joint legislative transportation vision task force shall be filled by appointment in the manner prescribed in this section for the original appointment.

(5) Any member of the house of representatives or the senate who is appointed to the task force or a subcommittee as a member under subsection (a) or (e) may designate another member of the house of representatives or senate, respectively, to attend any or all meetings of the task force or subcommittee as such member’s designee.

(e) The co-chairpersons of the joint legislative transportation vision task force may establish any subcommittees as deemed necessary by the co-chairpersons. The subcommittees shall meet on dates and locations approved by the co-chairpersons of the joint legislative transportation vision task force.

(f) The mission of the joint legislative transportation vision task force shall be as follows:

(1) Evaluate the progress of the 2010 transportation works for Kansas program to date;

(2) evaluate the current system condition of the state transportation system, including roads and bridges;

(3) the co-chairpersons shall schedule and organize meetings whose purpose is to solicit local input on existing uncompleted projects and future projects in each highway and metropolitan district. The meetings shall be open meetings and such meetings shall be held at least eight times, including at least one meeting in each department of transportation district and the Wichita and Kansas city metropolitan areas;

(4) evaluate current uses of the state highway fund dollars, including fund transfers for other purposes outside of infrastructure improvements;

(5) evaluate current transportation funding in Kansas to determine whether it is sufficient to not only maintain the transportation system in its current state, but also to ensure that it serves the future transportation needs of Kansas residents;

(6) identify additional necessary transportation projects, especially
projects with a direct effect on the economic health of the state of Kansas and its residents;

(7) make recommendations regarding the needs of the transportation system over the next 10 years and beyond;

(8) make recommendations on the future structure of the state highway fund as it relates to maintaining the state infrastructure system; and

(9) make and submit reports to the legislature concerning all such work and recommendations of the task force. All such reports shall be submitted to the legislature on or before January 31, 2019.

(g) (1) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the joint legislative transportation vision task force.

(2) The Kansas department of transportation shall, upon request by the joint legislative transportation vision task force, provide data and information relating to the transportation system in the state of Kansas that is not otherwise prohibited or restricted from disclosure by state or federal law.

(h) Subject to approval by the legislative coordinating council, the legislative members of the joint legislative transportation vision task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto.

(i) The provisions of this section shall expire on June 30, 2019.

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

Approved May 16, 2018.
Published in the Kansas Register May 24, 2018.

CHAPTER 114

HOUSE BILL No. 2067

An Act concerning savings programs; relating to beneficiaries of ABLE accounts, transfers, qualified higher education expenses; income taxation, deduction for contributions; amending K.S.A. 2017 Supp. 75-655 and 79-32,117 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 75-655 is hereby amended to read as follows: 75-655. (a) Any ABLE savings accounts established pursuant to the provisions of this act shall be opened by a designated beneficiary or a conservator or guardian of a designated beneficiary who lacks capacity to enter into a contract and each beneficiary may have only one account. The treasurer may establish a nonrefundable application fee. An appli-
cation for such account shall be in the form prescribed by the treasurer and contain the:

(1) Name, address and social security number of the account owner;
(2) name, address and social security number of the designated beneficiary, if the account owner is the beneficiary’s conservator or guardian;
(3) certification relating to no excess contributions; and
(4) additional information as the treasurer may require.

(b) Any person may make contributions to an ABLE savings account after the account is opened, subject to the limitations imposed by section 529A of the federal internal revenue code of 1986, as amended, or any rules and regulations promulgated by the secretary pursuant to this act.

(c) Contributions to ABLE savings accounts only may be made in cash. The treasurer or program manager shall reject or promptly withdraw contributions:

(1) In excess of the limits established pursuant to subsection (b); or
(2) the total contributions if the:

(A) Value of the account is equal to or greater than the account maximum established by the treasurer. Such account maximum must be equal to the account maximum for postsecondary education savings accounts established pursuant to K.S.A. 75-640 et seq., and amendments thereto; or

(B) designated beneficiary is not an eligible individual in the current calendar year.

(d) (1) An account owner may:

(A) Change the designated beneficiary of an account to an individual who is a member of the family of the prior designated beneficiary in accordance with procedures established by the treasurer; and

(B) transfer all or a portion of an account to another ABLE savings account, the designated beneficiary of which is a member of the family as defined in section 529A of the federal internal revenue code of 1986, as amended.

(2) No account owner may use an interest in an account as security for a loan. Any pledge of an interest in an account shall be of no force and effect.

(e) (1) If there is any distribution from an account to any individual or for the benefit of any individual during a calendar year, such distribution shall be reported to the federal internal revenue service and each account owner, the designated beneficiary or the distributee to the extent required by state or federal law.

(2) Statements shall be provided to each account owner at least four times each year within 30 days after the end of the three-month period to which a statement relates. The statement shall identify the contributions made during the preceding three-month period, the total contributions made to the account through the end of the period, the value of the account at the end of such period, distributions made during such
period and any other information that the treasurer shall require to be reported to the account owner.

(3) Statements and information relating to accounts shall be prepared and filed to the extent required by this act and any other state or federal law.

(f) (1) The program shall provide separate accounting for each designated beneficiary. An annual fee may be imposed upon the account owner for the maintenance of an account.

(2) Moneys in an ABLE savings account:

(A) shall be exempt from attachment, execution or garnishment as provided by K.S.A. 60-2308, and amendments thereto; and

(B) may be claimed by the Kansas Medicaid plan only after the death of the designated beneficiary subject to limitations imposed by the secretary.

(g) Except as otherwise provided by federal law, the proceeds from an account may be transferred upon the death of a designated beneficiary to: (1) The estate of a designated beneficiary; or (2) an account for another eligible individual specified by the designated beneficiary or the estate of the designated beneficiary. The state of Kansas, or any agency or instrumentality thereof, shall not seek payment under section 529A of the internal revenue code of 1986, as amended, from the account, or its proceeds, for benefits provided to a designated beneficiary, unless otherwise required by section 1917(b) of the federal social security act, 42 U.S.C. § 1396p(b).

Sec. 2. K.S.A. 2017 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual’s federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not
credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual’s federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer’s federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2017 Supp. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2017 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such
amounts were subtracted from the federal adjusted gross income pursuant to K.S.A. 79-32,117(c)(xv), and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2017 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2017 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2017 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2017 Supp. 79-32,221, and amendments thereto.


(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2017 Supp. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.
(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer’s form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer’s form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer’s form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer’s federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer’s form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care
of the taxpayer or the taxpayer’s spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 2017 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2017 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2017 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer’s employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2017 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes im-
posed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2017 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on
schedule E and included on line 17 of the taxpayer’s form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2006, the cumulative amounts not exceeding $3,000, or $6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2017 Supp. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer’s service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of $50,000 or less, whether such taxpayer’s filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007,
amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of $75,000 or less, whether such taxpayer’s filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university’s retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer’s form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer’s form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer’s form 1040 federal income tax return; all to the extent included in the taxpayer’s federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer’s federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed $5,000. As used in this section, “human organ” means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed $20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of:
Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term “livestock” shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city’s home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer’s share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

(f) No taxpayer shall be assessed penalties and interest from the underpayment of taxes due to changes to this section that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

Sec. 3. K.S.A. 2017 Supp. 75-655 and 79-32,117 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 17, 2018.
CHAPTER 115

HOUSE BILL No. 2111

AN ACT concerning sales taxation; relating to certain cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2017 Supp. 79-3602 and repealing the existing section.

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

Section 1. K.S.A. 2017 Supp. 79-3602 is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers’ sales tax act:

(a) “Agent” means a person appointed by a seller to represent the seller before the member states.

(b) “Agreement” means the multistate agreement entitled the streamlined sales and use tax agreement approved by the streamlined sales tax implementing states at Chicago, Illinois on November 12, 2002.

(c) “Alcoholic beverages” means beverages that are suitable for human consumption and contain 0.05% or more of alcohol by volume.

(d) “Certified automated system (CAS)” means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

(e) “Certified service provider (CSP)” means an agent certified under the agreement to perform all the seller’s sales and use tax functions, other than the seller’s obligation to remit tax on its own purchases.

(f) “Computer” means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(g) “Computer software” means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(h) “Delivered electronically” means delivered to the purchaser by means other than tangible storage media.

(i) “Delivery charges” means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing. Delivery charges shall not include charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(j) “Direct mail” means printed material delivered or distributed by United States mail or other delivery services to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. Direct mail includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion
in the package containing the printed material. Direct mail does not include multiple items of printed material delivered to a single address.

(k) "Director" means the state director of taxation.

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the 12th grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the higher learning commission, the state board of education, or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

(m) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco.

(o) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

(p) "Ingredient or component part" means tangible personal property which is necessary or essential to, and which is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not
be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of “ingredient or component part” as herein set forth:

1. Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which are not to be returned to the producer, manufacturer or compounder for reuse.

2. Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and which is not to be returned to such wholesaler or retailer for reuse.


4. Paper and ink used in the publication of newspapers.

5. Fertilizer used in the production of plants and plant products produced for resale.

6. Feed for animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber, fur, or the production of offspring for use for any such purpose or purposes.

(q) “Isolated or occasional sale” means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization which makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(r) “Lease or rental” means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

1. Lease or rental does not include: (A) A transfer of possession or control of property under a security agreement or deferred payment plan
that requires the transfer of title upon completion of the required payments;

(B) a transfer or possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of $100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set-up the tangible personal property.

(2) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this act and will have no retroactive impact on existing leases or rentals.

(s) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(t) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) "Model 1 seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(v) "Model 2 seller" means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(w) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least $500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

(x) "Municipal corporation" means any city incorporated under the laws of Kansas.

(y) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the
purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(2) “Persons” means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) “Political subdivision” means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) “Prescription” means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) “Prewritten computer software” means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person’s modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) “Property which is consumed” means tangible personal property which is essential or necessary to and which is used in the actual process
of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

A. Insecticides, herbicides, germicides, pesticides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

B. electricity, gas and water; and

C. petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

ee) “Purchase price” applies to the measure subject to use tax and has the same meaning as sales price.

ff) “Purchaser” means a person to whom a sale of personal property is made or to whom a service is furnished.

gg) “Quasi-municipal corporation” means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

hh) “Registered under this agreement” means registration by a seller with the member states under the central registration system provided in article IV of the agreement.

ii) “Retailer” means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

jj) “Retail sale” or “sale at retail” means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

kk) “Sale” or “sales” means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term “sale” or “sales” shall not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

ll) (1) “Sales or selling price” applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit,
property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;

(C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(D) delivery charges; and

(E) installation charges.

2. “Sales or selling price” includes consideration received by the seller from third parties if:

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

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

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

(D) one of the following criteria is met:

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

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

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

3. “Sales or selling price” shall not include:

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

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

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

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

(E) commencing on July 1, 2006, and ending on June 30, 2009,
2021, cash rebates granted by a manufacturer to a purchaser or lessee of
a new motor vehicle if paid directly to the retailer as a result of the original
sale.

(mm) “Seller” means a person making sales, leases or rentals of per-
sonal property or services.

(nn) “Service” means those services described in and taxed under the
provisions of K.S.A. 79-3603, and amendments thereto.

79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments
thereto, which shall apply to identify and determine the state and local
taxing jurisdiction sales or use taxes to pay, or collect and remit on a
particular retail sale.

(pp) “Tangible personal property” means personal property that can
be seen, weighed, measured, felt or touched, or that is in any other man-
ner perceptible to the senses. Tangible personal property includes elec-
tricity, water, gas, steam and prewritten computer software.

(qq) “Taxpayer” means any person obligated to account to the direc-
tor for taxes collected under the terms of this act.

(rr) “Tobacco” means cigarettes, cigars, chewing or pipe tobacco or
any other item that contains tobacco.

(ss) “Entity-based exemption” means an exemption based on who
purchases the product or who sells the product. An exemption that is
available to all individuals shall not be considered an entity-based exem-
ption.

(tt) “Over-the-counter drug” means a drug that contains a label that
identifies the product as a drug as required by 21 C.F.R. § 201.66. The
over-the-counter drug label includes: (1) A drug facts panel; or (2) a
statement of the active ingredients with a list of those ingredients con-
tained in the compound, substance or preparation. Over-the-counter
drugs do not include grooming and hygiene products such as soaps, clean-
ing solutions, shampoo, toothpaste, antiperspirants and sun tan lotions
and screens.

(uu) “Ancillary services” means services that are associated with or
incidental to the provision of telecommunications services, including, but
not limited to, detailed telecommunications billing, directory assistance,
vertical service and voice mail services.

(vv) “Conference bridging service” means an ancillary service that
links two or more participants of an audio or video conference call and
may include the provision of a telephone number. Conference bridging
service does not include the telecommunications services used to reach
the conference bridge.

(ww) “Detailed telecommunications billing service” means an ancil-
lary service of separately stating information pertaining to individual calls on a customer’s billing statement.

(xx) “Directory assistance” means an ancillary service of providing telephone number information or address information, or both.

(yy) “Vertical service” means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(zz) “Voice mail service” means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(aaa) “Telecommunications service” means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. The term telecommunications service includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunications service does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser’s primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer’s premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

(bbb) “800 service” means a telecommunications service that allows
a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

(ccc) "900 service” means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber’s customers to call in to the subscriber’s prerecorded announcement or live service. 900 service does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber, or service or product sold by the subscriber to the subscriber’s customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

(ddd) “Value-added non-voice data service” means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(eee) “International” means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

(fff) “Interstate” means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

(ggg) “Intrastate” means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

Sec. 2. K.S.A. 2017 Supp. 79-3602 is hereby repealed.

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

Approved May 17, 2018.
Be it enacted by the Legislature of the State of Kansas:

Section 1. On and after January 1, 2019, K.S.A. 25-101a is hereby amended to read as follows: 25-101a. (a) On the Tuesday succeeding the first Monday in November in 1978, and each four years thereafter, there shall be elected a governor and lieutenant governor running together, a secretary of state, an attorney general, a state treasurer and a state commissioner of insurance.

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

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

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

Sec. 2. K.S.A. 2017 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where the person is a resident, or where the person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, the voter shall provide identification pursuant to K.S.A. 25-2908, and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, the voter shall provide with the application for an advance voting ballot the voter’s current and valid Kansas driver’s license number, nondriver’s identification card number or a photocopy of any other identification provided by K.S.A. 25-2908, and amendments thereto.

(d) A voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto, if:

1. The voter is unable or refuses to provide current and valid identification; or
2. The name and address of the voter provided on the application for
an advance voting ballot do not match the voter’s name and address on the registration book. The voter shall provide a valid form of identification as defined in K.S.A. 25-2908, and amendments thereto, to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter’s identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless:

(1) The county election official verifies that the signature of the person matches that on file in the county voter registration records, except that verification of the voter’s signature shall not be required if a voter has a disability preventing the voter from signing. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide the person’s signature for the purposes of verifying the person’s identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified; and

(2) the person provides such person’s full Kansas driver’s license number, Kansas nondriver’s identification card number issued by the division of vehicles, or submits such person’s application for an advance voting ballot and a copy of identification provided by K.S.A. 25-2908, and amendments thereto, to the county election officer for verification. If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this subsection or the identification of the person cannot be verified by the county election officer, the county election officer shall provide information to the person regarding the voter rights provisions of subsection (d) and shall provide the person an opportunity to provide identification pursuant to this subsection. For the purposes of this act, Kansas state offices and offices of any subdivision of the state will allow any person seeking to vote by an advance voting ballot the use of a photocopying device to make one photocopy of an identification document at no cost.

(f) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August
in both even-numbered and odd-numbered years, between April 1 of such year and the Tuesday of the week preceding such primary election.

(2) For the general election occurring on the Tuesday following the first Monday in November in both even-numbered and odd-numbered years, between 90 days prior to such election and the Tuesday of the week preceding such general election.

(3) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(4) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the Tuesday of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the final date for mailing of advance voting ballots shall be one week before such election.

(5) For any special election of officers, at such time as is specified by the secretary of state.

The county election officer of any county may receive applications prior to the time specified in this subsection and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(g) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

The county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots. Ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(h) Any person having a permanent disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make
an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information which establishes the voter's right to permanent advance voting status.

(i) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which the persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of the applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make the inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by the officer stating the person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(j) If a person on the permanent advance voting list fails to vote in four consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered and odd-numbered year, the county election officer may mail a notice to such voter. The notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(k) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and to define valid forms of identification.
Sec. 3. K.S.A. 2017 Supp. 25-1124 is hereby amended to read as follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter shall cast such voter’s vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the advance voting ballot was transmitted by mail, the voter personally shall place the ballot in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) Any voter who has an illness or physical disability or who is not proficient in reading the English language and is unable to apply for or mark or transmit an advance voting ballot, or any voter who has a disability preventing the voter from signing an application or the form on the ballot envelope, may request assistance by a person who has signed a statement required by subsection (d) in applying for or marking an advance voting ballot, or in signing an application or the form on the ballot envelope if the voter has a disability preventing the voter from signing.

(c) Any voted ballot may be transmitted to the county election officer by the voter or by another person designated in writing by the voter, except if the voter has a disability preventing the voter from writing and signing a statement, the written and signed statement required by subsection (d) shall be sufficient. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.

(d) The county election officer shall allow a person to assist a voter who has an illness or physical disability or who is not proficient in reading the English language in applying for or marking an application or advance voting ballot, or to sign for a voter who has a disability preventing the voter from signing an application or advance voting ballot form, provided a written statement is signed by the person who renders assistance to the voter who has an illness or physical disability or who is not proficient in reading the English language and such statement is submitted to the county election officer with the application or ballot. The statement shall be on a form prescribed by the secretary of state and shall contain a statement from the person providing assistance that the person has not exercised undue influence on the voting decision of the voter who has an illness or physical disability or who is not proficient in reading the English language and that the person providing assistance has completed the ap-
application or marked the ballot, or signed the application or ballot form as instructed by the voter.

(e) Any person assisting a voter who has an illness or physical disability or who is not proficient in reading the English language in applying for or marking an advance voting ballot, or in signing an application or advance voting ballot form for a voter who has a disability preventing the voter from signing the application or advance voting ballot form, who knowingly fails to sign and submit the statement required by this section or who exercises undue influence on the voting decision of such voter shall be guilty of a severity level 9, nonperson felony.

Sec. 4. K.S.A. 2017 Supp. 25-1128 is hereby amended to read as follows: 25-1128. (a) No voter shall knowingly mark or transmit to the county election officer more than one advance voting ballot, or set of one of each kind of ballot, if the voter is entitled to vote more than one such ballot at a particular election.

(b) Except as provided in K.S.A. 25-1124, and amendments thereto, no person shall knowingly interfere with or delay the transmission of any advance voting ballot application from a voter to the county election officer, nor shall any person mail, fax or otherwise cause the application to be sent to a place other than the county election office. Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within two days after such application is signed by the applicant.

(c) Except as otherwise provided by law, no person other than the voter, shall knowingly mark, sign or transmit to the county election officer any advance voting ballot or advance voting ballot envelope.

(d) Except as otherwise provided by law, no person shall knowingly sign an application for an advance voting ballot for another person. This provision shall not apply if a voter has a disability preventing the voter from signing an application or if an immediate family member signs an application on behalf of another immediate family member with proper authorization being given.

(e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-1124, and amendments thereto, shall knowingly intercept, interfere with, or delay the transmission of advance voting ballots from the county election officer to the voter.

(f) No person shall knowingly and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot or set of advance voting ballots.

(g) A voter may return such voter’s advance voting ballot to the county election officer by personal delivery or by mail. Upon written designation by the voter, a person other than the voter may return the advance voting ballot by personal delivery or mail, except that a written
designation shall not be required from a voter who has a disability preventing the voter from writing or signing a written designation. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.

(h) Violation of any provision of this section is a severity level 9, nonperson felony.

Sec. 5. K.S.A. 25-1121 is hereby amended to read as follows: 25-1121.

It shall be the duty of (a) The secretary of state to shall prescribe the general forms of advance voting ballots to be used in all primary and general elections and the form of the printed instructions to voters containing a statement of all the requirements of this act, to enable voters to comply with such the requirements of this act. Such The prescribed forms shall be transmitted to the county election officers 35 days before each primary and general election.

(b) The secretary of state shall prescribe the general format of advance voting ballot envelopes. The envelopes shall include signature blocks for the advance voter; a signature block for the person, if any, assisting the advance voter; and a signature block for a person, if any, who signs the advance voting ballot envelope on behalf of the advance voter in situations when the advance voter is physically unable to sign the envelope.

(c) The advance ballot envelope shall contain the following statement after the signature block provided for the person who signs the advance ballot envelope on behalf of a person physically unable to sign such envelope:

"My signature constitutes an affidavit that the person for whom I signed the envelope is a person who is physically unable to sign such envelope. By signing this envelope, I swear this information is true and correct, and that signing an advance ballot envelope under false pretenses shall constitute the crime of perjury."

Sec. 6. K.S.A. 2017 Supp. 21-5903 is hereby amended to read as follows: 21-5903. (a) Perjury is intentionally and falsely:

(1) Swearing, testifying, affirming, declaring or subscribing to any material fact upon any oath or affirmation legally administered in any cause, matter or proceeding before any court, tribunal, public body, notary public or other officer authorized to administer oaths;

(2) subscribing as true and correct under penalty of perjury any material matter in any declaration, verification, certificate or statement as permitted by K.S.A. 53-601, and amendments thereto;

(3) subscribing as true and correct under the penalty of perjury the affidavit as provided in K.S.A. 25-1121(c), and amendments thereto.

(b) Perjury is a:

(1) Severity level 9, nonperson felony, except as provided in subsection (b)(2); and
(2) severity level 7, nonperson felony if the false statement is made upon the trial of a felony charge.

New Sec. 7. (a) After an election and prior to the meeting of the county board of canvassers to certify the official election results for any election in which the canvassers certify the results, the county election officer shall conduct a manual audit or tally of each vote cast, regardless of the method of voting, in 1% of all precincts, with a minimum of one precinct located within the county. The precinct or precincts shall be randomly selected and the selection shall take place after the election.

(b) (1) The audit shall be performed manually and shall review all paper ballots selected pursuant to subsection (a). The audit shall be performed by a sworn election board consisting of bipartisan trained board members. The county election officer will determine the members of the sworn election board who will conduct the audit.

(2) The audit will review contested races as follows:
(A) In presidential election years:
(i) One federal race;
(ii) one state legislative race; and
(iii) one county race.
(B) In even numbered non-presidential election years:
(i) One federal race;
(ii) one statewide race;
(iii) one state legislative race; and
(iv) one county race.
(C) In odd-numbered election years, two local races will be randomly selected and the selection shall take place after the election.

(c) At least five days prior to the audit, notice of the time and location of the audit shall be provided to the public on the official county website. The audit shall be conducted in a public setting. Any candidate or entity who is authorized to appoint a poll agent may appoint a poll agent for the audit.

(d) The results of the audit shall be compared to the unofficial election night returns and a report shall be submitted to the county election office and to the secretary of state’s office prior to the meeting of the county board of canvassers. If a discrepancy is reported between the audit and the unofficial returns and cannot be resolved, the county election officer or the secretary of state may require audits of additional precincts. Once the audit has been completed, the results of the audit shall be used by the county board of canvassers when certifying the official election results.

(e) The secretary of state shall adopt rules and regulations governing the conduct and procedure of the audit, including the random selection of the precincts and offices involved in the audit.
(f) The provisions of this section shall apply to all counties for elections that take place after January 1, 2019.

Sec. 8. K.S.A. 2017 Supp. 25-3104 is hereby amended to read as follows: 25-3104. The original canvass of every election shall be performed by the election boards at the voting places. The county election officer shall present the original returns, together with the ballots, books and any other records of the election, for the purpose of canvass, to the county board of canvassers at any time between 8 a.m. and 10 a.m. on the Monday next following any election held on a Tuesday, except that the county election officer may move the canvass to the second Thursday following the election if notice is published prior to the canvass in a newspaper with general circulation in the county any business day not later than 13 days following any election. Notice of the time and place of the canvass shall be published in a newspaper of general circulation in the county prior to the canvass. For elections not held on a Tuesday, the canvass by the county board of canvassers shall be held on a day and hour designated by it, and not later than the fifteenth day following the day of such election.

Sec. 9. K.S.A. 2017 Supp. 25-4403 is hereby amended to read as follows: 25-4403. (a) The board of county commissioners and the county election officer of any county may provide an electronic or electromechanical voting system to be used at voting places, or for advance voting in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

(b) The board of county commissioners of any county in which the board of county commissioners and county election officer have determined that an electronic or electromechanical voting system shall be used may issue bonds to finance and pay for purchase, lease or rental of such a system.

(c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any electronic or electromechanical system herein authorized and approved for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an optical scanning voting system or with regular paper ballots. Whenever the secretary of state rescinds approval of any voting system, the board of county commissioners and the county election officer shall abandon such the system until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, such the abandonment shall be permanent.

(d) On and after the effective date of this act, no board of county commissioners in any county may purchase, lease or rent any direct recording electronic system, as defined in K.S.A. 25-4401(d), and amendments thereto. On and after the effective date of this act, no board of
county commissioners in any county may purchase, lease or rent any electronic or electromechanical voting system, unless such system:

(1) Provides a paper record of each vote cast, produced at the time the vote is cast; and
(2) has the ability to be tested both before an election and prior to the date of canvass. Such test shall include the ability to match the paper record of the machine to the vote total contained in the machine.

Sec. 10. K.S.A. 2017 Supp. 25-4406 is hereby amended to read as follows: 25-4406. Electronic or electromechanical voting systems approved by the secretary of state:

(a) Shall provide for voting for the candidates for nomination or election of all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto;
(b) shall permit a voter to vote for any independent candidate for any office;
(c) shall provide for voting on constitutional amendments or other questions submitted;
(d) shall be so constructed that, as to primaries where candidates are nominated by political parties, the voter can vote only for the candidates for whom the voter is qualified to vote according to articles 2 and 33 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
(e) shall afford the voter an opportunity to vote for any or all candidates for an office for whom the voter is by law entitled to vote and no more, and at the same time shall prevent the voter from voting for the same candidate twice for the same office;
(f) shall be so constructed that in presidential elections the presidential electors of any political party may be voted for by one action;
(g) shall provide for “write-in” votes;
(h) shall provide for voting in absolute secrecy, except as to persons who request assistance due to temporary illness or disability or a lack of proficiency in reading the English language;
(i) shall reject all votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;
(j) shall provide for instruction of voters on the operation of voting machines, illustrating the manner of voting by the use of such systems. The instruction may include printed materials or demonstration by election board workers; and
(k) shall provide a paper record of each vote cast, produced at the time the vote is cast;
(l) shall have the ability to be tested both before an election and prior to the date of canvass. The test shall include the ability to match the paper records of such machines to the vote totals contained in the machines; and
shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment.


Sec. 12. On and after January 1, 2019, K.S.A. 25-101a is hereby repealed.

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

Approved May 18, 2018.

CHAPTER 117

HOUSE BILL No. 2280

AN ACT concerning administrative rules and regulations; relating to approval of rules and regulations by the director of the budget; reporting impact on business; joint committee on administrative rules and regulations; report made by committee; audit; state rules and regulations board; membership; amending K.S.A. 2017 Supp. 77-416, 77-420, 77-420a, 77-421, 77-422, 77-423 and 77-436 and repealing the existing sections.

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

Section 1. K.S.A. 2017 Supp. 77-416 is hereby amended to read as follows: 77-416. (a) Every state agency shall file with the secretary of state every rule and regulation adopted by it and every amendment and revocation thereof in the manner prescribed by the secretary of state. Each rule and regulation shall include a citation to the statutory section or sections being implemented or interpreted and a citation of the authority pursuant to which it, or any part thereof, was adopted. Every rule and regulation filed in the office of the secretary of state shall be accompanied by a copy of the economic impact statement required by subsection (b) and a copy of the environmental benefit statement if required by subsection (d). A copy of any document adopted by reference in a rule and regulation shall be available from the state agency that adopted the rule and regulation upon request by any person interested therein. The state agency, under the direction of the secretary of state, shall number each section with a distinguishing number and, in making a compilation of the rules and regulations, the sections shall be arranged in numerical order. A decimal system of numbering shall be prohibited.

(b) (1) At the time of drafting a proposed rule and regulation or amendment to an existing rule and regulation, the state agency shall consider the economic impact of such the proposed rule and regulation or amendment upon all governmental agencies or units and all persons which will be subject thereto and upon the general public. Prior to giving
notice of a hearing on a proposed rule and regulation. The state agency shall prepare an economic impact statement that shall include:

(A) An analysis, brief description, and cost and benefit quantification of the proposed rules and regulations and what is intended to be accomplished by their adoption. If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs;

(B) whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law;

(C) a description of the cost, the persons who will bear the costs and those who will be affected by the proposed rules and regulations, including the agency proposing the rules and regulations, other governmental agencies or units, private citizens and consumers of the products or services which are the subject of the rules and regulations or the enforcement thereof; and

(D) a description of any less costly or less intrusive methods that were considered by the state agency for achieving the stated purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations. The state agency may consult with other state agencies when preparing the economic impact statement; and

(E) a description of businesses that would be directly affected by the proposed rules and regulations, the benefits of the proposed rules and regulations and measures taken to minimize the impact of the proposed rules and regulations on business and economic development within the state of Kansas.

(C) an analysis specifically addressing the following factors:

(i) The extent to which the rule and regulation will enhance or restrict business activities and growth;

(ii) the economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, business sectors, public utility ratepayers, individuals and local governmental units that will be affected by the proposed rule and regulation and on the state economy as a whole;

(iii) the businesses that would be directly affected by the proposed rule and regulation;

(iv) the benefits of the proposed rule and regulation compared to the cost;

(v) measures taken by the agency to minimize the cost and impact of the proposed rule and regulation on business and economic development within the state of Kansas, local government and individuals;

(vi) an estimate, expressed as a single dollar figure, of the total annual
implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units or members of the public and a determination of whether those costs will exceed $3,000,000 over any two-year period; and

(vii) an estimate of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule, expressed as a single dollar figure.

(2) The state agency shall consult with the League of Kansas municipalities, Kansas association of counties and the Kansas association of school boards, as appropriate, when preparing the economic impact statement of a proposed rule and regulation which increases or decreases revenues of cities, counties or school districts or imposes functions or responsibilities on cities, counties or school districts which that will increase their expenditures or fiscal liability. The agency shall consult and solicit information from businesses, business associations, local governmental units, state agencies or institutions and members of the public that may be affected by the proposed rule and regulation or that may provide relevant information.

(3) As required pursuant to the provisions of K.S.A. 77-420(d), and amendments thereto, the state agency shall reevaluate and, when necessary, update the economic impact statement when directed to do so by the director of the budget and, if approved by the director of the budget, shall submit the revised economic impact statement at the time of filing a rule and regulation with the secretary of state. If a public hearing was held prior to the adoption of the rule and regulation, a state agency at the time of filing a rule and regulation with the secretary of state shall include as a part of the economic impact statement a statement specifying the time and place at which the hearing was held and the attendance at the hearing. A copy of the current economic impact statement shall be available from the state agency upon request by any party interested therein.

(c) Upon request of the state rules and regulations board, the joint committee on administrative rules and regulations or the chairperson of either committee or board, Pursuant to the provisions of K.S.A. 77-420, and amendments thereto, the director of the budget shall review the economic impact statement prepared by any state agency and shall prepare a supplemental or revised statement and an independent analysis by the director of the budget of the cost and the factors as set forth in subsection (b)(1)(A) and (C) and subsection (e). If possible, the supplemental or revised statement shall include a reliable estimate in dollars of the anticipated change in revenues and expenditures of the state. It also shall include a statement, if determinable or reasonably foreseeable, of the immediate and long-range economic impact of the rule and regulation upon persons subject thereto, small employers and the general public. If,
after careful investigation, it is determined that no dollar estimate is possible, the statement shall set forth the reasons why no dollar estimate can be given. Every state agency is directed to cooperate with the division of the budget in the preparation of any statement pursuant to this subsection when, and to the extent, requested by the director of the budget. The director of the budget shall follow the procedures set forth in K.S.A. 77-420, and amendments thereto, in evaluating and accepting or rejecting the proposed rule and regulation. No agency shall submit a rule and regulation to the secretary of state for filing before receiving the approval of the director of the budget as provided in this subsection and K.S.A. 77-420, and amendments thereto.

(d) At the time of drafting a proposed environmental rule and regulation or amendment to an existing environmental rule and regulation, the state agency shall consider the environmental benefit of such proposed rule and regulation or amendment. Prior to giving notice of a hearing on a proposed rule and regulation, the state agency shall prepare an environmental benefit statement that shall include a description of the need for and the environmental benefits which will likely accrue as the result of the proposed rule and regulation or amendment. The description shall summarize, when applicable, research indicating the level of risk to the public health or the environment being removed or controlled by the proposed rule and regulation or amendment. When specific contaminants are to be controlled by the proposed rule and regulation or amendment, the description shall indicate the level at which the contaminants are considered harmful according to currently available research. The state agency may consult with other state agencies when preparing the environmental benefit statement. The state agency shall reevaluate and, when necessary, update the statement at the time of filing a rule and regulation with the secretary of state. A copy of the current environmental benefit statement shall be available from the state agency upon request by any party interested therein.

(e) In addition to the requirements of subsection (b), the economic impact statement for all environmental rules and regulations shall include:

(1) A description of the capital and annual costs of compliance with the proposed rules and regulations, and the persons who will bear those costs;

(2) a description of the initial and annual costs of implementing and enforcing the proposed rules and regulations, including the estimated amount of paperwork, and the state agencies, other governmental agencies or other persons or entities who will bear the costs;

(3) a description of the costs which would likely accrue if the proposed rules and regulations are not adopted, the persons who will bear the costs and those who will be affected by the failure to adopt the rules and regulations; and
(4) a detailed statement of the data and methodology used in estimating the costs used in the statement.

(f) In 2021, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit to study:

(1) The accuracy of economic impact statements submitted by state agencies pursuant to this section for the immediately preceding seven years;

(2) the impact the review by the director of the budget has had on the accuracy of economic impact statements submitted by state agencies pursuant to this section; and

(3) whether the $3,000,000 cost figure is the appropriate amount of economic impact to trigger the hearing procedure required by K.S.A. 77-420(a), and amendments thereto.

Sec. 2. K.S.A. 2017 Supp. 77-420 is hereby amended to read as follows: 77-420. (a) (1) Every rule and regulation proposed to be adopted by any state agency, before being submitted to the secretary of administration and the attorney general as required by this section, shall be submitted with the economic impact statement for the rule and regulation required by K.S.A. 77-416, and amendments thereto, to the director of the budget for review of the accuracy and completeness of the agency's economic impact statement. The director of the budget shall make an independent determination of the amount of implementation and compliance costs reasonably expected to be incurred by or passed along to businesses, local government and individuals over any two-year period as a result of the proposed rule and regulation and shall conduct an independent analysis of the factors set forth in K.S.A. 77-416(b)(1)(A) and (C) and (e), and amendments thereto. Every rule and regulation approved by the director of the budget shall be stamped as approved, and the date of approval shall be indicated.

(2) If the director independently determines that a proposed rule and regulation submitted or resubmitted by the agency will not result in implementation or compliance costs of more than $3,000,000 for businesses, local government or individuals in any two-year period, the director shall:

(A) Approve the rule and regulation if the director independently determines that the economic impact statement is accurate, demonstrates a complete analysis as required by K.S.A. 77-416(b)(1)(A) and (C) and (e), and amendments thereto, and the director concurs with the economic impact statement; or

(B) disapprove the rule and regulation.

(3) If the director of the budget determines that the proposed rule and regulation will result in implementation and compliance costs of more than $3,000,000 for businesses, local government or individuals in any two-year period, the director of the budget shall:

(A) Approve the proposed rule and regulation, if the agency, prior to
the submission or the resubmission of a rule and regulation to the director, holds a public hearing and finds that the costs of the proposed rule and regulation have been accurately determined and are necessary for achieving legislative intent and the director, after an independent analysis, concurs with the agency’s findings and analysis and approves the economic impact statement; or

(B) disapprove the proposed rule and regulation.

(b) The director of the budget shall submit an annual report to the legislature and to the joint committee on administrative rules and regulations on the first day of the 2019 regular legislative session and subsequent regular legislative sessions on all rules and regulations approved or denied by the director. The report shall include the text of each rule and regulation reviewed, the final economic impact statement and a summary of the director’s analysis supporting the decision to approve or reject the rule and regulation. The director shall immediately submit a separate report to the legislature, if in session, and the joint committee on administrative rules and regulations upon the approval or denial of a rule or regulation with costs determined to be greater than $3,000,000 for businesses, local government or individuals over any two-year period. The report shall include an analysis of the agency’s and the director’s decisions with respect to the necessity of the cost of the rule and regulation to achieve legislative intent.

(c) Every rule and regulation proposed to be adopted by any state agency that has been approved by the director of the budget pursuant to the provisions of subsection (a), before being submitted to the attorney general under this section, shall be submitted to the secretary of administration for approval of its organization, style, orthography and grammar subject to such requirements as to organization, style, orthography and grammar as the secretary may adopt. Every rule and regulation submitted to the secretary of administration under this subsection (a) shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation approved by the secretary of administration under this subsection (a) shall be stamped as approved and the date of such approval shall be indicated therein.

(d) Every rule and regulation proposed by any state agency which has been approved by the director of the budget and the secretary of administration as provided in subsections (a) and (c) before being adopted or filed shall be submitted to the attorney general for an opinion as to the legality of the same, including whether the making of such rule and regulation is within the authority conferred by law on the state agency. The attorney general shall promptly furnish an opinion as to the legality of the proposed rule and regulation so submitted. Every rule and regulation submitted to the attorney general under this subsection (b) shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation ap-
proved by the attorney general under this subsection shall be stamped as approved and the date of such approval shall be indicated therein.

(e) No rule and regulation shall be filed by the secretary of state unless:

(1) The rule and regulation has been approved by the director of the budget;

(2) the organization, style, orthography and grammar have been approved by the secretary of administration;

(3) the rule and regulation has been approved in writing by the attorney general as to legality;

(4) the rule and regulation has been formally adopted by the state agency after it has been approved by the director of the budget, the secretary of administration and the attorney general and is accompanied by a certified or other formal statement of adoption when adoption is by an executive officer of a state agency, or by a certified copy of the roll call vote required for its adoption by K.S.A. 77-421, and amendments thereto, when adoption is by a board, commission, authority or other similar body;

(5) the rule and regulation to be filed is accompanied by a copy of the economic impact statement as provided by K.S.A. 77-416, and amendments thereto, that has been reviewed and approved by the director of the budget as provided by subsection (a); and

(6) the rule and regulation to be filed is accompanied by a copy of the environmental benefit statement required by K.S.A. 77-416, and amendments thereto, if applicable.

Sec. 3. K.S.A. 2017 Supp. 77-420a is hereby amended to read as follows: 77-420a. No rule and regulation shall be adopted prior to the effective date of the statute authorizing its adoption, but prior to the effective date of such statute, the proposed rule and regulation may be submitted to the director of the budget, the secretary of administration and to the attorney general for approval as required by K.S.A. 77-420, and amendments thereto, and notice of the proposed rule and regulation may be given and a hearing held thereon in the manner provided by K.S.A. 77-421, and amendments thereto.

Sec. 4. K.S.A. 2017 Supp. 77-421 is hereby amended to read as follows: 77-421. (a) (1) Except as provided by subsection (a)(2), subsection (a)(3) or subsection (a)(4), prior to the adoption of any permanent rule and regulation or any temporary rule and regulation which is required to be adopted as a temporary rule and regulation in order to comply with the requirements of the statute authorizing the same and after any such rule and regulation has been approved by the director of the budget, the secretary of administration and the attorney general, the adopting state agency shall give at least 60 days’ notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations established by K.S.A. 77-436, and
amendments thereto. The notice shall be provided to the secretary of state and to the chairperson, vice chairperson, ranking minority member of the joint committee and legislative research department and shall be published in the Kansas register. A complete copy of all proposed rules and regulations and the complete economic impact statement required by K.S.A. 77-416, and amendments thereto, shall accompany the notice sent to the secretary of state. The notice shall contain:

(A) A summary of the substance of the proposed rules and regulations;

(B) a summary of the economic impact statement indicating the estimated economic impact on governmental agencies or units, persons subject to the proposed rules and regulations and the general public;

(C) a summary of the environmental benefit statement, if applicable, indicating the need for the proposed rules and regulations;

(D) the address where a complete copy of the proposed rules and regulations, the complete economic impact statement, the environmental benefit statement, if applicable, required by K.S.A. 77-416, and amendments thereto, may be obtained;

(E) the time and place of the public hearing to be held; the manner in which interested parties may present their views; and

(F) a specific statement that the period of 60 days’ notice constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations and the address where such comments may be submitted to the state agency. Publication of such notice in the Kansas register shall constitute notice to all parties affected by the rules and regulations.

(2) Prior to adopting any rule and regulation which establishes seasons and fixes bag, creel, possession, size or length limits for the taking or possession of wildlife and after such rule and regulation has been approved by the secretary of administration and the attorney general, the secretary of wildlife, parks and tourism shall give at least 30 days’ notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of 30 days’ notice constitutes a public comment period on such rules and regulations.

(3) Prior to adopting any rule and regulation which establishes any permanent prior authorization on a prescription-only drug pursuant to K.S.A. 39-7,120, and amendments thereto, or which concerns coverage or reimbursement for pharmaceuticals under the pharmacy program of the state medicaid plan, and after such rule and regulation has been approved by the director of the budget, the secretary of administration and the attorney general, the secretary of health and environment shall give
at least 30 days’ notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of 30 days’ notice constitutes a public comment period on such rules and regulations.

(4) Prior to adopting any rule and regulation pursuant to subsection (c), the state agency shall give at least 60 days’ notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection (a)(1)(E) shall state that the period of notice constitutes a public comment period on such rules and regulations.

(b) (1) On the date of the hearing, all interested parties shall be given reasonable opportunity to present their views or arguments on adoption of the rule and regulation, either orally or in writing. At the time it adopts or amends a rule and regulation, the state agency shall prepare a concise statement of the principal reasons for adopting the rule and regulation or amendment thereto, including:

(A) The agency’s reasons for not accepting substantial arguments made in testimony and comments; and

(B) the reasons for any substantial change between the text of the proposed adopted or amended rule and regulation contained in the published notice of the proposed adoption or amendment of the rule and regulation and the text of the rule and regulation as finally adopted.

(2) Whenever a state agency is required by any other statute to give notice and hold a hearing before adopting, amending, reviving or revoking a rule and regulation, the state agency, in lieu of following the requirements or statutory procedure set out in such other law, may give notice and hold hearings on proposed rules and regulations in the manner prescribed by this section.

(3) Notwithstanding the other provisions of this section, the secretary of corrections may give notice or an opportunity to be heard to any inmate in the custody of the secretary with regard to the adoption of any rule and regulation.

(c) (1) The agency shall initiate new rulemaking proceedings under this act, if a state agency proposes to adopt a final rule and regulation that:

(A) Differs in subject matter or effect in any material respect from the rule and regulation as originally proposed; and

(B) is not a logical outgrowth of the rule and regulation as originally proposed.

(2) For the purposes of this provision, a rule and regulation is not the
logical outgrowth of the rule and regulation as originally proposed if a person affected by the final rule and regulation was not put on notice that such person’s interests were affected in the rule making.

(d) When, pursuant to this or any other statute, a state agency holds a hearing on the adoption of a proposed rule and regulation, the agency shall cause written minutes or other records, including a record maintained on sound recording tape or on any electronically accessed media or any combination of written or electronically accessed media records of the hearing to be made. If the proposed rule and regulation is adopted and becomes effective, the state agency shall maintain, for not less than three years after its effective date, such minutes or other records, together with any recording, transcript or other record made of the hearing and a list of all persons who appeared at the hearing and who they represented, any written testimony presented at the hearing and any written comments submitted during the public comment period.

(e) No rule and regulation shall be adopted by a board, commission, authority or other similar body except at a meeting which is open to the public and notwithstanding any other provision of law to the contrary, no rule and regulation shall be adopted by a board, commission, authority or other similar body unless it receives approval by roll call vote of a majority of the total membership thereof.

Sec. 5. K.S.A. 2017 Supp. 77-422 is hereby amended to read as follows: 77-422. (a) A rule and regulation may be adopted by a state agency as a temporary rule and regulation if the state agency and the state rules and regulations board finds that the preservation of the public peace, health, safety or welfare necessitates or makes desirable putting such rule and regulation into effect prior to the time it could be put into effect if the agency were to comply with the notice, hearing and publication requirements of this act or prior to the effective date prescribed by K.S.A. 77-426, and amendments thereto.

(b) Temporary rules and regulations may be adopted without the giving of notice and the holding of a hearing thereon.

(c) (1) A temporary rule and regulation shall take effect:

(A) After approval by the director of the budget, the secretary of administration and the attorney general as provided by K.S.A. 77-420, and amendments thereto;

(B) after approval by the state rules and regulations board as provided by K.S.A. 77-423, and amendments thereto; and

(C) upon filing with the secretary of state.

(2) The effective date of all or specific parts of a temporary rule and regulation may be delayed to a date later than its filing date if the delayed effective date of such rule and regulation, or specific parts thereof, is clearly expressed in the body of such rule and regulation.

(3) A temporary rule and regulation shall be effective for a period not
to exceed 120 days except that, for good cause, a state agency may request that a temporary rule and regulation may be renewed one time for an additional period not to exceed 120 days.

(d) A temporary rule and regulation which amends an existing rule and regulation shall have the effect of suspending the force and effect of the existing rule and regulation until such time as the temporary rule and regulation is no longer effective. In such case, at the time the temporary rule and regulation ceases to be effective, the existing permanent rule and regulation which was amended by the temporary rule and regulation shall be in full force and effect unless such existing rule and regulation is otherwise amended, revoked or suspended as provided by law.

(e) Temporary rules and regulations shall be numbered in accordance with the numbering arrangement approved by the secretary of state and otherwise shall conform to the approval, adoption and filing requirements of this act, insofar as the same can be made applicable.

Sec. 6. K.S.A. 2017 Supp. 77-423 is hereby amended to read as follows: 77-423. There is hereby created a state rules and regulations board consisting of the attorney general or the attorney general’s designee, the secretary of state or the secretary of state’s designee, the secretary of administration or the secretary of administration’s designee, the chairperson of the joint committee on administrative rules and regulations or a member of the joint committee designated by the chairperson from the same house of the legislature as the chairperson and, the vice-chairperson of the joint committee on administrative rules and regulations or a member of the joint committee designated by the vice-chairperson from the same house of the legislature as the vice-chairperson, the ranking minority member of the joint committee on administrative rules and regulations or a member of the joint committee designated by the minority leader of the same house of the legislature as the chairperson and the chairperson of the senate committee on ways and means in even-numbered years and the chairperson of the house of representatives committee on appropriations in odd-numbered years. If a member is designated to serve on the board by the chairperson or vice-chairperson of the joint committee, the designated member shall serve in lieu of the designating officer on a temporary or permanent basis as specified by the designating officer. The attorney general shall be the chairperson of the board. The secretary of state shall serve as the secretary to the board. The state rules and regulations board shall determine whether a rule and regulation should be adopted as a temporary rule and regulation, shall determine the rules and regulations to be published in the Kansas administrative regulations and in the annual supplement to such regulations as provided for in this act and shall perform such other duties as may be required by this act.

Sec. 7. K.S.A. 2017 Supp. 77-436 is hereby amended to read as follows: 77-436. (a) There is hereby established a joint committee on ad-
administrative rules and regulations which shall consist of five senators and seven members of the house of representatives. The five senator members shall be appointed as follows: Three by the committee on organization, calendar and rules and two by the minority leader of the senate. The seven representative members shall be appointed as follows: Four by the speaker of the house of representatives and three by the minority leader of the house of representatives. The committee on organization, calendar and rules shall designate a senator member to be chairperson or vice-chairperson of the joint committee as provided in this section. The speaker of the house of representatives shall designate a representative member to be chairperson or vice-chairperson of the joint committee as provided in this section. The minority leader of the senate shall designate a senator member to be the ranking minority member of the joint committee as provided in this section. The minority leader of the house of representatives shall designate a representative member to be the ranking minority member of the joint committee as provided in this section.

(b) A quorum of the joint committee on administrative rules and regulations shall be seven. All actions of the committee may be taken by a majority of those present when there is a quorum. In odd-numbered years the chairperson and the ranking minority member of the joint committee shall be the designated member of the house of representatives from the convening of the regular session in that year until the convening of the regular session in the next ensuing year. In even-numbered years the chairperson and the ranking minority member of the joint committee shall be the designated member of the senate from the convening of the regular session of that year until the convening of the regular session of the next ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) All proposed rules and regulations shall be reviewed by the joint committee on administrative rules and regulations during the public comment period required by K.S.A. 77-421, and amendments thereto. The committee may introduce such legislation as it deems necessary in performing its functions of reviewing administrative rules and regulations.

(d) The committee shall issue a report to the legislature following each meeting making comments and recommendations and indicating concerns about any proposed rule and regulation. Such report shall be made available to each agency that had proposed rules and regulations reviewed at such meeting during the agency’s public comment period for such proposed rules and regulations required by K.S.A. 77-421, and amendments thereto. If having a final report completed by the public hearing required by K.S.A. 77-421, and amendments thereto, is impractical, a preliminary report shall be made available to the agency containing the committee’s comments. The preliminary report shall be incorporated into the final report and made available to each agency.
(e) All rules and regulations filed each year in the office of secretary of state shall be subject to review by the joint committee. The committee may introduce such legislation as it deems necessary in performing its functions of reviewing administrative rules and regulations.

(f) The joint committee shall meet on call of the chairperson as authorized by the legislative coordinating council. All such meetings shall be held in Topeka, unless authorized to be held in a different place by the legislative coordinating council. Members of the joint committee shall receive compensation, travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(g) Amounts paid under authority of this section shall be paid from appropriations for legislative expense and vouchers therefor shall be prepared by the director of legislative administrative services and approved by the chairperson or vice-chairperson of the legislative coordinating council.

Sec. 8. K.S.A. 2017 Supp. 77-416, 77-420, 77-420a, 77-421, 77-422, 77-423 and 77-436 are hereby repealed.

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

Approved May 18, 2018.

Published in the Kansas Register June 7, 2018.
(c) No child placement agency shall be denied a license, permit or other authorization, or the renewal thereof, or have any such license, permit or other authorization revoked or suspended by any state agency, or any political subdivision of the state solely because of the agency’s objection to performing, assisting, counseling, recommending, consenting to, referring or otherwise participating in a placement that violates such agency’s sincerely held religious beliefs.

(d) No child placement agency, solely because of such agency’s objection to preforming, assisting, counseling, recommending, consenting to, referring or otherwise participating in a placement that violates such agency’s sincerely held religious beliefs, shall be denied:

(1) Participation in any program operated by the department for children and families in which child placement agencies are allowed to participate; or

(2) reimbursement for performing foster care placement or adoption services on behalf of an entity that has a contract with the department for children and families as a case management contractor.

(e) Refusal of a child placement agency to perform, assist, counsel, recommend, consent to, refer or otherwise participate in any placement that would violate such agency’s sincerely held religious beliefs shall not form the basis for the imposition of a civil fine or other adverse administrative action or any claim or cause of action under any state or local law.

(f) A child placement agency’s sincerely held religious beliefs shall be described in such agency’s organizing documents, its written polices or such other written document approved by the governing body of such agency.

(g) As used in this section, the term “child placement agency” means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care, and who is licensed under K.S.A. 65-501 et seq., and amendments thereto.

(h) The provisions of this section shall not apply to any entity while such entity has a contract with the department for children and families as a case management contractor.

Sec. 2. K.S.A. 59-2112 is hereby amended to read as follows: 59-2112. As used in K.S.A. 59-2111 through 59-2143, and amendments thereto:

(a) “Adult adoption” means the adoption of an individual who has attained the age of majority;

(b) “agency adoption” means the adoption of a minor child where an agency has the authority to consent to the adoption;

(c) “independent adoption” means the adoption of a minor child where the child’s parent or parents, legal guardian or nonagency person
in loco parentis has the authority to consent to the adoption, but does not include a stepparent adoption;

(d) “stepparent adoption” means the adoption of a minor child by the spouse of a parent with the consent of that parent;

(e) “residence of a child” and “place where a child resides” means:
   (1) the residence of the child’s mother if the child’s parents are not married;
   (2) the residence of the child’s father, if the father has custody and the child’s parents are not married;
   (3) the residence of the child’s father if the child’s parents are married; or
   (4) the residence of the child’s mother if the child’s parents are married, but the child’s mother has established a separate, legal residence and the child resides with the mother the residence of any parent;

(f) “agency” means any public or private entity organized pursuant to Kansas law, or organized pursuant to the laws of the jurisdiction where located, having for its purpose the care and maintenance of children, being authorized to place children for adoption, consent to the adoption and to stand in loco parentis to such children until they are adopted or reach majority; and

(g) “person in loco parentis” means an individual or organization vested with the right to consent to the adoption of a child pursuant to relinquishment or an order or judgment by a district court of competent jurisdiction;

(h) “party in interest” means:
   (1) A parent whose parental rights have not been terminated;
   (2) a prospective adoptive parent;
   (3) an adoptive parent;
   (4) a legal guardian of a child;
   (5) an agency having authority to consent to the adoption of a child;
   (6) the child sought to be adopted, if over 14 years of age and of sound intellect; or
   (7) an adult adoptee; and

(i) “professional” means any person who receives payment or compensation, but not solely reimbursement for expenses, for providing services related to the placement of children for adoption.

Sec. 3. K.S.A. 59-2113 is hereby amended to read as follows: 59-2113. Any adult, or husband and wife married adult couple jointly, may adopt any minor or adult as their child in the manner provided in K.S.A. 59-2111 through 59-2143, and amendments thereto, except that one spouse cannot do so without the consent of the other.

Sec. 4. K.S.A. 59-2114 is hereby amended to read as follows: 59-2114. (a) Consent shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take ac-
knowledgments. If consent is acknowledged before a judge of a court of record, it shall be the duty of the court to advise the consenting person of the legal consequences of the consent. A consent is final when executed, unless the consenting party, prior to final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given. The burden of proving the consent was not freely and voluntarily given shall rest with the consenting party.

(b) Consent in all cases shall have been executed not more than six months prior to the date the petition for adoption is filed.

Sec. 5. K.S.A. 59-2116 is hereby amended to read as follows: 59-2116. (a) A consent or relinquishment may not be given by the mother or accepted until 12 hours after the birth of a child. Any consent or relinquishment given by the mother before 12 hours after the birth of a child is voidable, prior to the final decree of adoption.

(b) A consent or relinquishment may be given by any father or possible father any time after the birth of a child. A consent may be given by any father or possible father before the birth of the child only if he has the advice of independent legal counsel as to the consequences of the consent prior to its execution. The attorney providing independent legal advice shall be present at the execution of the consent.

Sec. 6. K.S.A. 59-2117 is hereby amended to read as follows: 59-2117. (a) A consent or relinquishment, or document that is the functional equivalent of a Kansas consent or relinquishment, is valid if executed and acknowledged outside of this state, or in a foreign country either in accordance with the law of this state or in accordance with the law of the place where executed, is valid.

(b) Where a consent or relinquishment is signed in a foreign country, the execution of the consent or relinquishment shall be acknowledged or affirmed in accordance with the law and procedure of the foreign country.

(c) If the person signing a consent or relinquishment is in the military service of the United States, the execution of the consent or relinquishment may be acknowledged before a commissioned officer and the signature of the officer shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

Sec. 7. K.S.A. 59-2120 is hereby amended to read as follows: 59-2120. Interstate placements of children shall comply with the procedures contained in the interstate compact on placement of children as set forth in K.S.A. 38-1202, and amendments thereto. Any professional providing services related to the placement of children for adoption who fails to comply with the provisions of the interstate compact for the placement of children is guilty of a class C nonperson misdemeanor. For the purposes of this section, “professional” means any person who receives pay-
ment or compensation for providing services related to the placement of children for adoption.

Sec. 8. K.S.A. 59-2121 is hereby amended to read as follows: 59-2121. (a) Except as otherwise authorized by law, no person shall request, receive, give or offer to give any consideration in connection with an adoption, or a placement for adoption, other than:

(1) Reasonable fees for legal and other professional services rendered in connection with the placement or adoption not to exceed customary fees for similar services by professionals of equivalent experience and reputation where the services are performed, except that fees for legal and other professional services as provided in this section performed outside the state shall not exceed customary fees for similar services when performed in the state of Kansas;

(2) reasonable fees in the state of Kansas of a licensed child-placing agency;
(3) actual and necessary expenses, based on expenses in the state of Kansas, incident to placement or to the adoption proceeding;
(4) actual medical expenses of the mother attributable to pregnancy and birth;
(5) actual medical expenses of the child; and
(6) reasonable living expenses of the mother which are incurred during or as a result of the pregnancy.

(b) In an action for adoption, a detailed accounting of all consideration given, or to be given, and all disbursements made, or to be made, in connection with the adoption and the placement for adoption shall accompany the petition for adoption. Upon review of the accounting, the court shall disapprove any such consideration which the court determines to be unreasonable or in violation of this section and, to the extent necessary to comply with the provisions of this section, shall order reimbursement of any consideration already given in violation of this section.

(c) Knowingly and intentionally receiving or accepting clearly excessive fees or expenses in violation of subsection (a) shall be a severity level 9, nonperson felony. Knowingly failing to list all consideration or disbursements as required by subsection (b) shall be a class B nonperson misdemeanor.

Sec. 9. K.S.A. 2017 Supp. 59-2122 is hereby amended to read as follows: 59-2122. (a) Except as provided in subsections (b) and (c), the files and records of the court in adoption proceedings shall not be open to inspection or copy by persons other than the following:

(1) The parties in interest and their attorneys; party filing for adoption or termination and that party’s attorney;
(2) an adoptee who has reached the age of majority;
(3) representatives of the Kansas department for children and families, and the commission on judicial performance in the discharge of the
commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto, except upon an order of the court expressly permitting the same. As used in this section, “parties in interest” shall not include genetic parents once a decree of adoption is entered:

(4) the disciplinary administrator; and

(5) the commission on judicial qualifications.

(b) Prior to the final decree of adoption, any party in interest may request access to the files and records of an adoption proceeding. After notice and a hearing, and upon a written finding of good cause, the court may order that some or all of the files and records of an adoption proceeding be open to inspection or copy by the moving party.

(c) After the final decree of adoption, the court may permit access to some or all of the files and records of an adoption proceeding for good cause shown.

(d) The Kansas department for children and families may contact the adoptive parents of the minor child or the adopted adult at the request of the birth or genetic parents in the event of a health or medical need. The Kansas department for children and families may contact the adopted adult at the request of the birth or genetic parents for any reason. Identifying information shall not be shared with the birth or genetic parents without the permission of the adoptive parents of the minor child or, the adopted adult or the legal guardian of the adopted adult. The Kansas department for children and families may contact the birth or genetic parents at the request of the adoptive parents of the minor child or, the adopted adult or the legal guardian of the adopted adult in the event of a health or medical need. The Kansas department for children and families may contact the birth or genetic parents at the request of the adopted adult for any reason.

Sec. 10. K.S.A. 2017 Supp. 59-2123 is hereby amended to read as follows: 59-2123. (a) Except as otherwise provided in this section:

(1) Any person who advertises that such person will provide adoption-related services or adopt, find an adoptive home for a child or otherwise place a child for adoption shall state in such advertisement whether or not such person is licensed and if licensed, under what authority such license is issued and in what profession;

(2) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to a woman to come to such person’s maternity center during pregnancy or after delivery; and

(3) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to any parent, guardian or custodian of a child to place such child in such person’s home, institution or establishment.

(b) The provisions of subsection (a)(1) shall not apply to the Kansas department for children and families or to an individual seeking to adopt
a child. The provisions of subsection (a)(3) shall not apply to the Kansas department for children and families, an individual seeking to adopt a child, an agency or an attorney.

(c) As used in this section:

(1) “Advertise” means to communicate by newspaper, radio, television, handbills, placards or other print, broadcast, telephone directory or electronic medium.

(2) “Person” means an individual, firm, partnership, corporation, joint venture or other association or entity.

(3) “Maternity center” means the same as provided in K.S.A. 65-502, and amendments thereto.

(d) Any person who violates the provisions of this section shall be guilty of an unclassified misdemeanor and shall be fined not more than $1,000 for each violation.

Sec. 11. K.S.A. 59-2124 is hereby amended to read as follows: 59-2124. (a) Any parent or parents or person in loco parentis may relinquish a child to an agency, and if the agency accepts the relinquishment in writing, the agency shall stand in loco parentis to the child and shall have and possess over the child all rights of a parent or legal guardian, including the power to place the child for adoption and give consent thereto.

(b) All relinquishments to an agency under K.S.A. 59-2111 through 59-2143, and amendments thereto, shall be deemed sufficient if in substantial compliance with the form for relinquishment set forth by the judicial council, and shall be executed by: (1) Both parents of the child; (2) one parent, if the other parent is deceased or the other parent’s relinquishment is found unnecessary under K.S.A. 59-2136, and amendments thereto; or (3) a person in loco parentis.

(c) The relinquishment shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take acknowledgments. If the relinquishment is acknowledged before a judge of a court of record, it shall be the duty of the court to advise the relinquishing person of the legal consequences of the relinquishment.

(d) A relinquishment shall be final when executed, unless the relinquishing party, prior to the entry of a final order terminating parental rights, alleges and proves by clear and convincing evidence that the relinquishment was not freely and voluntarily given. The burden of proving that the relinquishment was not freely and voluntarily given shall rest with the relinquishing party.

(e) Except as otherwise provided, in all cases where a parent or person in loco parentis has relinquished a child to the an agency pursuant to K.S.A. 59-2111 through 59-2143, and amendments thereto, all the rights of the parent or person in loco parentis shall be terminated, including the right to receive notice in a subsequent adoption proceeding involving the
child. If a parent has relinquished a child to the agency pursuant to K.S.A. 59-2111 through 59-2143, and amendments thereto, based on a belief that the child’s other parent would relinquish the child to the agency, and such the other parent does not relinquish such child to the agency and the other parent’s rights are not terminated by a final court order, the rights of such the parent who has relinquished a child to the agency shall not be terminated. Upon such relinquishment, all the rights of birth parents to such child, including their right to inherit from or through such child, shall cease and the full rights of the parent are restored. (e) (f) A parent’s relinquishment of a child shall not terminate the right of the child to inherit from or through such parent.

Sec. 12. K.S.A. 59-2126 is hereby amended to read as follows: 59-2126. (a) Except as provided in subsection (f), in an independent adoption, venue shall be in the county in which the petitioner resides or in the county in which the child to be adopted resides.
(b) Except as provided in subsection (f), in an agency adoption, venue shall be in the county:
(1) in the county in which the petitioner resides;
(2) in the county in which the child to be adopted resided prior to receipt of custody by the agency; or
(3) where the principal place of business for the child placing agency is located.
(c) Except as provided in subsection (f), in a stepparent adoption, venue shall be in the county in which the petitioner resides or where the child resides.
(d) If the petitioner resides upon or is stationed at a United States military post or reservation within this state, and the child to be adopted is then residing with the petitioner, venue may be in the district court of the county in which the post or reservation is located, or in the district court of any county located immediately adjacent to such county.
(e) Where the residence of the child, as defined in K.S.A. 59-2112, and amendments thereto, serves as the basis for venue, a sworn affidavit shall be filed with the petition setting forth the factual basis for the child’s residency.
(f) In all adoptions, venue may be established in any county in Kansas, if all parties in interest agree in writing to venue in that county.

Sec. 13. K.S.A. 59-2127 is hereby amended to read as follows: 59-2127. (a) A court of this state may not exercise jurisdiction over a proceeding for adoption of a minor if at the time the petition for adoption is filed a proceeding concerning the custody or adoption of the minor is pending in a court of another state exercising jurisdiction substantially in conformity with the uniform child custody jurisdiction act, or the uniform child custody jurisdiction and enforcement act, or this act unless the proceeding is stayed by the court of the other state.
(b) If a court of another state has issued a decree or order concerning the custody of a minor who may be the subject of a proceeding for adoption in this state, a court of this state may not exercise jurisdiction over a proceeding for adoption of the minor unless:

(1) The court of this state finds that the court of the state which issued the decree or order:
   (A) Does not have continuing jurisdiction to modify the decree or order under jurisdictional prerequisites substantially in accordance with the uniform child custody jurisdiction act, or the uniform child custody jurisdiction and enforcement act, or has declined to assume jurisdiction to modify the decree or order, or
   (B) does not have jurisdiction over a proceeding substantially in conformity with subsection (a)(1) through (4) or has declined to assume jurisdiction proceeding for adoption; and

(2) the court of this state has jurisdiction over the proceeding.

(c) Before determining whether or not to exercise its jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court with a view to assuring that jurisdiction will be exercised by such court of another state and that a forum will be available to the parties.

(d) If the court determines not to exercise its jurisdiction, it may dismiss the proceedings, or it may stay the proceedings upon condition that an adoption proceeding be promptly commenced in another named state or upon any other conditions which may be just and proper. Jurisdiction over proceedings under the Kansas adoption and relinquishment act including a proceeding to terminate parental rights pursuant to K.S.A. 59-2136, and amendments thereto, is governed by the uniform child custody jurisdiction and enforcement act, K.S.A. 23-37,101 through 23-37,405, and amendments thereto, except that in adoption proceedings, the notice provisions of K.S.A. 59-2133 and 59-2136, and amendments thereto, shall control.

Sec. 14. K.S.A. 59-2128 is hereby amended to read as follows: 59-2128. (a) A petition for adoption shall be filed by the person desiring to adopt the child, and shall state the following information, if reasonably ascertainable, under oath:

(1) The name, residence and address of the petitioner;
(2) the suitability of the petitioner to assume the relationship;
(3) the name of the child, the date, time and place of the child’s birth, and the present address or whereabouts of the child;
(4) the places where the child has lived during the last five years;
(5) the names and present addresses of the persons with whom the child has lived during that period;
(6) whether the party has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or vis-
iation with the child and, if so, identify the court, the case number, and the date of the child-custody determination, if any;

(7) whether the party knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;

(8) whether the party knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons;

(9) whether one or both parents are living and the name, date of birth, residence and address of those living, so far as known to the petitioner;

(10) the facts relied upon as eliminating the necessity for the consent or relinquishment, if the consent or relinquishment of either or both parents is not obtained;

(11) whether the interstate compact on placement of children, K.S.A. 38-1201 et seq., and amendments thereto, and the Indian child welfare act, 25 U.S.C. § 1901 et seq., have been or will be complied with prior to the hearing.

(b) If the information required by subsection (a) is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(c) If the declaration as to any of the items described in subsection (a)(6) through (a)(9) is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(d) The petitioner has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

(e) A petition filed in a step parent adoption shall not require a statement in compliance with the interstate compact on placement of children.

(f) The written consents to adoption required by K.S.A. 59-2129, and amendments thereto, or any relinquishment pursuant to K.S.A. 59-2124, and amendments thereto, the background information required by K.S.A. 59-2130, and amendments thereto, the accounting required by K.S.A. 59-2121, and amendments thereto, and any affidavit required by K.S.A. 59-2126, and amendments thereto, shall be filed with the petition for adoption.

Sec. 15. K.S.A. 2017 Supp. 59-2130 is hereby amended to read as follows: 59-2130. (a) The following information shall be filed with the petition in an independent or agency adoption:
(1) A complete written genetic, medical and social history of the child and the parents;
(2) the names, dates of birth, addresses, telephone numbers, and social security numbers of each of the child’s parents, if known;
(3) any hospital records pertaining to the child or a properly executed authorization for release of those any hospital records pertaining to the child; and
(4) the child’s birth verification, which shall include the date, time and place of birth and the name of the attending physician.

(b) The genetic, medical and social history required by this section shall be in conformity with the rules and regulations adopted by the secretary for children and families and on forms provided by the secretary.

(c) If any information required to be filed under this section is not available, an affidavit explaining the reasons why it is not available shall be filed with the petition for adoption.

(d) The secretary for children and families shall adopt rules and regulations establishing procedures for updating a child’s genetic, medical and social history if new information becomes known at a later date. The agency or person conducting the investigation under K.S.A. 59-2132, and amendments thereto, shall advise in writing each of the child’s biological parents, if known, of those procedures.

(e) Any employee or agent of the Kansas department for children and families, a child-placing agency or a district court who intentionally destroys any information required to be filed under this section is guilty of a class C nonperson misdemeanor.

Sec. 16. K.S.A. 2017 Supp. 59-2132 is hereby amended to read as follows: 59-2132. (a) Except as provided in subsection (h), in independent and agency adoptions, the court shall require the petitioner to obtain an assessment of the advisability of the adoption by a court approved:

(1) (A) Licensed social worker, licensed specialist social worker, licensed specialist clinical social worker, licensed masters social worker, licensed baccalaureate social worker or licensed associate social worker licensed by the behavioral sciences regulatory board;
(2) licensed clinical marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;
(3) licensed marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;
(4) licensed clinical professional counselor as defined in K.S.A. 65-5802, and amendments thereto;
(5) licensed professional counselor as defined in K.S.A. 65-5802, and amendments thereto;
(6) licensed psychologist as defined in K.S.A. 65-6319, and amendments thereto;
(G) licensed masters level psychologist as defined in K.S.A. 74-5362, and amendments thereto;

(H) licensed clinical psychotherapist as defined in K.S.A. 74-5363, and amendments thereto; or

(I) a licensed child-placing agency.

(2) Any person performing an assessment pursuant to this subsection shall:

(A) Possess a minimum of two years experience in adoption services or be supervised by a person with such experience; or

(B) if licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders in independent practice, possess a minimum of one year of experience in adoption services or be supervised by a person with such experience.

(b) The petitioner shall file with the court, not less than 10 days before the hearing on the petition, a report of the assessment and, if necessary, confirmation or clarification of the information filed under K.S.A. 59-2130, and amendments thereto.

(c) If there is no one authorized pursuant to this section available to make the assessment and report to the court, the court may use the Kansas department for children and families for that purpose.

(d) The costs of making the assessment and report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(e) In making the assessment, the person authorized pursuant to this section or Kansas department for children and families is authorized to observe the child in the petitioner’s home, verify financial information of the petitioner, shall clear the name of the petitioner with the child abuse and neglect registry through the Kansas department for children and families and, when appropriate, with a similar registry in another state or nation, shall determine whether the petitioner has been convicted of a felony for any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto, or, within the last five years been convicted of a felony violation of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, and, when appropriate, any similar conviction in another jurisdiction, and to contact the agency or individuals consenting to the adoption and confirm and, if necessary, clarify any genetic and medical history filed with the petition. This information shall be made a part of the report to the court. The report to the court by any person authorized pursuant to this section to perform this
assessment shall include the results of the investigation of the petitioner, the petitioner’s home and the ability of the petitioner to care for the child.

(f) In the case of a nonresident who is filing a petition to adopt a child in Kansas, the assessment and report required by this section must be completed in the petitioner’s state of residence by a person authorized in that state to conduct such assessments. Such report shall be filed with the court not less than 10 days before the hearing on the petition.

(g) The assessment and report required by this section shall comply with any applicable rules and regulations of the department of health and environment and shall have been completed not more than one year prior to the filing of the petition for adoption.

(h) The assessment and report required by this section may be waived by the court upon:

(1) Review of a petition requesting such waiver by a relative of the child; or

(2) the court’s own motion.

Sec. 17. K.S.A. 2017 Supp. 59-2133 is hereby amended to read as follows: 59-2133. (a) Upon filing the petition, the court shall fix the time and place for the hearing. The time fixed for the hearing may be any time not more than 60 days from the date the petition is filed. The time fixed for the hearing may be extended by the court for good cause.

(b) In independent and stepparent adoptions, notice of the hearing on the petition shall be given to the parents or presumed possible parents at least 10 calendar days before the hearing, unless waived by the party entitled to notice or unless parental rights have been previously terminated, and to any other persons as the court may direct, to any person who has physical custody of the child, unless waived by the party entitled to notice. Notice also shall be given in an independent adoption to a legal guardian of the child or individual in loco parentis, unless waived by the party entitled to notice.

(c) In an agency adoption, notice of the hearing on the petition shall be given to the consenting agency, the parents or possible parents, any relinquishing party and any person who has physical custody of the child at least 10 calendar days before the hearing, unless waived by the party entitled to notice.

(d) Notice of the hearing shall be by personal service, certified mail return receipt requested or in any other manner the court may direct. Notice given pursuant to this section shall not include a copy of the petition.

Sec. 18. K.S.A. 59-2134 is hereby amended to read as follows: 59-2134. (a) Upon the hearing of the petition, the court shall consider the assessment and all evidence, including evidence relating to determination of whether or not the court should exercise its jurisdiction as provided in K.S.A. 59-2127, offered by any interested party in interest. If the adoption
is granted, the court shall **make enter** a final decree of adoption, **which terminates parental rights if not previously terminated**.

(b) If the adoption is denied, the court shall enter appropriate orders. Such orders may include an order giving temporary custody of the child to another person or agency for a period not to exceed 30 days pending termination of the instant case or a new case being filed.

(c) The costs of the adoption proceedings shall be paid by the petitioner or as assessed by the court.

Sec. 19. K.S.A. 2017 Supp. 59-2136 is hereby amended to read as follows: 59-2136. (a) The provisions of this section shall apply where a relinquishment or consent to an adoption has not been obtained from a parent and K.S.A. 59-2124 and 59-2129, and amendments thereto, state that the necessity of a parent’s relinquishment or consent can be determined under this section.

(b) Insofar as practicable, the provisions of this section applicable to the father also shall apply to the mother and those applicable to the mother also shall apply to the father.

(c) In stepparent adoptions under subsection (d), the court may appoint an attorney to represent any father who is unknown or whose whereabouts are unknown. In all other cases, the court shall appoint an attorney to represent any father who is unknown or whose whereabouts are unknown. If no person is identified as the father or a possible father, or if the father’s whereabouts are unknown, the court shall order publication notice of the hearing in such manner as the court deems appropriate.

(d) In a stepparent adoption, if a mother consents to the adoption of a child who has a presumed father under subsection (a)(1), (2) or (3) of K.S.A. 2017 Supp. 23-2208, and amendments thereto, or who has a father as to whom the child is a legitimate child under prior law of this state or under the law of another jurisdiction, the consent of such father must be given to the adoption unless such father has failed or refused to assume the duties of a parent for two consecutive years next preceding the filing of the petition for adoption or is incapable of giving such consent. In determining whether a father’s consent is required under this subsection, the court may disregard incidental visitations, contacts, communications or contributions. In determining whether the father has failed or refused to assume the duties of a parent for two consecutive years next preceding the filing of the petition for adoption, there shall be a rebuttable presumption that if the father, after having knowledge of the child’s birth, has knowingly failed to provide a substantial portion of the child support as required by judicial decree, when financially able to do so, for a period of two years next preceding the filing of the petition for adoption, then such father has failed or refused to assume the duties of a parent. The court may consider the best interests of the child and the fitness of the
nonconsenting parent in determining whether a stepparent adoption should be granted.

(e) Except as provided in subsection (d), if a mother desires to relinquish or consents to the adoption of such mother's child, a petition shall be filed in the district court to terminate the parental rights of the father, unless the father's relationship to the child has been previously terminated or determined not to exist by a court. The petition may be filed by the mother, the petitioner for adoption, the person or agency having custody of the child or the agency to which the child has been or is to be relinquished. Where appropriate, the request to terminate parental rights may be contained in a petition for adoption.

(d) (1) A petition to terminate parental rights may be filed as part of a petition for adoption or as an independent action. If the request to terminate parental rights is not filed in connection with an adoption proceeding, venue shall be in the county in which the child, the mother or the presumed or alleged father or a parent resides or is found.

(2) The petition may be filed by a parent, the petitioner for adoption, the person or agency having legal custody of the child, or the agency to which the child has been relinquished.

(3) Absent a finding of good cause by a court with jurisdiction under this act, a proceeding to terminate parental rights shall have precedence over any proceeding involving custody of the child under the Kansas family law code, K.S.A. 23-2101 et seq., and amendments thereto, or the protection from abuse act, K.S.A. 60-3101 et seq., and amendments thereto, until a final order is entered on the termination issues or until further orders of the court.

(e) In an effort to identify the father, the court shall determine by deposition, affidavit or hearing, the following:

(1) Whether there is a presumed father under K.S.A. 2017 Supp. 23-2208, and amendments thereto;

(2) whether there is a father whose relationship to the child has been determined by a court;

(3) whether there is a father as to whom the child is a legitimate child under prior law of this state or under the law of another jurisdiction;

(4) whether the mother was cohabitating with a man at the time of conception or birth of the child;

(5) whether the mother has received support payments or promises of support with respect to the child or in connection with such mother's pregnancy; and

(6) whether any person has formally or informally acknowledged or declared such person's possible parentage of the child.

If the father is identified to the satisfaction of the court, or if more than one man is identified as a possible father, each shall be given notice of the proceeding in accordance with subsection (f).

(f) Notice of the proceeding shall be given to every person identified
as the father or a possible father by personal service, certified mail return receipt requested or in any other manner the court may direct. Notice shall be given at least 10 calendar days before the hearing, unless waived by the person entitled to notice. Proof of notice or waiver of notice shall be filed with the court before the petition or request is heard.

(g) (1) If, after the inquiry, the court is unable to identify the father or any possible father and no person has appeared claiming to be the father and claiming custodial rights, the court shall enter an order terminating the unknown father’s parental rights with reference to the child without regard to consideration of subsection (h).

(2) If any person identified as the father or possible father of the child fails to appear or, if appearing, fails to claim custodial rights, such person’s parental rights with reference to the child shall be terminated without regard to consideration of subsection (h).

(h) (1) When a father or alleged father appears and asserts claims parental rights, the court shall determine parentage, if necessary pursuant to the Kansas parentage act, K.S.A. 2017 Supp. 23-2201 et seq., and amendments thereto. If a father desires but is financially unable to employ an attorney, the court shall appoint an attorney for the father. Thereafter, the court may order that parental rights be terminated and find the consent or relinquishment unnecessary, upon a finding by clear and convincing evidence, of any of the following:

(A) The father abandoned or neglected the child after having knowledge of the child’s birth;
(B) the father is unfit as a parent or incapable of giving consent;
(C) the father has made no reasonable efforts to support or communicate with the child after having knowledge of the child’s birth;
(D) the father, after having knowledge of the pregnancy, failed without reasonable cause to provide support for the mother during the six months prior to the child’s birth;
(E) the father abandoned the mother after having knowledge of the pregnancy;
(F) the birth of the child was the result of rape of the mother; or
(G) the father has failed or refused to assume the duties of a parent for two consecutive years immediately preceding the filing of the petition.

(2) In making a finding whether parental rights shall be terminated under this subsection, the court may:

(A) Consider and weigh the best interest of the child, and Shall consider all of the relevant surrounding circumstances; and
(B) may disregard incidental visitations, contacts, communications or contributions.

(3) In determining whether the father has failed or refused to assume the duties of a parent for two consecutive years immediately preceding the filing of the petition for adoption, there shall be a rebuttable
presumption that if the father, after having knowledge of the child’s birth, has knowingly failed to provide a substantial portion of the child support as required by judicial decree, when financially able to do so, for a period of two years immediately preceding the filing of the petition for adoption, then such father has failed or refused to assume the duties of a parent.

(4) For the purposes of this subsection, “support” means monetary or non-monetary assistance that is reflected in specific and significant acts and sustained over the applicable period.

(i) A termination of parental rights under this section shall not terminate the right of the child to inherit from or through the parent. Upon such termination, all the rights of birth parents to such child, including their right to inherit from or through such child, shall cease.

Sec. 20. K.S.A. 59-2138 is hereby amended to read as follows: 59-2138. (a) A court of this state has jurisdiction over a proceeding for the adoption of an adult if the petitioner or the adult to be adopted resides in this state.

(b) Venue shall be in the county in which the petitioner or the adult to be adopted resides. Venue may be established in any county in Kansas if all parties in interest agree in writing to venue in that county.

Sec. 21. K.S.A. 59-2141 is hereby amended to read as follows: 59-2141. (a) The court, by order, shall fix a time and place for hearing on the petition for adult adoption. The hearing may be with or without notice as the court shall direct and the court may hear the petition forthwith.

(b) The court may order that notice of the hearing be given to the parents of the adult subject of the adoption and shall require notice, unless waived, to any consenting party.

Sec. 22. K.S.A. 59-2143 is hereby amended to read as follows: 59-2143. The form forms for consent and relinquishment and waiver of notice of hearing to be utilized under the Kansas adoption and relinquishment act shall be set forth by the judicial council.


Sec. 24. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 18, 2018.
CHAPTER 119
HOUSE CONCURRENT RESOLUTION No. 5018

A CONCURRENT RESOLUTION relating to a committee to inform the Governor that the two houses of the legislature are duly organized and ready to receive communications.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor, and inform the Governor that the two houses of the legislature are duly organized and are ready to receive any communications the Governor may have to present.

Adopted by the House January 8, 2018.
Adopted by the Senate January 8, 2018.

CHAPTER 120
HOUSE CONCURRENT RESOLUTION No. 5019

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 4:30 p.m. on January 9, 2018, for the purpose of hearing the message of the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Lieutenant Governor.

Adopted by the House January 8, 2018.
Adopted by the Senate January 8, 2018.
CHAPTER 121

HOUSE CONCURRENT RESOLUTION No. 5021

A CONCURRENT RESOLUTION providing for a joint session of the Senate and the House of Representatives for the purpose of hearing a message from the Supreme Court.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 2:45 p.m. on January 17, 2018, for the purpose of hearing a message from the Supreme Court on the judicial branch of government.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Supreme Court Justices.

Adopted by the House January 16, 2018.
Adopted by the Senate January 16, 2018.

CHAPTER 122

HOUSE CONCURRENT RESOLUTION No. 5023

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 2:45 p.m. on February 7, 2018, for the purpose of hearing the message of the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor.

Adopted by the House February 6, 2018.
Adopted by the Senate February 6, 2018.

CHAPTER 123

HOUSE CONCURRENT RESOLUTION No. 5026

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2018 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the
close of business of the daily session convened on February 22, 2018, and shall reconvene on February 28, 2018, pursuant to adjournment of the daily session convened on February 22, 2018; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses in amounts prescribed under K.S.A. 75-3212, and amendments thereto.

Adopted by the House February 22, 2018.
Adopted by the Senate February 22, 2018.

CHAPTER 124

HOUSE CONCURRENT RESOLUTION No. 5028

A Concurrent Resolution relating to the adjournment of the senate and house of representatives for a period during the 2018 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on March 29, 2018, and shall reconvene on April 2, 2018, pursuant to adjournment of the daily session convened on March 29, 2018; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified
Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day during this period of adjournment; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during this period of adjournment shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

Adopted by the House March 29, 2018.
Adopted by the Senate March 29, 2018.

CHAPTER 125
SENATE CONCURRENT RESOLUTION No. 1615

A Concurrent Resolution relating to the 2018 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein: That the 2018 regular session of the legislature shall be extended beyond 90 calendar days; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April 8, 2018, and shall reconvene at 10:00 a.m. on April 26, 2018; and

Be it further resolved: That the legislature may adjourn and reconvene at any time during the period on and after April 26, 2018, to May 4, 2018, but the legislature shall reconvene at 10:00 a.m. on May 4, 2018, at which time the legislature shall continue in session and shall adjourn sine die at the close of business on May 4, 2018; and

Be it further resolved: That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend
their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

*Be it further resolved:* That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

*Be it further resolved:* That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives and members of a conference committee attending a meeting of the conference committee authorized by the President of the Senate and the Speaker of the House of Representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses in amounts prescribed under K.S.A. 75-3212, and amendments thereto.

Adopted by the House April 7, 2018.
Adopted by the Senate April 7, 2018.
MESSAGE FROM THE GOVERNOR

House Substitute for SENATE BILL No. 109

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2017 Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a and repealing the existing sections.

Message to the Legislature of the State of Kansas:

Pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return House Substitute for Senate Bill 109 with my signature approving the bill, except for the items enumerated below.

Kansas Highway Patrol—Claim

Section 9 is vetoed in its entirety.

This provision would require the highway patrol to pay $11,833.60 to an individual for the repayment of cash funds alleged to have been improperly seized and turned over to a federal agency in 1995. Adherence to the rule of law requires that such matters be properly adjudicated in the courts. The individual in question here could have sought recovery against the proper parties in the proper forums, but either failed to do so or did not do so successfully. Furthermore, the criminal history of this individual, which includes multiple felony convictions for burglary and theft, as well as drug trafficking, casts doubt upon the veracity and soundness of the claim. It would be bad precedent, and bad policy, to make this payment in this manner, especially with bill language that accuses law enforcement officers of an improper act without the benefit of due process.

Insurance Department—Insurance Department Service Regulation Fund

Section 43(b) is vetoed in its entirety.

The 2018 Legislature reduced the transfer from the Insurance Department Service Regulation Fund to the State General Fund by $8.0 million in FY 2019. This transfer was part of the budget approved by the 2017 Legislature. I veto this transfer reduction.
Board of Indigents’ Defense Services—Legal Services for Prisoners, Inc. Health Insurance

Section 44(a) and Section 45(a) legal services for prisoners are line item vetoed.

The Legislature appropriated $25,000 from the State General Fund in both FY 2018 and FY 2019 for legal services for prisoners. Legal Services for Prisoners, Inc. is a non-profit corporation that provides legal assistance to indigent inmates of Kansas correctional institutions. The two employees of the corporation are private contractors and not state employees. Therefore, the state has no oversight over the corporation’s health insurance plan design or selection. I therefore veto the line items that provide this funding in the bill.

Department of Commerce—Global Trade Services

Section 58(e) Global Trade Services line-item is vetoed.

The 2018 Legislature overspent resources in the Economic Development Initiatives Fund (EDIF) by $309,802 in FY 2019, which will require reductions to balance the EDIF budget. Global Trade Services is currently funded with the Department of Commerce’s EDIF Operating Grant. The Legislature created a separate line item of $125,000 to provide enhanced funding for this program in FY 2018. However, the enhanced funding is not needed to fully fund and operate this program for the last few months of the fiscal year. Because EDIF resources are being overspent, this item is vetoed. Funding for this program will continue from the EDIF Operating Grant in FY 2018.

Department of Commerce—Kansas International Trade Show Assistance

Section 58(e) and Section 59(a) Kansas International Trade Show Assistance line-items are vetoed.

The 2018 Legislature overspent resources in the EDIF by $309,802 in FY 2019, which will require reductions to balance the EDIF budget. Kansas International Trade Show Assistance is currently funded with the Department of Commerce’s EDIF Operating Grant in both FY 2018 and FY 2019 and the Legislature created separate line items of $50,000 in FY 2018 and $127,000 in FY 2019 to fund this program. Because EDIF resources are being overspent, these items are vetoed. Funding for this program will continue from the EDIF Operating Grant in both FY 2018 and FY 2019. The Legislature added additional funding for this program in FY 2019; however, the enhanced funding is not needed to fully fund and operate this program.
Department of Commerce—Innovation Growth Program

Section 59(a) Innovation Growth Program line-item is vetoed.

The 2018 Legislature overspent resources in the EDIF by $309,802 in FY 2019, which will require reductions to balance the EDIF budget. The Legislature created a new line item of $65,643 in FY 2019 for the Innovation Growth Program. The Department of Commerce previously operated this program; however, funding was eliminated in FY 2016. Because EDIF resources are being overspent, this item is vetoed.

Department of Health and Environment—PRTF 60 Day Admission Policy

Section 67(i) & 68(i) are vetoed in their entireties.

The Mental Health Parity Act prohibits states from imposing conditions or limits on mental health services that are not imposed on physical health services. Instead, medical necessity should be determined and if a mental health service is deemed necessary, the state is required to cover it. In October 2015, the Department for Aging and Disability Services discontinued its policy of requiring mental health screenings prior to admission to inpatient psychiatric beds at community hospitals and residential treatment facilities. The screenings were discontinued in response to the potential loss of federal funding as outlined in the Mental Health Parity Act. This administration is working on Psychiatric Residential Treatment Facility (PRTF) issues and is aware of concerns with length of stays at PRTFs. The administration will continue to work with the Kansas Department of Health and Environment, the Kansas Department for Aging and Disability Services and the Mental Health Task Force to resolve any issues. While the cost may be justified by the benefits to be obtained from the screenings, approving this provision could additionally jeopardize substantial federal funding of inpatient Medicaid services. I therefore veto these sections of the bill.

Department of Health and Environment—KanCare Funding

The portion of Section 68(a) that reads as follows is line item vetoed:

Provided, however, That during fiscal years 2018 and 2019, if any new eligibility requirements or limitations are imposed by any state agency to receive state medicaid services under the Kansas medical assistance program, then on the effective date of such imposition, the amounts appropriated for the department of health and environment – division of health care for the fiscal year ending June 30, 2019, by section 95(a) of chapter 104 of the 2017 Session Laws of Kansas and this act from the state general fund in the other medical assistance account are hereby lapsed.
Section 118 of this bill addresses the Legislature’s concerns with potential changes to the KanCare Program; this proviso is not necessary.

**Department for Children and Families—Jobs for America’s Graduates-Kansas**

Section 74(e) is vetoed in its entirety. Jobs for America’s Graduates-Kansas (JAG-K) is a program that targets children at-risk of failing in school by offering in-class instruction, mentoring, leadership development and job and postsecondary placement to participants. JAG-K is funded entirely with funding received from the Federal Government through the Temporary Assistance for Needy Families Block Grant; no state funds are used for the program. The Temporary Assistance for Needy Families Fund has a history of having no expenditure limitation placed upon it and there is no recent history of placing an expenditures limitation upon the JAG-K Program. This section would place an expenditure limitation totaling $5.8 million upon the JAG-K Program in FY 2019. Limiting funding for the JAG-K Program could prevent the agency from providing assistance to at-risk children that would otherwise qualify to participate in the program; therefore, I veto this section to allow the agency flexibility to assist more at-risk children if given the opportunity.

**Kansas Highway Patrol—Troop B Building**

Sections 100 (b), 100 (c) and 100(d) are vetoed in their entirety.

The Kansas Highway Patrol currently leases the land and improvements comprising the Troop B headquarters located in Shawnee County. Lease payments have been made from a Federal Forfeiture revenue stream. While there is a concern that this funding resource may be discontinued in the future, funds are available presently to cover lease payments. The option to purchase could be reviewed at such time Federal Forfeiture funds are no longer sufficient to cover lease obligations. Continuing with a lease arrangement that provides maintenance is desirable over purchasing and adding the responsibility of ongoing maintenance. In addition, this veto prevents an increase in the state’s outstanding debt. The funds used for debt service of the bonds to purchase the facility were to be financed from the State Highway Fund. As a result of this veto, the State Highway Fund will have an additional $300,000 for highway projects.

Jeff Colyer, M.D., Governor

# INDEX TO BILLS

## NUMERICAL INDEX TO SENATE BILLS

<table>
<thead>
<tr>
<th>No.</th>
<th>Ch.</th>
<th>No.</th>
<th>Ch.</th>
<th>No.</th>
<th>Ch.</th>
</tr>
</thead>
<tbody>
<tr>
<td>56</td>
<td>97</td>
<td>263</td>
<td>31</td>
<td>351</td>
<td>23</td>
</tr>
<tr>
<td>61</td>
<td>70</td>
<td>276</td>
<td>28</td>
<td>369</td>
<td>18</td>
</tr>
<tr>
<td>109</td>
<td>109</td>
<td>279</td>
<td>40</td>
<td>374</td>
<td>106</td>
</tr>
<tr>
<td>179</td>
<td>107</td>
<td>281</td>
<td>110</td>
<td>375</td>
<td>78</td>
</tr>
<tr>
<td>180</td>
<td>93</td>
<td>282</td>
<td>101</td>
<td>386</td>
<td>29</td>
</tr>
<tr>
<td>185</td>
<td>43</td>
<td>283</td>
<td>4</td>
<td>391</td>
<td>113</td>
</tr>
<tr>
<td>194</td>
<td>24</td>
<td>284</td>
<td>118</td>
<td>394</td>
<td>51</td>
</tr>
<tr>
<td>199</td>
<td>103</td>
<td>285</td>
<td>100</td>
<td>398</td>
<td>22</td>
</tr>
<tr>
<td>217</td>
<td>71</td>
<td>294</td>
<td>27</td>
<td>405</td>
<td>12</td>
</tr>
<tr>
<td>256</td>
<td>5</td>
<td>307</td>
<td>73</td>
<td>410</td>
<td>50</td>
</tr>
<tr>
<td>260</td>
<td>89</td>
<td>310</td>
<td>84</td>
<td>414</td>
<td>14</td>
</tr>
<tr>
<td>261</td>
<td>79</td>
<td>311</td>
<td>33</td>
<td>415</td>
<td>111</td>
</tr>
<tr>
<td>262</td>
<td>1</td>
<td>324</td>
<td>49</td>
<td>419</td>
<td>69</td>
</tr>
<tr>
<td>263</td>
<td>62</td>
<td>328</td>
<td>83</td>
<td>423</td>
<td>57</td>
</tr>
<tr>
<td>266</td>
<td>94</td>
<td>331</td>
<td>74</td>
<td>428</td>
<td>30</td>
</tr>
<tr>
<td>267</td>
<td>13</td>
<td>335</td>
<td>75</td>
<td>461</td>
<td>102</td>
</tr>
<tr>
<td>272</td>
<td>72</td>
<td>336</td>
<td>87</td>
<td></td>
<td></td>
</tr>
<tr>
<td>275</td>
<td>56</td>
<td>348</td>
<td>76</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## NUMERICAL INDEX TO HOUSE BILLS

<table>
<thead>
<tr>
<th>No.</th>
<th>Ch.</th>
<th>No.</th>
<th>Ch.</th>
<th>No.</th>
<th>Ch.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2028</td>
<td>98</td>
<td>2459</td>
<td>26</td>
<td>2558</td>
<td>35</td>
</tr>
<tr>
<td>2067</td>
<td>114</td>
<td>2469</td>
<td>15</td>
<td>2567</td>
<td>16</td>
</tr>
<tr>
<td>2106</td>
<td>9</td>
<td>2470</td>
<td>99</td>
<td>2571</td>
<td>90</td>
</tr>
<tr>
<td>2111</td>
<td>115</td>
<td>2472</td>
<td>31</td>
<td>2577</td>
<td>82</td>
</tr>
<tr>
<td>2129</td>
<td>91</td>
<td>2476</td>
<td>68</td>
<td>2579</td>
<td>108</td>
</tr>
<tr>
<td>2145</td>
<td>61</td>
<td>2477</td>
<td>55</td>
<td>2580</td>
<td>44</td>
</tr>
<tr>
<td>2147</td>
<td>48</td>
<td>2479</td>
<td>105</td>
<td>2581</td>
<td>45</td>
</tr>
<tr>
<td>2184</td>
<td>46</td>
<td>2482</td>
<td>60</td>
<td>2583</td>
<td>77</td>
</tr>
<tr>
<td>2194</td>
<td>96</td>
<td>2488</td>
<td>104</td>
<td>2590</td>
<td>38</td>
</tr>
<tr>
<td>2232</td>
<td>54</td>
<td>2496</td>
<td>42</td>
<td>2597</td>
<td>59</td>
</tr>
<tr>
<td>2280</td>
<td>117</td>
<td>2498</td>
<td>17</td>
<td>2599</td>
<td>63</td>
</tr>
<tr>
<td>2343</td>
<td>2</td>
<td>2501</td>
<td>32</td>
<td>2600</td>
<td>66</td>
</tr>
<tr>
<td>2362</td>
<td>11</td>
<td>2502</td>
<td>8</td>
<td>2602</td>
<td>64</td>
</tr>
<tr>
<td>2386</td>
<td>86</td>
<td>2511</td>
<td>80</td>
<td>2606</td>
<td>53</td>
</tr>
<tr>
<td>2435</td>
<td>10</td>
<td>2516</td>
<td>41</td>
<td>2608</td>
<td>19</td>
</tr>
<tr>
<td>2437</td>
<td>3</td>
<td>2523</td>
<td>92</td>
<td>2619</td>
<td>20</td>
</tr>
<tr>
<td>2438</td>
<td>95</td>
<td>2524</td>
<td>37</td>
<td>2628</td>
<td>39</td>
</tr>
<tr>
<td>2439</td>
<td>7</td>
<td>2539</td>
<td>116</td>
<td>2639</td>
<td>47</td>
</tr>
<tr>
<td>2444</td>
<td>58</td>
<td>2541</td>
<td>36</td>
<td>2642</td>
<td>88</td>
</tr>
<tr>
<td>2454</td>
<td>52</td>
<td>2542</td>
<td>67</td>
<td>2650</td>
<td>34</td>
</tr>
<tr>
<td>2457</td>
<td>25</td>
<td>2549</td>
<td>81</td>
<td>2691</td>
<td>21</td>
</tr>
<tr>
<td>2458</td>
<td>112</td>
<td>2556</td>
<td>85</td>
<td>2701</td>
<td>65</td>
</tr>
</tbody>
</table>

## NUMERICAL INDEX TO SENATE CONCURRENT RESOLUTIONS

<table>
<thead>
<tr>
<th>No.</th>
<th>Ch.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1615</td>
<td>125</td>
</tr>
</tbody>
</table>

## NUMERICAL INDEX TO HOUSE CONCURRENT RESOLUTIONS

<table>
<thead>
<tr>
<th>No.</th>
<th>Ch.</th>
<th>No.</th>
<th>Ch.</th>
<th>No.</th>
<th>Ch.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5018</td>
<td>119</td>
<td>5021</td>
<td>121</td>
<td>5026</td>
<td>123</td>
</tr>
<tr>
<td>5019</td>
<td>120</td>
<td>5023</td>
<td>122</td>
<td>5028</td>
<td>124</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------</td>
<td>----------------------------------------</td>
<td>-------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-223 (Supp), Am.</td>
<td>111</td>
<td>8-262 (Supp), Am.</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1314 (Supp), Am.</td>
<td>77</td>
<td>8-262 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1314b, Am.</td>
<td>77</td>
<td>8-285 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1315 (Supp), Am.</td>
<td>77</td>
<td>8-2,135 (Supp), Am.</td>
<td>53</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1316 (Supp), Am.</td>
<td>70</td>
<td>8-2,142 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1316a, Rep.</td>
<td>77</td>
<td>8-2,144 (Supp), Am.</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1317 (Supp), Am.</td>
<td>77</td>
<td>8-2,144 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1318 (Supp), Am.</td>
<td>77</td>
<td>8-1001 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1319 (Supp), Am.</td>
<td>77</td>
<td>8-1008 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1320, Am.</td>
<td>77</td>
<td>8-1013 (Supp), Am.</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1322 (Supp), Am.</td>
<td>77</td>
<td>8-1013 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1330, Am.</td>
<td>77</td>
<td>8-1024 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1332 (Supp), Am.</td>
<td>77</td>
<td>8-1025 (Supp), Am.</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-1334 (Supp), Rep.</td>
<td>77</td>
<td>8-1025 (Supp), Rep.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-2455 (Supp), Am.</td>
<td>70</td>
<td>8-1324 (Supp), Am.</td>
<td>31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-2510 (Supp), Am.</td>
<td>14</td>
<td>8-1501 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-401, Rep.</td>
<td>90</td>
<td>8-1567 (Supp), Am.</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-402, Rep.</td>
<td>90</td>
<td>8-1567 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-403, Rep.</td>
<td>90</td>
<td>8-1904 (Supp), Am.</td>
<td>72</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-404, Rep.</td>
<td>90</td>
<td>8-2005 (Supp), Am.</td>
<td>72</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-405, Rep.</td>
<td>90</td>
<td>8-2118 (Supp), Am.</td>
<td>72</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-406, Rep.</td>
<td>90</td>
<td>8-2404 (Supp), Am.</td>
<td>27</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-407, Rep.</td>
<td>90</td>
<td>9-512 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-408, Rep.</td>
<td>90</td>
<td>9-513 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-409, Rep.</td>
<td>90</td>
<td>9-513c (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-410, Rep.</td>
<td>90</td>
<td>9-701 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-411, Rep.</td>
<td>90</td>
<td>9-808 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-412, Rep.</td>
<td>90</td>
<td>9-809 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-413, Rep.</td>
<td>90</td>
<td>9-901a (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-414, Rep.</td>
<td>90</td>
<td>9-902 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-415, Rep.</td>
<td>90</td>
<td>9-903 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-416, Rep.</td>
<td>90</td>
<td>9-904 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-417, Rep.</td>
<td>90</td>
<td>9-905 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-418, Rep.</td>
<td>90</td>
<td>9-906 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-419, Rep.</td>
<td>90</td>
<td>9-907 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-420, Rep.</td>
<td>90</td>
<td>9-908 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-421, Rep.</td>
<td>90</td>
<td>9-910 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-421, Rep.</td>
<td>90</td>
<td>9-913 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-1,141 (Supp), Am.</td>
<td>63</td>
<td>9-912 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-1,147 (Supp), Am.</td>
<td>63</td>
<td>9-1101 (Supp), Am.</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-235 (Supp), Am.</td>
<td>106</td>
<td>9-1609 (Supp), Am.</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-240 (Supp), Am.</td>
<td>31</td>
<td>9-1720 (Supp), Am.</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-240 (Supp), Am.</td>
<td>53</td>
<td>9-1721 (Supp), Am.</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-240 (Supp), Rep.</td>
<td>102</td>
<td>12-104, Am.</td>
<td>59</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-240 (Supp), Am.</td>
<td>102</td>
<td>12-736 (Supp), Am.</td>
<td>71</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-241 (Supp), Am.</td>
<td>106</td>
<td>12-8,111, Am.</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-243 (Supp), Am.</td>
<td>31</td>
<td>12-1775a (Supp), Am.</td>
<td>102</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-247 (Supp), Am.</td>
<td>31</td>
<td>12-1775b (Supp), Rep.</td>
<td>102</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-247 (Supp), Am.</td>
<td>53</td>
<td>12-4106 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-247 (Supp), Rep.</td>
<td>102</td>
<td>12-4120 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-247 (Supp), Am.</td>
<td>102</td>
<td>12-4413 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kansas Statutes Annotated and Supplement</td>
<td>CHAP.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12-4414 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12-4415 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12-4416 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12-4516 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12-4516f (Supp), Rep.</td>
<td>106</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12-4517 (Supp), Am.</td>
<td>106</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12-5377 (Supp), Am.</td>
<td>89</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12-5377 (Supp), Rep.</td>
<td>95</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5377 (Supp), Am.</td>
<td>95</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-1312f, Am.</td>
<td>59</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-2219, Am.</td>
<td>56</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-2232, Am.</td>
<td>56</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5101, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5102, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5201, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5202, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5203, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5204, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5205, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5206, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5207, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5208, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5209, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5210, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5211, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5212, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5213, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5214, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5215, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5216, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5217, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5218, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5219, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5220, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5221, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5225, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5225a, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5225b, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5225c, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5225d (Supp), Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5226, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5227, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5228, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5229, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5230, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5301, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5302, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5303, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5304, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5305, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5306, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5307, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5308, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5309, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5310, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5311, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5312, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17-5313, Rep.</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Kansas Statutes Annotated and Supplement</th>
<th>CHAP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-5301c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5302c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5303c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5304c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5305c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5306c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5307c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5308c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5309c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5310c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5311c, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5312c, Rep.</td>
<td>75</td>
</tr>
</tbody>
</table>

**Statutes Repealed or Amended**
<table>
<thead>
<tr>
<th>Kansas Statutes Annotated and Supplement</th>
<th>CHAP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-5513, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5514, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5515, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5516, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5517, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5519, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5520, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5521, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5522, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5523, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5524, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5525, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5526, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5527, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5528, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5529, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5530, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5531, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5532, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5533, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5534, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5535, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5536, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5537, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5538, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5539, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5540, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5541, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5542, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5543, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5544, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5545, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5546, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5547, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5548, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5549, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5550, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5551, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5552, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5553, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5554, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5555, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5556, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5557, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5558, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5559, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5560, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5561, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5562, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5563, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5564, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5565, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5566, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5567, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5568, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5569, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5570, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5571, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5572, Rep.</td>
<td>75</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Kansas Statutes Annotated and Supplement</th>
<th>CHAP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-5514, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5515, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5516, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5517, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5519, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5520, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5521, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5522, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5523, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5524, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5525, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5526, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5527, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5528, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5529, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5530, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5531, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5532, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5533, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5534, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5535, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5536, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5537, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5538, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5539, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5540, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5541, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5542, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5543, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5544, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5545, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5546, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5547, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5548, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5549, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5550, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5551, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5552, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5553, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5554, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5555, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5556, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5557, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5558, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5559, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5560, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5561, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5562, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5563, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5564, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5565, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5566, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5567, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5568, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5569, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5570, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5571, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5572, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>Kansas Statutes Annotated and Supplement</td>
<td>CHAP.</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>17-5810, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5811, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5812, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5814, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5816, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5817, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5818, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5819, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5820, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5821, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5822, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5823, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5824, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5825, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5826, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5827, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5828 (Supp), Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5829 (Supp), Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5830, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5831, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>17-5832, Rep.</td>
<td>75</td>
</tr>
<tr>
<td>19-801b (Supp), Am.</td>
<td>92</td>
</tr>
<tr>
<td>19-2654, Am.</td>
<td>59</td>
</tr>
<tr>
<td>19-3419a, Am.</td>
<td>59</td>
</tr>
<tr>
<td>19-3420, Am.</td>
<td>59</td>
</tr>
<tr>
<td>19-3424, Am.</td>
<td>59</td>
</tr>
<tr>
<td>19-4016, Am.</td>
<td>71</td>
</tr>
<tr>
<td>19-4904, Am.</td>
<td>43</td>
</tr>
<tr>
<td>20-362 (Supp), Am.</td>
<td>79</td>
</tr>
<tr>
<td>21-5203 (Supp), Am.</td>
<td>106</td>
</tr>
<tr>
<td>21-5402 (Supp), Am.</td>
<td>112</td>
</tr>
<tr>
<td>21-5405 (Supp), Am.</td>
<td>7</td>
</tr>
<tr>
<td>21-5412 (Supp), Am.</td>
<td>112</td>
</tr>
<tr>
<td>21-5413 (Supp), Am.</td>
<td>7</td>
</tr>
<tr>
<td>21-5413 (Supp), Am.</td>
<td>112</td>
</tr>
<tr>
<td>21-5417 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>21-5417 (Supp), Rep.</td>
<td>112</td>
</tr>
<tr>
<td>21-5417 (Supp), Am.</td>
<td>112</td>
</tr>
<tr>
<td>21-5512 (Supp), Am.</td>
<td>92</td>
</tr>
<tr>
<td>21-5701 (Supp), Am.</td>
<td>101</td>
</tr>
<tr>
<td>21-5701 (Supp), Am.</td>
<td>62</td>
</tr>
<tr>
<td>21-5702 (Supp), Am.</td>
<td>62</td>
</tr>
<tr>
<td>21-5706 (Supp), Am.</td>
<td>112</td>
</tr>
<tr>
<td>21-5903 (Supp), Am.</td>
<td>116</td>
</tr>
<tr>
<td>21-5909 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>21-5911 (Supp), Am.</td>
<td>112</td>
</tr>
<tr>
<td>21-5924 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>21-6109 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>21-6207 (Supp), Am.</td>
<td>45</td>
</tr>
<tr>
<td>21-6301 (Supp), Am.</td>
<td>61</td>
</tr>
<tr>
<td>21-6604 (Supp), Am.</td>
<td>106</td>
</tr>
<tr>
<td>21-6614 (Supp), Am.</td>
<td>106</td>
</tr>
<tr>
<td>21-6627 (Supp), Am.</td>
<td>102</td>
</tr>
<tr>
<td>21-6627a (Supp), Rep.</td>
<td>102</td>
</tr>
<tr>
<td>21-6804 (Supp), Am.</td>
<td>106</td>
</tr>
<tr>
<td>21-6811 (Supp), Am.</td>
<td>16</td>
</tr>
<tr>
<td>21-6811 (Supp), Am.</td>
<td>106</td>
</tr>
<tr>
<td>21-6811 (Supp), Am.</td>
<td>7</td>
</tr>
<tr>
<td>21-6824 (Supp), Am.</td>
<td>112</td>
</tr>
<tr>
<td>Kansas Statutes Annotated and Supplement</td>
<td>CHAP.</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>39-979 (Supp), Am.</td>
<td>32</td>
</tr>
<tr>
<td>39-1402 (Supp), Am.</td>
<td>33</td>
</tr>
<tr>
<td>39-1430 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>39-1431 (Supp), Am.</td>
<td>33</td>
</tr>
<tr>
<td>39-1431 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>39-1433 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>39-1602 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>39-1702 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>39-1903 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>39-2009 (Supp), Am.</td>
<td>86</td>
</tr>
<tr>
<td>40-2,103 (Supp), Am.</td>
<td>98</td>
</tr>
<tr>
<td>40-2,105 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>40-2,105a (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>40-2,116, Am.</td>
<td>71</td>
</tr>
<tr>
<td>40-2c01 (Supp), Am.</td>
<td>13</td>
</tr>
<tr>
<td>40-12a01, Am.</td>
<td>71</td>
</tr>
<tr>
<td>40-19c09 (Supp), Am.</td>
<td>98</td>
</tr>
<tr>
<td>40-3401 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>40-3403 (Supp), Am.</td>
<td>84</td>
</tr>
<tr>
<td>40-4301, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4302, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4303, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4304, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4305, Rep.</td>
<td>50</td>
</tr>
<tr>
<td>40-4306, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4307, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4308, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4309, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4310, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4311, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4313, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4314, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4316, Rep.</td>
<td>50</td>
</tr>
<tr>
<td>40-4317, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4318, Am.</td>
<td>50</td>
</tr>
<tr>
<td>40-4702 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>40-4801 (Supp), Am.</td>
<td>73</td>
</tr>
<tr>
<td>40-4801 (Supp), Rep.</td>
<td>84</td>
</tr>
<tr>
<td>40-4801 (Supp), Am.</td>
<td>84</td>
</tr>
<tr>
<td>40-4802 (Supp), Am.</td>
<td>73</td>
</tr>
<tr>
<td>40-4802 (Supp), Rep.</td>
<td>84</td>
</tr>
<tr>
<td>40-4802 (Supp), Am.</td>
<td>84</td>
</tr>
<tr>
<td>40-5007a (Supp), Am.</td>
<td>87</td>
</tr>
<tr>
<td>40-5009a (Supp), Am.</td>
<td>87</td>
</tr>
<tr>
<td>40-5012a (Supp), Am.</td>
<td>87</td>
</tr>
<tr>
<td>40-5802 (Supp), Am.</td>
<td>76</td>
</tr>
<tr>
<td>40-5803 (Supp), Am.</td>
<td>76</td>
</tr>
<tr>
<td>40-5804 (Supp), Am.</td>
<td>76</td>
</tr>
<tr>
<td>40-5804 (Supp), Am.</td>
<td>76</td>
</tr>
<tr>
<td>41-102 (Supp), Am.</td>
<td>99</td>
</tr>
<tr>
<td>41-102 (Supp), Rep.</td>
<td>99</td>
</tr>
<tr>
<td>41-102 (Supp), Am.</td>
<td>8</td>
</tr>
<tr>
<td>41-308a (Supp), Am.</td>
<td>99</td>
</tr>
<tr>
<td>41-308b (Supp), Am.</td>
<td>99</td>
</tr>
<tr>
<td>41-317 (Supp), Am.</td>
<td>11</td>
</tr>
<tr>
<td>41-354 (Supp), Am.</td>
<td>99</td>
</tr>
<tr>
<td>41-2606 (Supp), Am.</td>
<td>11</td>
</tr>
<tr>
<td>41-2614 (Supp), Am.</td>
<td>99</td>
</tr>
<tr>
<td>41-2640 (Supp), Am.</td>
<td>99</td>
</tr>
<tr>
<td>Kansas Statutes Annotated and Supplement</td>
<td>CHAP.</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>46-222 (Supp), Am.</td>
<td>51</td>
</tr>
<tr>
<td>46-225, Am.</td>
<td>51</td>
</tr>
<tr>
<td>46-237, Am.</td>
<td>51</td>
</tr>
<tr>
<td>46-237a (Supp), Am.</td>
<td>51</td>
</tr>
<tr>
<td>46-265 (Supp), Am.</td>
<td>51</td>
</tr>
<tr>
<td>46-268 (Supp), Am.</td>
<td>88</td>
</tr>
<tr>
<td>46-269, Am.</td>
<td>51</td>
</tr>
<tr>
<td>46-271, Am.</td>
<td>51</td>
</tr>
<tr>
<td>46-280 (Supp), Am.</td>
<td>88</td>
</tr>
<tr>
<td>46-1106 (Supp), Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1108, Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1112, Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1114 (Supp), Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1115, Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1116, Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1118 (Supp), Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1121 (Supp), Rep.</td>
<td>89</td>
</tr>
<tr>
<td>46-1122, Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1123, Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1125, Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1126, Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1127, Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1128 (Supp), Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1134 (Supp), Rep.</td>
<td>89</td>
</tr>
<tr>
<td>46-1135 (Supp), Am.</td>
<td>89</td>
</tr>
<tr>
<td>46-1701 (Supp), Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1702, Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1703, Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1704, Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1709 (Supp), Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1719, Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1720, Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1721 (Supp), Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1723 (Supp), Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1733, Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1734, Am.</td>
<td>55</td>
</tr>
<tr>
<td>46-1736, Am.</td>
<td>55</td>
</tr>
<tr>
<td>48-1606, Am.</td>
<td>66</td>
</tr>
<tr>
<td>50-6,100, Am.</td>
<td>90</td>
</tr>
<tr>
<td>50-6,109a (Supp), Am.</td>
<td>79</td>
</tr>
<tr>
<td>50-6,109c (Supp), Am.</td>
<td>79</td>
</tr>
<tr>
<td>50-6,110 (Supp), Am.</td>
<td>79</td>
</tr>
<tr>
<td>50-6,111 (Supp), Am.</td>
<td>79</td>
</tr>
<tr>
<td>50-6,112a (Supp), Am.</td>
<td>79</td>
</tr>
<tr>
<td>50-6,112b (Supp), Am.</td>
<td>79</td>
</tr>
<tr>
<td>50-722, Am.</td>
<td>44</td>
</tr>
<tr>
<td>50-723 (Supp), Am.</td>
<td>44</td>
</tr>
<tr>
<td>50-725 (Supp), Am.</td>
<td>44</td>
</tr>
<tr>
<td>58-3974 (Supp), Am.</td>
<td>75</td>
</tr>
<tr>
<td>58-4704 (Supp), Am.</td>
<td>69</td>
</tr>
<tr>
<td>58-4708 (Supp), Am.</td>
<td>69</td>
</tr>
<tr>
<td>58-4709 (Supp), Am.</td>
<td>69</td>
</tr>
<tr>
<td>58-4721 (Supp), Am.</td>
<td>69</td>
</tr>
<tr>
<td>59-2112, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2113, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2114, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2116, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2117, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2120, Am.</td>
<td>118</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Kansas Statutes Annotated and Supplement</th>
<th>CHAP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>59-2121, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2122 (Supp), Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2123 (Supp), Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2124, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2126, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2127, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2128, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2130 (Supp), Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2132 (Supp), Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2133 (Supp), Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2134, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2136 (Supp), Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2138, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2141, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2143, Am.</td>
<td>118</td>
</tr>
<tr>
<td>59-2946 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>59-29a02 (Supp), Am.</td>
<td>94</td>
</tr>
<tr>
<td>59-29a07 (Supp), Am.</td>
<td>94</td>
</tr>
<tr>
<td>59-29a08 (Supp), Am.</td>
<td>94</td>
</tr>
<tr>
<td>59-29a11 (Supp), Am.</td>
<td>94</td>
</tr>
<tr>
<td>59-29a19 (Supp), Am.</td>
<td>94</td>
</tr>
<tr>
<td>59-29a22 (Supp), Am.</td>
<td>94</td>
</tr>
<tr>
<td>69-29b46 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>60-427 (Supp), Am.</td>
<td>106</td>
</tr>
<tr>
<td>60-2103 (Supp), Am.</td>
<td>103</td>
</tr>
<tr>
<td>60-3104 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-3105, Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-31a01 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-31a02 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-31a03 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-31a04 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-31a05 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-31a06 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-31a07 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-31a08 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-31a09 (Supp), Am.</td>
<td>110</td>
</tr>
<tr>
<td>60-4101, Am.</td>
<td>26</td>
</tr>
<tr>
<td>60-4106, Am.</td>
<td>26</td>
</tr>
<tr>
<td>60-4107 (Supp), Am.</td>
<td>26</td>
</tr>
<tr>
<td>60-4109 (Supp), Am.</td>
<td>26</td>
</tr>
<tr>
<td>60-4110, Am.</td>
<td>26</td>
</tr>
<tr>
<td>60-4111 (Supp), Am.</td>
<td>26</td>
</tr>
<tr>
<td>60-4112 (Supp), Am.</td>
<td>26</td>
</tr>
<tr>
<td>60-4113 (Supp), Am.</td>
<td>26</td>
</tr>
<tr>
<td>60-4114, Am.</td>
<td>26</td>
</tr>
<tr>
<td>60-4115 (Supp), Am.</td>
<td>26</td>
</tr>
<tr>
<td>65-171d (Supp), Am.</td>
<td>12</td>
</tr>
<tr>
<td>65-177 (Supp), Am.</td>
<td>66</td>
</tr>
<tr>
<td>65-516 (Supp), Am.</td>
<td>47</td>
</tr>
<tr>
<td>65-527, Am.</td>
<td>30</td>
</tr>
<tr>
<td>65-664, Am.</td>
<td>99</td>
</tr>
<tr>
<td>65-689 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>65-1113 (Supp), Am.</td>
<td>42</td>
</tr>
<tr>
<td>65-1117 (Supp), Am.</td>
<td>42</td>
</tr>
<tr>
<td>65-1118 (Supp), Am.</td>
<td>42</td>
</tr>
<tr>
<td>65-1120 (Supp), Am.</td>
<td>42</td>
</tr>
<tr>
<td>65-1127, Am.</td>
<td>42</td>
</tr>
<tr>
<td>65-1904 (Supp), Am.</td>
<td>22</td>
</tr>
<tr>
<td>Kansas Statutes Annotated and Supplement</td>
<td>Chap.</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>65-3221 (Supp), Am.</td>
<td>31</td>
</tr>
<tr>
<td>65-3228 (Supp), Am.</td>
<td>31</td>
</tr>
<tr>
<td>65-3229 (Supp), Am.</td>
<td>31</td>
</tr>
<tr>
<td>65-3237 (Supp), Am.</td>
<td>31</td>
</tr>
<tr>
<td>65-3503 (Supp), Am.</td>
<td>32</td>
</tr>
<tr>
<td>65-4014 (Supp), Am.</td>
<td>9</td>
</tr>
<tr>
<td>65-4101 (Supp), Am.</td>
<td>62</td>
</tr>
<tr>
<td>65-4105 (Supp), Am.</td>
<td>101</td>
</tr>
<tr>
<td>65-4107 (Supp), Am.</td>
<td>101</td>
</tr>
<tr>
<td>65-4109 (Supp), Am.</td>
<td>101</td>
</tr>
<tr>
<td>65-4412 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>65-4432 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>65-4915 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>65-4921 (Supp), Am.</td>
<td>86</td>
</tr>
<tr>
<td>65-5117 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>65-5601 (Supp), Am.</td>
<td>82</td>
</tr>
<tr>
<td>65-5804a (Supp), Am.</td>
<td>29</td>
</tr>
<tr>
<td>65-5807 (Supp), Am.</td>
<td>29</td>
</tr>
<tr>
<td>65-5913, Am.</td>
<td>32</td>
</tr>
<tr>
<td>65-6512, Am.</td>
<td>32</td>
</tr>
<tr>
<td>66-6610 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>66-6805 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>66-104d (Supp), Am.</td>
<td>6</td>
</tr>
<tr>
<td>66-1142 (Supp), Am.</td>
<td>28</td>
</tr>
<tr>
<td>66-1,176, Am.</td>
<td>6</td>
</tr>
<tr>
<td>66-1712, Am.</td>
<td>90</td>
</tr>
<tr>
<td>66-2202 (Supp), Am.</td>
<td>40</td>
</tr>
<tr>
<td>66-2203 (Supp), Am.</td>
<td>40</td>
</tr>
<tr>
<td>66-2204 (Supp), Am.</td>
<td>40</td>
</tr>
<tr>
<td>68-526 (Supp), Am.</td>
<td>80</td>
</tr>
<tr>
<td>68-589, Am.</td>
<td>80</td>
</tr>
<tr>
<td>68-1024, Am.</td>
<td>78</td>
</tr>
<tr>
<td>68-1027, Am.</td>
<td>5</td>
</tr>
<tr>
<td>68-1027, Am.</td>
<td>78</td>
</tr>
<tr>
<td>68-1029 (Supp), Am.</td>
<td>78</td>
</tr>
<tr>
<td>68-1044, Am.</td>
<td>78</td>
</tr>
<tr>
<td>68-1054, Am.</td>
<td>78</td>
</tr>
<tr>
<td>68-1058 (Supp), Am.</td>
<td>78</td>
</tr>
<tr>
<td>68-1014 (Supp), Am.</td>
<td>78</td>
</tr>
<tr>
<td>68-1019 (Supp), Am.</td>
<td>78</td>
</tr>
<tr>
<td>69-102, Rep.</td>
<td>100</td>
</tr>
<tr>
<td>69-103, Rep.</td>
<td>100</td>
</tr>
<tr>
<td>72-1171 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-5132 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5132 (Supp), Am.</td>
<td>70</td>
</tr>
<tr>
<td>72-5133 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5143 (Supp), Am.</td>
<td>70</td>
</tr>
<tr>
<td>72-5144 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-5145 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5148 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5149 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5150 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5151 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5155 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5170 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5171 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5173 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-55,113 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-55,116 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-5461 (Supp), Am.</td>
<td>57</td>
</tr>
<tr>
<td>72-6463 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6464 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6465 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6466 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6467 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6468 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6469 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6470 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6471 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6472 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6473 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6474 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6475 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6477 (Supp), Rep.</td>
<td>75</td>
</tr>
<tr>
<td>72-6478 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6479 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6480 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>72-6481 (Supp), Rep.</td>
<td>57</td>
</tr>
<tr>
<td>74-120, Am.</td>
<td>86</td>
</tr>
<tr>
<td>74-1106 (Supp), Am.</td>
<td>42</td>
</tr>
<tr>
<td>74-2012 (Supp), Am.</td>
<td>106</td>
</tr>
<tr>
<td>74-2113 (Supp), Am.</td>
<td>18</td>
</tr>
<tr>
<td>74-2424, Am.</td>
<td>89</td>
</tr>
<tr>
<td>74-32,146 (Supp), Am.</td>
<td>36</td>
</tr>
<tr>
<td>74-32,148, Am.</td>
<td>36</td>
</tr>
<tr>
<td>74-32,149, Am.</td>
<td>36</td>
</tr>
<tr>
<td>74-32,181 (Supp), Am.</td>
<td>67</td>
</tr>
<tr>
<td>74-4921 (Supp), Am.</td>
<td>89</td>
</tr>
<tr>
<td>74-4921c (Supp), Rep.</td>
<td>58</td>
</tr>
<tr>
<td>74-4921d (Supp), Rep.</td>
<td>58</td>
</tr>
<tr>
<td>74-5602 (Supp), Am.</td>
<td>92</td>
</tr>
<tr>
<td>74-5605 (Supp), Am.</td>
<td>92</td>
</tr>
<tr>
<td>74-5611a (Supp), Am.</td>
<td>93</td>
</tr>
<tr>
<td>74-7301 (Supp), Am.</td>
<td>79</td>
</tr>
<tr>
<td>74-8702 (Supp), Am.</td>
<td>96</td>
</tr>
<tr>
<td>74-8711 (Supp), Am.</td>
<td>96</td>
</tr>
<tr>
<td>74-8719, Am.</td>
<td>96</td>
</tr>
<tr>
<td>74-8723 (Supp), Am.</td>
<td>96</td>
</tr>
<tr>
<td>75-655 (Supp), Am.</td>
<td>114</td>
</tr>
<tr>
<td>75-7601 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>75-2263 (Supp), Am.</td>
<td>109</td>
</tr>
<tr>
<td>75-3036 (Supp), Am.</td>
<td>75</td>
</tr>
<tr>
<td>75-3043a (Supp), Am.</td>
<td>79</td>
</tr>
<tr>
<td>75-3135 (Supp), Am.</td>
<td>4</td>
</tr>
<tr>
<td>75-3170a (Supp), Am.</td>
<td>75</td>
</tr>
<tr>
<td>75-3520 (Supp), Am.</td>
<td>87</td>
</tr>
<tr>
<td>75-3718s (Supp), Am.</td>
<td>67</td>
</tr>
<tr>
<td>75-3740e (Supp), Am.</td>
<td>60</td>
</tr>
<tr>
<td>75-3740f (Supp), Am.</td>
<td>60</td>
</tr>
<tr>
<td>75-3743, Am.</td>
<td>91</td>
</tr>
<tr>
<td>75-3744, Am.</td>
<td>91</td>
</tr>
<tr>
<td>75-37,128 (Supp), Am.</td>
<td>91</td>
</tr>
<tr>
<td>75-4209 (Supp), Am.</td>
<td>109</td>
</tr>
<tr>
<td>Kansas Statutes Annotated and Supplement</td>
<td>CHAP.</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>75-4362 (Supp), Am.</td>
<td>86</td>
</tr>
<tr>
<td>75-5133 (Supp), Am.</td>
<td>89</td>
</tr>
<tr>
<td>75-5173 (Supp), Am.</td>
<td>96</td>
</tr>
<tr>
<td>75-52,148 (Supp), Am.</td>
<td>7</td>
</tr>
<tr>
<td>75-52,161 (Supp), Am.</td>
<td>52</td>
</tr>
<tr>
<td>75-52,164 (Supp), Am.</td>
<td>107</td>
</tr>
<tr>
<td>75-5309, Am.</td>
<td>71</td>
</tr>
<tr>
<td>75-5321a (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>75-5904, Am.</td>
<td>71</td>
</tr>
<tr>
<td>75-5923 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>75-6102 (Supp), Am.</td>
<td>71</td>
</tr>
<tr>
<td>75-6117 (Supp), Am.</td>
<td>108</td>
</tr>
<tr>
<td>75-6202 (Supp), Am.</td>
<td>96</td>
</tr>
<tr>
<td>75-6204 (Supp), Am.</td>
<td>96</td>
</tr>
<tr>
<td>75-6501 (Supp), Am.</td>
<td>108</td>
</tr>
<tr>
<td>75-6521, Am.</td>
<td>91</td>
</tr>
<tr>
<td>75-6522, Am.</td>
<td>91</td>
</tr>
<tr>
<td>75-6523, Am.</td>
<td>91</td>
</tr>
<tr>
<td>75-6706 (Supp), Am.</td>
<td>109</td>
</tr>
<tr>
<td>75-7033 (Supp), Rep.</td>
<td>71</td>
</tr>
<tr>
<td>75-7202 (Supp), Am.</td>
<td>97</td>
</tr>
<tr>
<td>75-7209 (Supp), Am.</td>
<td>89</td>
</tr>
<tr>
<td>75-7302 (Supp), Am.</td>
<td>38</td>
</tr>
<tr>
<td>75-7303 (Supp), Am.</td>
<td>38</td>
</tr>
<tr>
<td>75-7304 (Supp), Am.</td>
<td>38</td>
</tr>
<tr>
<td>75-7306 (Supp), Am.</td>
<td>38</td>
</tr>
<tr>
<td>75-7309 (Supp), Am.</td>
<td>38</td>
</tr>
<tr>
<td>75-7310 (Supp), Am.</td>
<td>38</td>
</tr>
<tr>
<td>76-157, Am.</td>
<td>71</td>
</tr>
</tbody>
</table>
Chapter

911 act, Kansas;
emergency telephone services,
audits by the division of legislative post audit .........................10, 89

911 coordinating council;
certain audits,
legislature, division of post audit ..................................................95

A

Abortion;
health and healthcare,
relating to the practice of telemedicine, restrictions; enacting
the Kansas telemedicine act ..........................................................98

Abuse, neglect or exploitation of certain adults;
mandated reporters,
emergency medical services personnel ............................................33
mistreatment of a dependent adult or elder person,
inflicting injury, confining or punishing; taking of personal
property or financial resources; setting penalties; defining
age of elder person ..........................................................................112

Accreditation;
treatment facilities,
relating to license renewal ................................................................9

Adjutant general;
appropriations .................................................................................109
emergency communication services,
advised by the state interoperability advisory committee ..........85

Administration, department of;
appropriations .................................................................................109
financial-compliance audits,
selection of auditor; contracts with; creating the department
of administration audit contract committee; creating the
department of administration audit services fund; technology
projects certain vendor restrictions ..................................................89
secretary of administration,
authorizing the construction of a permanent statue honoring
Dwight D. Eisenhower on the state capitol grounds;
establishing the Dwight D. Eisenhower statue fund .....................1
state contracts, relating to application of contract requirements regarding anti-Israel boycotts ................................................................. 60
state finance, relating to exemption from monumental building surcharge for the division of post audit; energy audits, requirements for certain state contracts; payroll deductions for indemnity insurance ........... 91
Administration, department of, division of personnel services; drug screening program, Kansas commission on veterans affairs office added to definition of "safety sensitive positions" requiring employee drug screening ........................................................................... 86
Administration, secretary of; rules and regulations, relating to approval of rules and regulations by the director of the budget............................................................................................................. 117
Administrative rules and regulations, joint committee on; report made by committee; membership............................................................... 117
Adoption;
adoption and relinquishment act, Kansas, amending definitions; who can adopt; consent to adoption and relinquishment; foreign and out-of-state adoptions; payment for adoption; access to adoption records; advertising; venue; jurisdiction; background information; assessments; notice; hearing; termination of parental rights; adult adoptions; forms.................................................................................. 118
adoption protection act, religious freedom of child placement agencies .................. 118
revised Kansas code for care of children and minors and newborn protection act, clarifying secretary for children and families and court procedures ................................................................................................. 107
Adoption protection act; creation of, relating to religious freedom of child placement agencies........... 118
Adult care home; abuse, neglect or exploitation of certain adults, adding emergency medical services personnel as mandated reporters............................................................................................................. 33
labor and employment, regarding certain providers and facilities; providing for licensure, employment and background checks of employees........ 86
long-term care ombudsman,
review by secretary for aging and disability services; access
to certain records ..........................................................38
residents,
electronic monitoring ..........................................................54

**Adult care home administrators, registered;**
disposition of fees,
creating the health occupations credentialing fee fund ...........32

**Adult care home licensure act;**
disposition of fees,
creating the health occupations credentialing fee fund ...........32

**Aged adults;**
abuse, neglect or exploitation of certain adults,
adding emergency medical services personnel as mandated
reporters..................................................................................33
mistreatment of an elder person,
inflicting injury, confining or punishing; taking of personal
property or financial resources; setting penalties; defining
age of elder person ................................................................112

**Aging and disability services, Kansas department for;**
abuse, neglect or exploitation of certain adults,
adding emergency medical services personnel as mandated
reporters..................................................................................33
appropriations.............................................................................109
determinations of competency,
concerning mental health services; length and location of
commitment for treatment..........................................................81
disposition of fees,
creating the health occupations credentialing fee fund ...........32
Kansas sexually violent predator act,
relating to persons in the custody of the secretary for aging
and disability services; administrative confinement...................94
regulating labor and employment,
regarding certain providers and facilities; providing for
licensure, employment and background checks of employees.......86
secretary duties,
forms and rules and regulations for electronic monitoring in
adult care homes.......................................................................54
state long-term care ombudsman review; access to certain
records .....................................................................................38
treatment facilities, relating to license renewal............................9
statutory reference updates,
relating to the Kansas department for aging and disability
service and the Kansas department for children and families;
making certain statutory revisions and updates to laws in
accordance with prior legislative enactment and executive order....71

Agriculture;
    eggs,
        repackaging requirements for retailers........................................14
    noxious weeds,
        relating to the control and eradication of noxious weeds in the
        state of Kansas.................................................................77
    pest control,
        allowing any documentation required under the Kansas
    pesticide law to be created or maintained in electronic form........20
    poultry facilities,
        concerning the department of health and environment; relating
to animal conversion units; confined feeding facilities...............12
    state fair,
        relating to state sales tax revenues collected on the Kansas
        state fairgrounds; deposit of revenues in state fair capital
        improvements fund................................................................111

Agriculture, department of, division of animal health;
    pet animal act,
        license, permit and inspection fees........................................55

Agriculture, department of, division of water resources;
    chief engineer,
        relating to multi-year flex accounts application deadlines.........21

Agriculture, Kansas department of;
    alternative crop research act,
        concerning industrial hemp regulation, cultivation, research,
        development, licensing; establishing an advisory board..........62
        appropriations.....................................................................109
    pesticide law, Kansas,
        allowing any documentation required under the law to be
        created or maintained in electronic form..............................20
    rules and regulations,
        regulating provisions of alternative crop research act,
        establishing licensing and renewal fees...............................62
        relating to the control and eradication of noxious weeds in the
        state of Kansas..................................................................77
Agritourism;
　registered agritourism activity,
　insurance, inspection, registration, permit and fees ..................73, 84

Airport authorities;
　dissolution of ...........................................................................39

Alcohol or other drug addiction treatment act;
　treatment facilities,
　relating to license renewal ..............................................................9

Alcoholic beverage control, director of;
　Kansas cereal malt beverage act regulation and enforcement,
　relating to the sale of beer by cereal malt beverage licensees ...........8

Alcoholic beverages;
　alcoholic candy,
　　defining alcoholic candy; confectionery products containing
　　alcohol and adulterated food products ...........................................99
　cereal malt beverage act, Kansas,
　　relating to the sale of beer by cereal malt beverage licensees ...........8
　licenses and permits,
　　fees; establishing the alcoholic beverage control
　　modernization fee and the alcoholic beverage control
　　modernization fund ........................................................................11
　microbreweries,
　　authorizing sale of refillable and sealable containers by
　　microbreweries; contract brewing agreements ...............................99
　self-service beer or wine,
　　regulating self-service beer or wine; access cards .........................99

Amino acid-based elemental formula;
　state health insurance coverage ......................................................76

Amusement ride act, Kansas;
　defining amusement rides,
　　relating to antique amusement rides, limited-use amusement
　　rides and registered agritourism activities ......................................73, 84

Andrew T. Finch act;
　making an unlawful request for emergency service assistance,
　　increased criminal penalties .........................................................45

Animal conversion units;
　poultry facilities,
　　concerning the department of health and environment;
　　confined feeding facilities ............................................................12
<table>
<thead>
<tr>
<th>Animal shelter;</th>
<th>55</th>
</tr>
</thead>
<tbody>
<tr>
<td>licensure, permits and inspection,</td>
<td></td>
</tr>
<tr>
<td>listing of exempt temporary shelter providers; fee</td>
<td></td>
</tr>
<tr>
<td>maximums; failed inspection</td>
<td></td>
</tr>
<tr>
<td>Animals, unattended;</td>
<td>41</td>
</tr>
<tr>
<td>removal from locked motor vehicles,</td>
<td></td>
</tr>
<tr>
<td>immunity from liability</td>
<td></td>
</tr>
<tr>
<td>Antique amusement ride;</td>
<td>73, 84</td>
</tr>
<tr>
<td>amusement ride exclusions,</td>
<td></td>
</tr>
<tr>
<td>defined</td>
<td></td>
</tr>
<tr>
<td>Appropriations;</td>
<td>109</td>
</tr>
<tr>
<td>adjutant general</td>
<td></td>
</tr>
<tr>
<td>administration, department of</td>
<td></td>
</tr>
<tr>
<td>aging and disability services, Kansas department for</td>
<td></td>
</tr>
<tr>
<td>agriculture, Kansas department of</td>
<td></td>
</tr>
<tr>
<td>attorney general</td>
<td></td>
</tr>
<tr>
<td>attorney general—Kansas bureau of investigation</td>
<td></td>
</tr>
<tr>
<td>barbering, Kansas board of</td>
<td></td>
</tr>
<tr>
<td>children and families, Kansas department for</td>
<td></td>
</tr>
<tr>
<td>commerce, department of</td>
<td></td>
</tr>
<tr>
<td>corrections, department of</td>
<td></td>
</tr>
<tr>
<td>cosmetology, Kansas state board of</td>
<td></td>
</tr>
<tr>
<td>education, department of</td>
<td>57, 109</td>
</tr>
<tr>
<td>Emporia state university</td>
<td></td>
</tr>
<tr>
<td>finance council, state</td>
<td></td>
</tr>
<tr>
<td>fire marshal, state</td>
<td></td>
</tr>
<tr>
<td>Fort Hays state university</td>
<td></td>
</tr>
<tr>
<td>governmental ethics commission</td>
<td></td>
</tr>
<tr>
<td>governor's department</td>
<td></td>
</tr>
<tr>
<td>health and environment, department of—division of environment</td>
<td></td>
</tr>
<tr>
<td>health and environment, department of—division of health care finance</td>
<td></td>
</tr>
<tr>
<td>health and environment, department of—division of public health</td>
<td></td>
</tr>
<tr>
<td>hearing instruments, Kansas board of examiners in fitting and dispensing of</td>
<td></td>
</tr>
<tr>
<td>highway patrol, Kansas</td>
<td></td>
</tr>
<tr>
<td>historical society, state</td>
<td></td>
</tr>
<tr>
<td>human rights commission, Kansas</td>
<td></td>
</tr>
<tr>
<td>indigents’ defense services, state board of</td>
<td></td>
</tr>
<tr>
<td>information technology services, office of</td>
<td></td>
</tr>
</tbody>
</table>
General Index

Chapter

insurancde department ..........................................................109
judicial branch ....................................................................109
Kansas state university .........................................................109
Kansas state university extension systems and agriculture research programs ...........................................109
Kansas state university veterinary medical center ..........109
labor, department of ..........................................................109
legislative coordinating council .........................................109
legislature ........................................................................109
nursing, board of ..............................................................109
optometry, board of examiners in .....................................109
peace officers’ standards and training, Kansas commission on .................................................................109
pharmacy, state board of ...................................................109
Pittsburg state university .....................................................109
post audit, division of ..........................................................109
public employees retirement system, Kansas ....................109
real estate appraisal board ..................................................109
regents, state board of .........................................................109
revenue, department of ......................................................109
state fair board ................................................................109
state treasurer ..................................................................109
tax appeals, state board of ................................................109
technical professions, state board of .................................109
transportation, department of .............................................109
university of Kansas ............................................................109
university of Kansas medical center .................................109
veterans affairs office, Kansas commission on .................109
veterinary examiners, state board of .................................109
water office, Kansas ............................................................109
Wichita state university ........................................................109
wildlife, parks and tourism, Kansas department of ........109

Arbitration and award;
uniform arbitration act of 2000,
  relating to mediation or arbitration of disputes concerning trust instruments .................................................90

Asbestos trust claims transparency act;
disclosures,
  regarding asbestos trust claims in civil asbestos actions .................................................................25

Asset seizure and forfeiture act, Kansas standard;
establishing the Kansas asset seizure and forfeiture repository, relating to reporting of seizures for forfeiture; forfeiture fund reports; open records; seizure and forfeiture procedure .................................26
Attorney general;
  appropriations.................................................................109
  asset seizure and forfeiture procedure.................................26
  candidacy qualifications,
    qualified elector by filing deadline; licensed to practice law
    with the state of Kansas..................................................116
  Kansas sexually violent predator act,
    annual examination report; relating to persons in the
    custody of the secretary for aging and disability services;
    administrative confinement ..............................................94
  real estate,
    authorizing the conveyance of land from the department of
    corrections to fire district 1 of Leavenworth county ..............19
  rules and regulations,
    relating to approval of rules and regulations by the director
    of the budget..........................................................................117
  scrap metal theft reduction act,
    delay in enforcement............................................................79
  wrongful conviction and imprisonment,
    payment of compensation; review by state finance council........108
Attorney general—Kansas bureau of investigation;
  appropriations........................................................................109
  wrongful conviction and imprisonment,
    order of expungement; purging and destruction of records
    and biological samples .......................................................108
Audiologists, licensed;
  disposition of fees,
    creating the health occupations credentialing fee fund ..........32
Automobiles and other vehicles;
  distinctive license plates,
    providing for the special olympics Kansas, the choose life,
    the city of Wichita, Korean war, operation desert storm,
    operation Iraqi freedom and operation enduring freedom
    license plates........................................................................63
  drivers' licenses,
    driving under the influence; relating to testing;
    administrative penalties; crimes, punishment and
    criminal procedure..................................................................106
  electronic online renewal; vision requirements; reports to
  legislature; approved safety training curriculum for motorcycle
  licenses; renewal period for commercial driver's licenses ..........53
organ donation........................................................................................................31
reconciling amendments to certain statutes.......................................................102
driving under the influence of alcohol or drugs,
crimes, punishment and criminal procedure; relating to
involuntary manslaughter; aggravated battery .............................................7
relating to testing; administrative penalties; crimes,
punishment and criminal procedure...............................................................106
emergency vehicles,
gross weight limits ......................................................................................72
golf carts,
required equipment for night use on public streets or highways.........................72
sales taxation,
relating to certain cash rebates on sales or leases of new
motor vehicles ..............................................................................................115
school buses,
increased fines for overtaking and passing of ............................................72
towaway trailer transporter,
length limitation exceptions .........................................................................72
uniform act regulating traffic,
concerning passing waste collectors on streets and highways;
reconciling amendments to school buses; operation of golf
carts, required equipment for night use; length of vehicles,
certain vehicle combinations; gross weight limits,
emergency vehicles ......................................................................................72
uniform act regulating traffic; powers of state and local
authorities,
concerning roads and highways; relating to traffic-control
devices, maintenance thereof, counties and townships;
townships special highway improvement fund ..............................................80
uniform act regulating traffic; rules of the road,
concerning passing waste collectors on streets and highways; relating to
involuntary manslaughter; aggravated battery .............................................7
relating to testing; administrative penalties; crimes, punishment and
criminal procedure ......................................................................................106
vehicle dealers and manufacturers licensing act,
facility improvements; performance measurements;
recall repairs ..................................................................................................49
renewal of licenses .........................................................................................27
waste collection vehicles,
concerning passing waste collectors on streets and highways .................72
Bank commissioner, state;
regulation of financial institutions,
relating to trust companies; powers, duties and experience of
certain employees .................................................................4

Banking code;
relating to trust companies; office of the state bank commissioner;
powers, duties and experience of certain employees ..................4

Banks and banking; trust companies;
banking code definitions, organization, powers, capital stock
and structure,
including savings and loan associations and savings banks
in the state banking code; repealing the savings and loan
code; updating the Kansas money transmitter act ....................75
disclosure of records,
removal of expiration provision on disclosing information
prepared by the banking commissioner in course of
licensing or examining a person engaged in money
transmission business ...............................................................87
regulation of financial institutions,
relating to trust companies; office of the state bank
commissioner; powers, duties and experience of
certain employees .................................................................4

Barbering, Kansas board of;
appropriations ........................................................................109

Barrel train;
amusement ride exclusions,
defined ..................................................................................73, 84

Base aid for student excellence (BASE);
education instruction and financing,
corrected aid amounts ................................................................70
school equity and enhancement act; appropriations for
the fiscal year ending June 30, 2019, for the department
of education ..............................................................................57

Beer;
alcoholic beverages containing not more than 6% alcohol,
relating to the Kansas cereal malt beverage act; relating to
the sale of beer by cereal malt beverage licensees ...................8

Behavioral sciences regulatory board;
professional counselors,
licensure; educational requirements .........................................29
rules and regulations,
enacting the Kansas telemedicine act..............................................98

Board of education, state;
education instruction and financing,
  accountability measures for school outcomes; school
equity and enhancement act; appropriations for the fiscal
  year ending June 30, 2019, for the department of education ..........57
legislative task force on dyslexia ......................................................64
local option budget,
  determining the statewide average ..............................................70

Boards, commissions and authorities;
alternative crop research advisory board,
  concerning industrial hemp pilot projects and research
  proposals..........................................................................................62
behavioral sciences regulatory board,
  relating to professional counselors; licensure; educational
  requirements....................................................................................29
crime victims compensation board,
  definition of collateral source....................................................79
Kansas highway patrol,
  relating to minimum rank for certain persons .........................18
law enforcement training center; commission on peace
  officers' standards and training,
    concerning law enforcement; relating to hiring practices
    and consideration of prior employment records; open records
    act; Kansas law enforcement training act; central registry ..........93
    qualifications for law enforcement officers; misdemeanor
    crime of domestic violence redefined........................................92
lottery, Kansas,
  concerning gaming; relating to lottery ticket vending
  machines and revenues derived therefrom; relating to
  instant bingo vending machines; concerning certain debt
  setoff agreements; sunset date extension.....................................96
nursing, board of,
  enacting the nurse licensure compact; authorizing criminal
  history record checks......................................................................42
public employees retirement system, Kansas,
  repeal of procedures concerning new investments and
  divestment of current investment in companies with
  operations in Sudan.......................................................................58
<table>
<thead>
<tr>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>regents, state board of,</td>
</tr>
<tr>
<td>Kansas national guard educational assistance act; relating</td>
</tr>
<tr>
<td>to participant qualifications and recoupment of assistance ..........36</td>
</tr>
<tr>
<td>private and out-of-state postsecondary educational</td>
</tr>
<tr>
<td>institution act; fee schedule ..........................................................67</td>
</tr>
<tr>
<td>rules and regulations board, state,</td>
</tr>
<tr>
<td>membership ........................................................................................117</td>
</tr>
<tr>
<td>Broadband services;</td>
</tr>
<tr>
<td>telecommunications,</td>
</tr>
<tr>
<td>creating the statewide broadband expansion planning</td>
</tr>
<tr>
<td>task force ..........................................................................................65</td>
</tr>
<tr>
<td>Budget;</td>
</tr>
<tr>
<td>making and concerning appropriations for the fiscal years</td>
</tr>
<tr>
<td>ending June 30, 2018, June 30, 2019, June 30, 2020, June 30,</td>
</tr>
<tr>
<td>2021, June 30, 2022, June 30, 2023, and June 30, 2024,</td>
</tr>
<tr>
<td>for state agencies; authorizing and directing payment of</td>
</tr>
<tr>
<td>certain claims against the state; authorizing certain transfers,</td>
</tr>
<tr>
<td>capital improvement projects and fees; imposing certain</td>
</tr>
<tr>
<td>restrictions and limitations; directing or authorizing</td>
</tr>
<tr>
<td>certain receipts, disbursements, procedures and acts</td>
</tr>
<tr>
<td>incidental to the foregoing........................................................................109</td>
</tr>
<tr>
<td>Budget, director of;</td>
</tr>
<tr>
<td>rules and regulations and economic impact approval,</td>
</tr>
<tr>
<td>reporting impact on business..........................................................117</td>
</tr>
<tr>
<td>Buildings, structures and ground;</td>
</tr>
<tr>
<td>reconciling amendments to certain statutes.................................102</td>
</tr>
<tr>
<td>Bureau of investigation, Kansas;</td>
</tr>
<tr>
<td>establishing the Kansas asset seizure and forfeiture repository,</td>
</tr>
<tr>
<td>relating to reporting of seizures for forfeiture; forfeiture</td>
</tr>
<tr>
<td>fund reports; open records; seizure and forfeiture procedure...........26</td>
</tr>
<tr>
<td>Caitlin's law;</td>
</tr>
<tr>
<td>crimes, punishment and criminal procedure,</td>
</tr>
<tr>
<td>relating to involuntary manslaughter; aggravated battery;</td>
</tr>
<tr>
<td>involving certain violations of driving under the influence</td>
</tr>
<tr>
<td>of alcohol or drugs............................................................................7</td>
</tr>
<tr>
<td>Campaign finance reports;</td>
</tr>
<tr>
<td>penalties for late reports.....................................................................88</td>
</tr>
</tbody>
</table>
Capital outlay state aid;
education instruction and financing,
school equity and enhancement act; appropriations for
the fiscal year ending June 30, 2019, for the department
of education.................................................................57

Captive insurance act;
captive insurance companies,
providing for association captive insurance companies,
branch captive insurance companies and special purpose
insurance captives............................................................50

Car dealers and manufacturers;
facility improvements; performance measurements;
recall repairs...............................................................49

Cemeteries;
urban areas ....................................................................59

Cereal malt beverage act, Kansas;
retailers,
citations and fines...........................................................8

Channel catfish;
official fish of the state of Kansas ....................................34

Chemical weed control;
monitoring, regulating and reporting ...................................77

Chicken farm;
animal conversion units; confined feeding facilities,
concerning the department of health and environment ........12

Child care facilities;
workers, residents, and volunteers,
collection of a fee for fingerprinting such individuals ..........47

Child placement agencies;
adoption protection act,
religious freedom of child placement agencies ..................118

Children and families, Kansas department for;
abuse, neglect or exploitation of certain adults,
adding emergency medical services personnel as mandated
reporters ........................................................................33
appropriations ................................................................109
disclosure of records,
agency records concerning a child fatality .......................87
newborn infant protection act,
relinquishment, immunity and parental rights ..................107
statutory reference updates,
relating to the Kansas department for aging and disability
service and the Kansas department for children and
families; making certain statutory revisions and updates to
laws in accordance with prior legislative enactment and
executive order .................................................................71

Children and minors;
adoption,
creating the adoption protection act; relating to the
placement of children for foster care or adoption;
Kansas adoption and relinquishment act..........................118

child care facilities,
exemption from certain licensure and inspection
requirements .....................................................................30

removal from parent custody ...............................................30

removal of unattended persons and animals from locked
motor vehicles,
immunity from liability .......................................................41

revised Kansas code for care of children and minors,
creating juvenile crisis intervention centers; amending
definitions; clarifying interested parties; child placement;
permanency plan ................................................................107

revised Kansas juvenile justice code,
creating juvenile crisis intervention centers .....................107

review hearings; dispositional hearing; case length limits;
absconders; juvenile justice oversight committee ...............52

Choose life;
distinctive license plates .....................................................63

Cities and municipalities;
airport authorities,
Pratt .................................................................39

annexation,
utilities; relating to the retail electric suppliers act;
concerning termination of service territory; relating to
the state corporation commission; concerning regulation
of municipal energy agencies; relating to electric
cooperatives, regulation of certain transmission services ..........6

buildings, structures and grounds,
reconciling amendments to certain statutes .....................102

code for municipal courts,
driving under the influence; relating to testing;
administrative penalties; crimes, punishment and
criminal procedure ............................................................106
emergency telephone services,
  911 coordinating council, certain audits..........................10, 89, 95
local government,
  mayor inclusion in city governing body..............................59
planning and zoning,
  relating to the Kansas department for aging and disability
  service and the Kansas department for children and
  families; making certain statutory revisions and updates
  to laws in accordance with prior legislative enactment and
  executive order .....................................................................71

Civil procedures and civil actions;
appeals,
  supersedeas bond requirements........................................103
asbestos trust claims transparency act,
  providing for disclosures regarding asbestos trust claims
  in civil asbestos actions....................................................25
asset seizure and forfeiture,
  establishing the Kansas asset seizure and forfeiture
  repository; forfeiture fund reports; open records ..................26
immunity from liability,
  concerning removal of unattended persons and animals
  from locked motor vehicles...............................................41
jurors and juries,
  contact with jurors, procedures and limitations; code of
  civil procedure.....................................................................108
Kansas sexually violent predator act,
  relating to persons in the custody of the secretary for
  aging and disability services; administrative confinement........94
service of process and procuring adjournment for trial,
  repealing Sabbath restrictions ...........................................100
wrongful conviction and imprisonment,
  compensation; tuition assistance; state health care
  benefits; certificate of innocence; expungement order ..........108

Civil rights;
  Native Americans,
    prohibiting governmental entities from prohibiting the
    wearing of tribal regalia and objects of cultural significance.....17
  religious freedom,
    adoption protection act; child placement agencies; relating
    to the placement of children for foster care or adoption ..........118
Claims;
property and casualty insurance,
exempting certain claims handling operations from certain
local ordinances and restrictions during a catastrophic
event threatening life or property ..................................................15

Clubhouse model program fund;
creation of,
transferred from the lottery operating fund; administered
by the department for aging and disability services .......................96

Clubs and drinking establishments;
hours and sales,
expanding hours of sales; regulating self-service beer or
wine; defining alcoholic candy .....................................................99

Colleges and Universities;
administration, department of,
private and out-of-state postsecondary educational
institution act; exempting certain postsecondary
educational institutions from performance-based
budgeting ..........................................................67
military,
Kansas national guard educational assistance act; relating
to participant qualifications and recoupment of assistance ..........36
regents, state board of,
private and out-of-state postsecondary educational
institution act; fee schedule ..........................................................67

Commemorative highways;
amending location of,
state fair freeway ....................................................................78
the yellow brick road ...............................................................78
turkey wheat trail highway .......................................................78

Commerce, department of;
appropriations ........................................................................109

Committees;
creation of,
department of administration audit contract committee ..........89
interoperability advisory committee, state ...............................85
Kansas lottery audit contract committee ...................................89
noxious weed advisory committee, state .................................77
joint committee on administrative rules and regulations,
report made by committee; membership .................................117
Community crisis stabilization centers fund;
creation of,
    transferred from the lottery operating fund; administered
by the department for aging and disability services ..................96

Compacts;
nurse licensure compact ..................................................................42

Concurrent resolution;
    providing for a joint session of the senate and house of
representatives for the purpose of hearing a message from
the governor ............................................................................................120, 122
    providing for a joint session of the senate and the house
of representatives for the purpose of hearing a message
from the supreme court ...........................................................................121
    relating to a committee to inform the governor that the
two houses of the legislature are duly organized and ready
to receive communication ........................................................................119
    relating to the 2018 regular session of the legislature;
extending such session beyond 90 calendar days; and
    providing for adjournment thereof ......................................................125
    relating to the adjournment of the senate and house of
representatives for a period during the 2018 regular session
of the legislature .....................................................................................124
    relating to the adjournment of the senate and house of
representatives for a period of time during the 2018 regular
session of the legislature ........................................................................123

Confined feeding facilities;
poultry facilities,
    concerning the department of health and environment;
    relating to animal conversion units ....................................................12

Conservatorship;
    workers compensation death benefits,
        maximum benefit limits ..................................................................46

Consumer protection;
    fair credit reporting act,
        security freeze on consumer report; fees ......................................44
    scrap metal theft reduction act,
        attorney general enforcement dates ............................................79

Contracts and contractors;
    financial-compliance audits,
        selection of auditor, contracts with; technology projects
        certain vendor restrictions ................................................................89
indemnity insurance providers,
   Kansas state employees health care commission to advertise and negotiate with contractors ...........................................91
public safety communications equipment, software and consulting services,
   state interoperability advisory committee ........................................85
security operations,
   concerning correctional institutions and juvenile correctional facilities; prohibiting the outsourcing of privatization of any security operations thereof; allowing existing contracts to be renewed .........................83
state and judicial government contracts,
   transparency ..........................................................................................51
state contracts,
   relating to application of contract requirements regarding anti-Israel boycotts .......................................................60

**Controlled substances:**
   possession of tetrahydrocannabinols (THC) ............................................112

**Corporation commission, state;**
   fund transfers,
      relating to transfers of certain balances in motor carrier license fees fund to the state highway fund .........................28
utilities,
   gas system reliability surcharge, definitions .....................................40
   retail electric suppliers act; concerning termination of service territory; concerning regulation of municipal energy agencies; relating to electric cooperatives, regulation of certain transmission services .....................6

**Corporations;**
   cemetery corporations,
      relating to urban areas ........................................................................59
credit unions,
   credit union council; expulsion of members; terms of service; two-term limit ...............................................................56
financial institutions,
   including savings and loan associations and savings banks in the state banking code; repealing the savings and loan code .................................................................75

**Correctional institutions;**
   security operations,
      prohibiting the outsourcing of privatization of any security operations thereof; allowing existing contracts to be renewed ................................................................................83
Corrections, department of;
  appropriations.................................................................109
  correctional institutions and juvenile correctional facilities,
  prohibiting the outsourcing of privatization of any
  security operations thereof; allowing existing contracts to
  be renewed........................................................................109
  real estate,
  authorizing the conveyance of land from the department
  of corrections to fire district 1 of Leavenworth county......19
  wrongful conviction and imprisonment,
  reentry services..................................................................108

Cosmetology, Kansas state board of;
  appropriations.................................................................109
  cosmetologist licensure,
    senior status license requirements.................................22

Councils and advisory councils;
  911 coordinating council,
    certain audits of the division of post audit.....................95
  credit union council,
    expulsion of members; terms of service; two-term limit.....56
  Flint Hills advisory council,
    creation of........................................................................74
  information technology executive council,
    membership......................................................................97
  palliative care and quality of life interdisciplinary
  advisory council,
    creation of.......................................................................66

Counties;
  board of county commissioners,
    control and eradication of noxious weeds......................77
  emergency telephone services,
    relating to the Kansas 911 act; audits by the division
    of legislative post audit.................................................10, 89

Counties and county officers;
  election commissioners,
    supervision, budget, personnel, compensation...............59
  mental health centers and services,
    relating to the Kansas department for aging and disability
    service and the Kansas department for children and
    families; making certain statutory revisions and updates
    to laws in accordance with prior legislative enactment
    and executive order........................................................71
redevelopment district in federal enclave; Johnson and Labette counties,
authorization of franchises for the provision of utilities;
powers of authority; economic development .................................43
Sedgwick county,
urban area designation.................................................................59
sheriff,
qualifications for office...............................................................92
County commissioners;
redevelopment district in federal enclave; Johnson and Labette counties,
authorization of franchises for the provision of utilities;
powers of authority......................................................................43
County or district attorney;
asset seizure and forfeiture procedure........................................26
County road unit system;
delegation of county and township responsibility,
concerning roads and highways; relating to traffic-control devices, regulatory signs, street name signs, construction signs, culvert and bridge signs;
maintenance thereof .....................................................................80
County-township system;
delegation of county and township responsibility,
concerning roads and highways; relating to traffic-control devices, regulatory signs, street name signs, construction signs, culvert and bridge signs;
maintenance thereof .....................................................................80
Courts;
appeals,
relating to stay of certain criminal cases; appeal of writ of habeas corpus relief .........................................................105
arbitration,
enacting the uniform arbitration act of 2000; relating to mediation or arbitration of disputes concerning trust instruments .................................................................90
determinations of competency,
concerning mental health services; length and location of commitment for treatment .........................................................81
district courts,
disposition of docket fees for the fiscal years ending June 30, 2020, and June 30, 2021.........................................................79
judicial administrator duties,
    appraisal of real property before purchase or disposal
    by the state or agency thereof..........................................................79
jurors and juries,
    contact with jurors following discharge from a civil action...........108
    contact with jurors following discharge from a criminal
    case; presiding grand juror signature on indictment;
    recording of proceedings..................................................................105
release, review, and confinement of sexually violent predators,
    relating to persons in the custody of the secretary for
    aging and disability services; administrative confinement..............94

**Credit union council;**
    expulsion of members; terms of service; two-term limit ...............56

**Crimes and punishments;**
    aggravated battery,
    involving certain violations of driving under the influence
    of alcohol or drugs.............................................................................7
automated sales suppression device,
    creating the crime of unlawful acts involving an
    automated sales suppression device; sales and use tax .................104
controlled substances,
    excluding industrial hemp from definition of marijuana
    and cannabinoids; enacting the alternative crop research act...........62
crimes affecting government functions,
    advanced voting; subscribing as true and correct under
    penalty of perjury .............................................................................116
    creating the crime of counterfeiting currency; escape and
    aggravated escape from custody.....................................................112
crimes against persons,
    relating to mistreatment of a dependent adult and
    mistreatment of an elder person; inherently dangerous
    felonies; assault and battery on a law enforcement officer...........112
crimes against persons, affecting government functions, or
    involving violations of personal rights,
    relating to the Kansas department for aging and disability
    service and the Kansas department for children and
    families; making certain statutory revisions and updates to
    laws in accordance with prior legislative enactment and
    executive order..................................................................................71
crimes involving controlled substances,
    possession of tetrahydrocannabinols (THC)...................................112
driving,
  relating to involuntary manslaughter; aggravated battery;
  involving certain violations of driving under the influence
  of alcohol or drugs..............................................................7
firearms, unlawful possession of,
  fugitive from justice; illegal alien; convicted domestic
  abuse offender; protection from abuse order; exempting
  certain suppressors ................................................................61
involuntary manslaughter,
  involving certain violations of driving under the influence
  of alcohol or drugs..............................................................7
making an unlawful request for emergency service assistance,
  increased criminal penalties ..................................................45
out-of-state crimes,
  determination of an offender's criminal history classification.....16
principles of criminal liability,
  driving under the influence; relating to testing;
  administrative penalties.......................................................106
protection orders,
  protecting human trafficking victims.....................................110
revised sentencing guidelines,
  certified drug programs .......................................................112
sentencing,
  reconciling amendments to certain statutes...........................102
sentencing and revised sentencing guidelines,
  driving under the influence; relating to testing;
  administrative penalties.......................................................106
sex offenses,
  concerning law enforcement officers; crime of unlawful
  sexual relations.................................................................92
uniform controlled substances act,
  relating to substances included in schedules I, II and III .........101
weapons, criminal use of,
  throwing star, certain firearm suppressors............................61
wrongful conviction and imprisonment,
  compensation; tuition assistance; state health care benefits;
  certificate of innocence; expungement order..........................108

Criminal history;
  crimes, punishment and criminal procedure,
  determination of an out-of-state offender's criminal history
  classification........................................................................16
Criminal procedure:
automated sales suppression device,
creating the crime of unlawful acts involving an automated
sales suppression device; sales and use tax..............................104
competency to stand trial,
relating to the Kansas department for aging and disability
service and the Kansas department for children and
families; making certain statutory revisions and updates to
laws in accordance with prior legislative enactment and
executive order ........................................................................71
competency of dependent to stand trial,
concerning mental health services; commitment for treatment.....81
conditions of release,
driving under the influence; relating to testing;
administrative penalties............................................................106
criminal cases,
relating to stay of certain criminal cases; appeal of writ
of habeas corpus relief; contact with jurors, procedures
and limitations ........................................................................105
criminal history record information,
driving under the influence; relating to testing;
administrative penalties............................................................106
driving under the influence,
relating to involuntary manslaughter; aggravated battery........7
firearms, unlawful possession of,
 fugitive from justice; illegal alien; convicted domestic
abuse offender; protection from abuse order; exempting
certain suppressors .....................................................................61
grand juries,
recording of proceedings, signing the indictment.....................105
out-of-state crimes,
determination of an offender's criminal history classification.....16
procedure after arrest,
driving under the influence; relating to testing;
administrative penalties............................................................106
release procedures,
driving under the influence; relating to testing;
administrative penalties............................................................106
Cybersecurity act, Kansas;
creation of,
concerning information systems and communications;
establishing the Kansas information security office;
relating to executive branch agencies; membership of
the information technology executive council .........................97
Dental insurance policy;
electronic notices and documents,
authorizing electronic delivery as the standard method
of delivery for certain health benefit plan documents ..................76

Dietitians licensing act;
disposition of fees,
creating the health occupations credentialing fee fund ..................32

Disabilities, persons with;
advance voting,
accommodations for persons with disabilities; signature
requirements .................................................................116

health and healthcare,
ensuring nondiscrimination in access to organ transplants ..........2

savings programs,
relating to beneficiaries of ABLE accounts, transfers,
qualified education expenses; income taxation, deduction
for contributions ..........................................................114

Distinctive license plates;
special olympics Kansas, choose life, city of Wichita,
Korean war, operation desert storm, operation Iraqi freedom
and operation enduring freedom ........................................63

Domestic abuse;
firearms, unlawful possession of,
convicted domestic abuse offender; person subject to
protection from abuse order ............................................61

Kansas law enforcement training act,
redefining misdemeanor crime of domestic violence ..............92

Drivers' licenses;
electronic online renewal,
vision requirements; reports to legislature; approved
safety training curriculum for motorcycle licenses;
renewal period for commercial driver's licenses ....................53

organ donation,
uniform anatomical gift act ...........................................31

reconciling amendments to certain statutes .........................102

suspended, revoked or restricted driving,
crimes, punishment and criminal procedure; relating to
involuntary manslaughter; aggravated battery; involving
certain violations of driving under the influence of
alcohol or drugs ..................................................................7
Driving under the influence (DUI);
crimes, punishment and criminal procedure,
relating to involuntary manslaughter; aggravated battery;
involving certain violations of driving under the influence
of alcohol or drugs.................................................................7
testing, penalties, punishments and procedures .........................106

Drop-in program;
child care facilities,
exemption from certain licensure and inspection requirements......30

Drug and alcohol testing;
consent, refusal or failure,
concerning driving under the influence.......................................106

E

Economic development;
redevelopment district in federal enclave; Johnson and
Labette counties,
authorization of franchises for the provision of utilities;
powers of authority..............................................................43

Education, department of;
appropriations.................................................................57, 109
commissioner of education,
mental health intervention team pilot program .........................70

Eggs;
repackaging requirements for retailers......................................14

Eisenhower, Dwight D.;
authorizing the construction of a permanent statue
honoring Dwight D. Eisenhower on the state capitol grounds;
establishing the Dwight D. Eisenhower statue fund .....................1

Election commissioners;
county commission authority,
supervision, budget, personnel, compensation..........................59

Election results;
publication requirements.....................................................88

Elections;
advance voting,
accommodations for persons with disabilities;
standardized envelopes prescribed by the secretary of
state; signature requirements...............................................116
candidacy qualifications for certain statewide elected officials, qualified elector; age requirements; attorney general licensed to practice law .......................................................116
county board of canvassers,
timing and publication of canvass time and place ..................116
election commissioners,
county commissioner authority ...........................................59
election crimes,
disclosure of names of voters .............................................87
political advertising, campaign finance reports, lobbyist report format, publishing of election results .................................88

Electric cooperatives;
regulated of certain transmission services .............................6

Electronic monitoring:
adult care homes ...............................................................54

Electronic notice and document act;
insurance,
authorizing electronic delivery as the standard method of delivery for certain health benefit plan documents .................76

Emblems, state;
fish,
channel catfish ..................................................................34
gemstone,
 jelinite amber ....................................................................34
mineral,
galena .............................................................................34
rock,
Greenhorn limestone ..........................................................34

Emergencies and disasters;
emergency communication services,
establishing the state interoperability advisory committee ..........85
emergency planning and community right-to-know program, relating to emergency response and planning; creating the Kansas right-to-know fee fund; fee restrictions; secretary of health and environment, rules and regulations ..................82
property and casualty insurance,
exempting certain claims handling operations from certain local ordinances and restrictions during a catastrophic event threatening life or property ........................................15

Emergency communications services;
establishing the state interoperability advisory committee ..........85
Emergency medical services personnel;
drug and alcohol testing authorization and procedures,
concerning driving under the influence ........................................ 106
mandatory reporting of abuse, neglect or exploitation of
certain adults ............................................................................. 33
Emergency vehicles;
size, weight and load of vehicle,
gross weight limits for emergency vehicles .................................. 72
Emporia state university;
appropriations ........................................................................... 109
industrial hemp,
alternative crop research act ......................................................... 62
Ethics, governmental;
lobbying and lobbyists,
transparency ................................................................................ 51
Executive and judicial branches;
transparency,
state and judicial government contracts and other actions .......... 51
Executive branch agencies;
information systems and communications,
establishing executive branch chief information security
officer; responsibility for cybersecurity and cybersecurity
training; cybersecurity cost recovery fee; fingerprinting
and background checks ................................................................ 97

Fair credit reporting act;
consumer protection,
security freeze on consumer report; fees ..................................... 44
False alarm;
crimes, punishment and criminal procedure,
increased criminal penalties ......................................................... 45
Family law;
adoption and relinquishment act, Kansas,
amending definitions; who can adopt; consent to adoption
and relinquishment; foreign and out-of-state adoptions;
payment for adoption; access to adoption records;
advertising; venue; jurisdiction; background information;
assessments; notice; hearing; termination of parental
rights; adult adoptions; forms ...................................................... 118
adoption protection act, religious freedom of child placement agencies..........................118

**Family law code, Kansas;**
marriage license information, notification by courts to the secretary of health and environment.........................................................79

**Federal jurisdiction;**
surplus property of federal agencies, airport authorities; city of Pratt.................................39

**Finance;**
administration, department of, relating to exemption from monumental building surcharge for the division of post audit; energy audits, requirements for certain state contracts; payroll deductions for indemnity insurance ...........................................91
education instruction and financing, appropriations for the fiscal year ending June 30, 2019, for the department of education ...........................................57

**Finance council, state;**
appropriations............................................................................109

**Financial institutions;**
appraisal management company ownership limitations and removal of appraisers ..................................................69
banks and banking, including savings and loan associations and savings banks in the state banking code; repealing the savings and loan code; updating the Kansas money transmitter act ..........75
credit unions, credit union council; expulsion of members; terms of service; two-term limit ..................................................56
regulation of, relating to trust companies; office of the state bank commissioner; powers, duties and experience of certain employees .............................................4

**Fingerprinting;**
child care workers, residents, and volunteers, collection of a fee for fingerprinting such individuals ..................47
industrial hemp, individuals participating in cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of certified seed or industrial hemp.............................62
Fire district 1 of Leavenworth county, Kansas;
real estate,
authorizing the conveyance of land from the department
of corrections to fire district 1 of Leavenworth county..........................19

Fire marshal, state;
appropriations...........................................................................................109

Firearms;
unlawful possession of,
fugitive from justice; illegal alien; convicted domestic
abuse offender; protection from abuse order; exempting
certain suppressors.................................................................61

Fish, state;
designating the state fish as channel catfish..............................................34

Flint Hills advisory council;
creation of..............................................................................................74

Flint Hills trail state park;
designation as state park,
located in Miami, Franklin, Osage, Lyon, Morris and
Dickinson counties..................................................................................74

Forfeiture and asset seizure;
reporting and procedure,
establishing the Kansas asset seizure and forfeiture
repository; forfeiture fund reports; open records; seizure
and forfeiture procedure........................................................................26

Fort Hays state university;
appropriations..........................................................................................109
industrial hemp,
alternative crop research act.................................................................62

Funds;
creation of,
alcoholic beverage control modernization fund.................................11
alternative crop research act licensing fee fund.......................................62
captive insurance regulatory and supervision fund..............................50
child care criminal background and fingerprinting fund......................47
department of administration audit services fund..............................89
Dwight D. Eisenhower statue fund..........................................................1
health occupations credentialing fee fund.............................................32
Native American veterans' income tax refund fund............................48
right-to-know fee fund, Kansas.................................................................82
sales tax revenues collected on the fairgrounds,
credited to the state fair capital improvements fund and
the state highway fund.................................................................111
transfer from,
lottery operating fund to the community crisis stabilization
centers fund and clubhouse model program fund ......................96
motor carrier license fees fund to state highway fund...............28

Funeral expenses;
workers compensation death benefits,
maximum benefit limits..............................................................46

G

Galena;
  designating the state mineral as Galena.................................34

Gambling and gaming;
  Kansas lottery security audit,
  selection of auditor, contracts with; creating the Kansas
  lottery audit contract committee; technology projects
  certain vendor restrictions......................................................89

Gemstone, state;
  designating the state gemstone as jelinite..............................34

Golf carts;
  rules of the road,
  required equipment for night use............................................72

Governmental ethics commission;
  appropriations.................................................................109
  campaign finance reports,
  penalties for late reports; penalty waiver for good cause........88

Governor and lieutenant governor;
  candidacy qualifications,
  qualified elector and age 25 by filing deadline.....................116

Governor's department;
  appropriations.................................................................109

Grand juries;
  procedures,
  recording of proceedings, signing the indictment..................105

Greenhorn limestone;
  designating the state rock as Greenhorn limestone...............34

Groundwater management districts;
  water user charges..............................................................24
Hayrack ride;
  amusement ride exclusions,
  defined ..........................................................................................73, 84

Healing arts, board of;
  rules and regulations,
  relating to the practice of telemedicine, prescribing drugs
  including controlled substances; enacting the Kansas
  telemedicine act .............................................................................98

Health and environment, department of;
  child care facilities,
  exemption from certain licensure and inspection
  requirements ..................................................................................30
  poultry facilities,
  relating to animal conversion units; confined feeding
  facilities ............................................................................................12
  power, duties and functions thereof,
  providing for the assessment of fees for noncontiguous
  sites under the nuclear energy development and radiation
  control act; directing the secretary to study and investigate
  maternal deaths; access to records; confidentiality;
  establishing the palliative care and quality of life inter-
  disciplinary advisory council and palliative care consumer
  and professional information and education program ..............66
  rules and regulations,
  relating to practice of telemedicine, Kansas medical
  assistance program; enacting the Kansas telemedicine
  act; providing speech-language pathology and
  audiology services ........................................................................78
  secretary duties,
  administering the Kansas right-to-know program and
  fee fund; rules and regulations .........................................................82
  relating to individuals maintaining or residing, working
  or regularly volunteering at a child care facility;
  collection of a fee for fingerprinting such individuals ..........47
  vital statistics,
  marriage license information, notification by courts to
  the secretary of health and environment ..................................79
Health and environment, department of—division of environment; appropriations

Health and environment, department of—division of health care finance; appropriations

Health and environment, department of—division of public health; appropriations

Health and healthcare;
  anatomical gifts,
    pertaining to driver's licenses; identification cards; agents of the deceased; revising the uniform anatomical gift act
  controlled substances,
    possession of tetrahydrocannabinols (THC)
  insurance,
    pharmacy benefits; enacting the Kansas pharmacy patients fair practices act
  mental health of children and minors,
    creating juvenile crisis intervention centers
  organ transplants,
    ensuring nondiscrimination in access to organ transplants
  palliative care
  professional counselors,
    licensure; educational requirements
  records,
    department of health and environment access to records regarding maternal deaths in the state of Kansas
  telemedicine,
    Kansas medical assistance program; enacting the Kansas telemedicine act
  uniform controlled substances act,
    relating to substances included in schedules I, II and III

Health benefit plan;
  insurance,
    authorizing electronic delivery as the standard method of delivery for certain health benefit plan documents;
    coverage for amino acid-based elemental formula

Health care stabilization fund;
  reporting,
    relating to the Kansas department for aging and disability service and the Kansas department for children and families; making certain statutory revisions and updates to laws in accordance with prior legislative enactment and executive order
Health occupations credentialing fee fund; creation of, disposition of fees ................................................................. 32

Health professions and practices; drug and alcohol testing authorization and procedures, concerning driving under the influence .......................................................... 106 professional counselors, licensure; educational requirements ................................................................. 29 telemedicine, Kansas medical assistance program; enacting the Kansas telemedicine act ................................................................. 98

Hearing instruments, Kansas board of examiners in fitting and dispensing of; appropriations ................................................................. 109

Hearings; children and minors, review hearings; dispositional hearing; case length limits; absconders; juvenile justice oversight committee ................................................................. 52

Highway patrol, Kansas; appropriations ................................................................. 109 minimum rank for certain persons ................................................................. 18

Highways; establishing the joint legislative transportation vision task force, relating to the evaluation of the state highway fund and the state highway transportation system; report to the legislature ...... 113 memorial highways, contents of signs, master deputy Brandon Collins and members of the Kansas highway patrol killed in the line of duty ................................................................. 78

Historical society, state; appropriations ................................................................. 109

Holidays and days of commemoration; national day of the cowboy ................................................................. 3

Home health aids; disposition of fees, creating the health occupations credentialing fee fund ................ 32 labor and employment, applications of persons with certain criminal and civil records; providing for licensure, employment and background checks of employees ................................................................. 86
Hotels, lodginghouses and restaurants;
food services and lodging establishments,
relating to the Kansas department for aging and disability
service and the Kansas department for children and
families; making certain statutory revisions and updates
to laws in accordance with prior legislative enactment
and executive order .................................................................71

Human rights commission, Kansas;
appropriations.................................................................109

Human trafficking;
concerning protection orders,
relating to the protection from abuse act; the protection
from stalking, sexual assault or human trafficking act............110

Hunting;
birds,
expanding the annual game bird hunting season in
controlled shooting areas..................................................35

Hutchinson, Kansas;
expiration of provisions for state fair capital improvements
fund credit,
if state fair is moved outside of Hutchinson.......................111

Identification cards;
organ donation,
uniform anatomical gift act ..............................................31

Identity theft;
consumer protection,
fair credit reporting act; security freeze on consumer
report; fees........................................................................44

Income tax;
reconciling amendments to certain statutes........................102

Indigents' defense services, state board of;
appropriations.................................................................109

Industrial hemp;
alternative crop research act,
excluding industrial hemp from definition of marijuana
and cannabinoids.................................................................62

Inflatable rides;
operator certification .......................................................73, 84
Information security office;
established to effect the provisions of the Kansas
cybersecurity act .................................................................97

Information technology;
cybersecurity act, Kansas,
establishing the Kansas information security office;
relating to executive branch agencies; membership of
the information technology executive council .......................97
state agencies,
certain vendor restrictions for technology projects ..................89

Information technology services, office of;
appropriations .......................................................................109

Inspector;
amusement ride,
qualifications ......................................................................73, 84

Insurance;
amusement rides,
relating to antique amusement rides, limited-use
amusement park rides and registered agritourism activities .....73, 84
captive insurance companies,
providing for association captive insurance companies,
branch captive insurance companies and special purpose
insurance captives ..................................................................50
electronic notices and documents,
authorizing electronic delivery as the standard method
of delivery for certain health benefit plan documents ..............76
health and health care,
relating to practice of telemedicine, Kansas medical
assistance program; enacting the Kansas telemedicine
act; nonprofit medical and hospital service corporations ..........98
health care provider insurance; Kansas business health
partnership,
relating to the Kansas department for aging and disability
service and the Kansas department for children and
families; making certain statutory revisions and updates
to laws in accordance with prior legislative enactment
and executive order ....................................................................71

pharmacy benefits,
enacting the Kansas pharmacy patients fair practices act ........23
property and casualty insurance,
  exempting certain claims handling operations from
  certain local ordinances and restrictions during a
  catastrophic event threatening life or property ................................... 15
risk-based capital instruction,
  effective date .................................................................................... 13
state employee benefit programs,
  indemnity insurance ........................................................................ 91
viatical settlements,
  relating to disclosure of records; legislative review of
  exceptions to disclosure of public records ........................................ 87

Insurance department;
  appropriations .................................................................................. 109

Interoperability advisory committee, state;
  establishing,
    concerning emergency communication services ......................... 85

Interstate commissions;
  establishment of interstate commission of nurse licensure
  compact administrators ..................................................................... 42

Intoxicating liquors and beverages;
  alcoholic beverage control, division of,
    establishing the alcoholic beverage control modernization
    fee and the alcoholic beverage control modernization fund ............ 11
    relating to the Kansas cereal malt beverage act; relating to
    the sale of beer by cereal malt beverage licensees ...................... 8
  cereal malt beverage act, Kansas,
    relating to the sale of beer by cereal malt beverage licensees ....... 8
  licensing and related provisions; licensure and regulation of
  sale of liquor by the drink,
    defining alcoholic candy; expanding hours of sales;
    authorizing sale of refillable and sealable containers by
    microbreweries; regulating self-service beer or wine ............... 99

J

Jelinite amber;
  official gemstone of the state of Kansas .......................................... 34

Jobs for America's graduates—Kansas pilot program;
  education instruction and financing,
    school equity and enhancement act; appropriations for
    the fiscal year ending June 30, 2019, for the department
    of education .................................................................................... 57
Johnson county;  
redevelopment district in federal enclave,  
authorization of franchises for the provision of utilities;  
powers of authority; economic development .................................43

Judicial administrator;  
appraisal of real property before purchase or disposal by the  
state or agency thereof,  
duties of the judicial administrator and the director of  
property valuation............................................................................79

Judicial branch;  
appropriations..................................................................................109  
concerning state agencies,  
disposition of docket fees for the fiscal years ending June 30,  
2020, and June 30, 2021; marriage license information;  
notification by courts to the secretary of health and  
environment; attorney general enforcement of the scrap  
metal theft reduction act; crime victims compensation board;  
definition of collateral source; appraisal of real property  
before purchase or disposal by the state or agency thereof;  
duties of the judicial administrator and the director of  
property valuation............................................................................79

Jurors and juries;  
instructions and procedures,  
contact with jurors following discharge from a criminal  
jury case; presiding grand juror signature on indictment;  
recording of proceedings.................................................................105

Juvenile correctional facilities;  
security operations,  
prohibiting the outsourcing of privatization of any security  
operations thereof; allowing existing contracts to be renewed .......83

Juvenile justice code;  
children and minors,  
review hearings; dispositional hearing; case length limits;  
absconders; juvenile justice oversight committee............................52

K

Kansas egg law;  
eggs; repackaging requirements for retailers .................................14

Kansas family law code–revised;  
marriage license information,  
notification by courts to the secretary of health  
and environment............................................................................79
Kansas state university;
appropriations.................................................................109
industrial hemp,
alternative crop research act...........................................62
Kansas state university extension systems and agriculture
research programs;
appropriations........................................................................109
Kansas state university veterinary medical center;
appropriations........................................................................109
KORA (Kansas open records act);
concerning law enforcement,
    relating to hiring practices and consideration of prior
    employment records; Kansas law enforcement training
    act; central registry.............................................................93
disclosure of records,
    legislative review of exceptions to disclosure of public
    records; disclosure of names of voters; agency records
    concerning a child fatality; disclosure of law enforcement
    recordings using a body camera or vehicle camera;
    disclosure of personal information; social security
    numbers; notice of unauthorized disclosure.........................87
reporting of seizures for forfeiture,
    establishing the Kansas asset seizure and forfeiture
    repository; forfeiture fund reports........................................26
secretary of state records open to the public,
    unlawful use of names derived from public records;
    exceptions..........................................................................68
Korean war;
distinctive license plates......................................................63
KPERS;
    retirement and pensions,
        repeal of procedures concerning new investments and
        divestment of current investment in companies with
        operations in Sudan..........................................................58
Labette county;
    redevelopment district in federal enclave,
        authorization of franchises for the provision of utilities;
        powers of authority; economic development ....................43
Labor and industries;
amusement rides,
relating to antique amusement rides, limited-use
amusement park rides and registered agritourism activities ......73, 84
workers compensation,
death benefits; initial payments; legal heirs, dependents;
funeral expenses; conservatorship; adequacy and
equivalency with respect to other benefit limits; high school children over 18 years of age..................................................46

Labor department of;
amusement rides,
relating to antique amusement rides, limited-use
amusement park rides and registered agritourism activities ......74, 84
appropriations.................................................................109

Law enforcement;
drug and alcohol testing authorization,
concerning driving under the influence..............................106
hiring practices and consideration of prior employment records,
open records act; Kansas law enforcement training act;
central registry....................................................................93
service of process,
repealing Sabbath restrictions ........................................100
taking custody of children and minors,
mental health crisis; juvenile crisis intervention center ..........107

Law enforcement agencies;
asset seizure and forfeiture,
relating to reporting of seizures for forfeiture; forfeiture
fund reports; open records; seizure and forfeiture procedure.......26
disclosure of records,
disclosure of law enforcement recordings using a body
camera or vehicle camera.....................................................87

Law enforcement officers;
assault and battery of law enforcement officer,
defining law enforcement officer........................................112
Kansas highway patrol,
relating to minimum rank for certain persons ....................18
sheriff and law enforcement officer qualifications ...............92

Law enforcement training act, Kansas;
qualifications for office and sexual crimes defined,
crime of unlawful sexual relations; misdemeanor crime
of domestic violence; sheriff and law enforcement
officer qualifications..........................................................92
Legislative coordinating council; appropriations..............................................................................109

Legislature; appropriations.................................................................................................................109
committee,
  legislative task force on dyslexia .................................................................................................64
  statewide broadband expansion planning task force ..................................................65
disclosure of records,
  legislative review of exceptions to disclosure of public records .........................................................87
division of post audit,
  911 coordinating council, certain audits ........................................................................10, 95
  concerning state agencies; financial-compliance audits;
  responsibility for contracting auditors transferred to
  audited agency ...............................................................................................................................89
  exemption from monumental building surcharge ..............................................................91
establishing the joint legislative transportation vision task force,
  relating to the evaluation of the state highway fund and the
  state highway transportation system; report to the legislature ..............................................113
state governmental ethics,
  concerning elections; relating to corrupt political
  advertising; campaign finance reports .........................................................................................88
transparency,
  state and judicial government contracts and other actions .......................................................51
License plates; distinctive plates,
  special olympics Kansas, choose life, city of Wichita,
  Korean war, operation desert storm, operation Iraqi
  freedom and operation enduring freedom ....................................................................................63
Licensed practical nurses; licenses and licensure,
  enacting the nurse licensure compact; authorizing
  criminal history record checks .......................................................................................................42
Licenses and licensure; animal shelters, breeders, retailers, research facilities, trainers,
  fee maximums, failed inspection, license expiration period ......................................................55
auto dealer,
  license renewal and testing requirements ......................................................................................27
  cereal malt beverage licensees,
  license renewal .................................................................................................................................8
child care facilities,  
exemption from certain licensure and inspection requirements ..........30  
cosmetologists,  
  senior status license requirements ..................................................22  
hunting,  
  expanding the annual game bird hunting season in  
  controlled shooting areas ................................................................35  
industrial hemp,  
  individuals participating in cultivation, growth, research,  
  oversight, study, analysis, transportation, processing or  
  distribution of certified seed or industrial hemp ........................................62  
licensing of professional occupations,  
  applications of persons with certain criminal and civil  
  records, disqualification for licensure ......................................................86  
liquor license,  
  fees; establishing the alcoholic beverage control  
  modernization fee and the alcoholic beverage control  
  modernization fund ................................................................................11  
nursing,  
  enacting the nurse licensure compact; authorizing  
  criminal history record checks; multi-state and single-  
  state license fees ..................................................................................42  
treatment facilities,  
  relating to professional license renewal .................................................9  
Little Jerusalem Badlands state park;  
  designation as state park,  
  located in Logan county ........................................................................74  
Livestock and domestic animals;  
  pet animal act,  
  temporary care of dogs and cats, licensure, inspection, fees .................55  
Lobbyist reports;  
  format for submission and late penalties ..............................................88  
Lobbyists and lobbying;  
  transparency,  
  state and judicial government contracts and other actions .................51  
Local option budget;  
  school district,  
  minimum amount of total foundation aid ..............................................70  
  notice and authority; school equity and enhancement act;  
  appropriations for the fiscal year ending June 30, 2019,  
  for the department of education ............................................................57
Lottery, Kansas;
gaming,
relating to lottery ticket vending machines and revenues
derived therefrom; relating to instant bingo vending
machines; concerning certain debt setoff agreements;
sunset date extension .................................................................96
security audit,
selection of auditor, contracts with; creating the Kansas
lottery audit contract committee; technology projects
certain vendor restrictions ..........................................................89

Marijuana;
defining,
excluding cannabidiol from definition ........................................101
excluding industrial hemp from definition ..................................62

Marriage license;
transmittal of information,
notification by courts to the secretary of health and
environment .................................................................................79

Maternal deaths;
health and environment department secretary,
directing the secretary to study and investigate maternal
deaths; access to records; confidentiality ....................................66

Maternity centers;
records,
department of health and environment access to records
regarding maternal deaths in the state of Kansas ......................66

Mayor;
local government,
mayor inclusion in city governing body ....................................59

Medicaid and Medicare;
health and healthcare,
relating to practice of telemedicine, Kansas medical
assistance program; enacting the Kansas telemedicine
act; providing speech-language pathology and
audiology services ......................................................................98

Medical care facilities;
abuse, neglect or exploitation of certain adults,
adding emergency medical services personnel as
mandated reporters ..................................................................33
records,

department of health and environment access to records
regarding maternal deaths in the state of Kansas ......................66

Medication aids, certified;
disposition of fees,
creating the health occupations credentialing fee fund ..............32

Memorial highways;
amending location of,
75th division of the United States army highway ....................78
Eisenhower memorial highway ................................................78
veterans of foreign wars memorial highway ............................78

amending name of,
sergeant Eldon K Miller memorial highway .............................78

contents of signs,
adding rank or title if applicable ..........................................78
designating a portion of United States highway 50 as SGT
Gregg Steimel and PFC Richard Conardy memorial highway ........5
designating portions of highways in memorial of Kansas
highway patrol killed in the line of duty,
portion of K-15 as master trooper Larry L. Huff
memorial highway ..............................................................78
portion of K-18 as trooper John McMurray
memorial highway ..............................................................78
portion of K-96 as trooper Ferdinand "Bud" Pribbenow
memorial highway ..............................................................78
portion of U.S. highway 24 as trooper Maurice R. Plummer
memorial highway ..............................................................78
portion of U.S. highway 50 as trooper Conroy G. O'Brien
memorial highway ..............................................................78
portion of U.S. highway 50 as trooper Jimmie Jacobs
memorial highway ..............................................................78
portion of U.S. highway 59 as lieutenant Bernard C. Hill
memorial highway ..............................................................78
portion of U.S. highway 69 as master deputy Brandon Collins
memorial highway ..............................................................78
portion of U.S. highway 81 as trooper James D. Thornton
memorial highway ..............................................................78
portion of U.S. highway 83 as master trooper Dean A.
Goodheart memorial highway ..............................................78

sign funding,
exemptions ...........................................................................78
Mental health intervention team pilot program;
education instruction and financing,
Abilene school district (U.S.D. no. 435)..........................70
school equity and enhancement act; appropriations for
the fiscal year ending June 30, 2019, for the department
of education.................................................................57
Mental health services;
determinations of competency,
length and location of commitment for treatment................81
Mentally ill, incapacitated and dependent persons; social welfare;
adult care homes,
disposition of fees; creating the health occupations
credentialing fee fund.........................................................32
adult care homes and providers of disability services,
relating to licensing of professional occupations;
applications of persons with certain criminal and civil
records; disqualification for licensure; Kansas commission
on veterans affairs office; drug screening programs; Kansas
department for aging and disability services regarding
certain providers and facilities; providing for licensure;
employment and background checks of employees..................86
children and minors,
creating juvenile crisis intervention centers..........................107
relating to banks and banking accounts ..................................75
reporting abuse, neglect or exploitation; interagency provision
of services,
relating to the Kansas department for aging and disability
service and the Kansas department for children and
families; making certain statutory revisions and updates
to laws in accordance with prior legislative enactment
and executive order..........................................................71
reporting abuse, neglect or exploitation of certain adults,
adding emergency medical services personnel as
mandated reporters.........................................................33
Mentor teacher program;
education instruction and financing,
school equity and enhancement act; appropriations for
the fiscal year ending June 30, 2019, for the department
of education.................................................................57
Microbreweries;
authorized sale, packaging and transfer of beer or hard cider,
authorizing sale of refillable and sealable containers by
microbreweries; contract brewing agreements..........................99
Military;
Native American veterans,
relating to income tax refunds .......................................................... 48
postsecondary education,
Kansas national guard educational assistance act; relating
to participant qualifications and recoupment of assistance .......... 36
Militia, defense and public safety;
nuclear energy development and radiation control act,
additional fees for noncontiguous sites storing
radioactive material ................................................................. 66
Mineral, state;
designating the state mineral as galena ....................................... 34
Minors;
concerning protection orders,
relating to the protection from abuse act; the protection
from stalking, sexual assault or human trafficking act ............ 110
crimes, punishment and criminal procedure,
relating to involuntary manslaughter; aggravated battery;
involving certain violations of driving under the influence
of alcohol or drugs .................................................................. 7
insurance; revised Kansas code for care of children,
relating to the Kansas department for aging and disability
service and the Kansas department for children and
families; making certain statutory revisions and updates
to laws in accordance with prior legislative enactment
and executive order ................................................................. 71
revised Kansas code for care of children and minors,
creating juvenile crisis intervention centers; amending
definitions; clarifying interested parties; child placement;
permanency plan .................................................................. 107
relating to disclosure of records; agency records
concerning a child fatality .................................................... 87
revised Kansas juvenile justice code,
creating juvenile crisis intervention centers .......................... 107
review hearings; dispositional hearing; case length limits;
absconders; juvenile justice oversight committee ................. 52
<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Money transmitter act, Kansas;</strong></td>
<td>75</td>
</tr>
<tr>
<td>updated</td>
<td></td>
</tr>
<tr>
<td><strong>Motor carriers;</strong></td>
<td>28</td>
</tr>
<tr>
<td>fund transfers, relating to transfers of certain balances in motor carrier license fees fund to the state highway fund</td>
<td></td>
</tr>
<tr>
<td><strong>Motor vehicles;</strong></td>
<td>27</td>
</tr>
<tr>
<td>dealer licensure, renewal and testing requirements</td>
<td></td>
</tr>
<tr>
<td>driving under the influence, relating to involuntary manslaughter; aggravated battery</td>
<td>7</td>
</tr>
<tr>
<td>removal of unattended persons and animals from locked motor vehicles, immunity from liability</td>
<td>41</td>
</tr>
<tr>
<td>sales taxation, relating to certain cash rebates on sales or leases of new motor vehicles</td>
<td>115</td>
</tr>
<tr>
<td><strong>Motorcycles;</strong></td>
<td>53</td>
</tr>
<tr>
<td>drivers' licenses, electronic online renewal; vision requirements; reports to legislature; approved safety training curriculum for motorcycle licenses; renewal period for commercial driver's licenses</td>
<td></td>
</tr>
<tr>
<td><strong>Municipal energy agency;</strong></td>
<td>6</td>
</tr>
<tr>
<td>regulation, relating to the state corporation commission</td>
<td></td>
</tr>
<tr>
<td><strong>Municipalities;</strong></td>
<td>17</td>
</tr>
<tr>
<td>Native Americans, prohibiting governmental entities from prohibiting the wearing of tribal regalia and objects of cultural significance</td>
<td></td>
</tr>
<tr>
<td>township added to definition, enabling use of special highway improvement fund</td>
<td>80</td>
</tr>
<tr>
<td><strong>Mutual bank;</strong></td>
<td>75</td>
</tr>
<tr>
<td>state banking code, specifying activities mutual banks may engage in</td>
<td></td>
</tr>
<tr>
<td><strong>National day of the cowboy;</strong></td>
<td>3</td>
</tr>
<tr>
<td>clarifying the observation date</td>
<td></td>
</tr>
<tr>
<td><strong>National guard, Kansas;</strong></td>
<td>36</td>
</tr>
<tr>
<td>postsecondary education, Kansas national guard educational assistance act; relating to participant qualifications and recoupment of assistance</td>
<td></td>
</tr>
</tbody>
</table>
Chapter

Native Americans;
   tribal regalia and objects of cultural significance,
   prohibiting governmental entities from prohibiting the
   wearing of..............................................17

Natural gas;
   gas system reliability surcharge,
   definitions.................................................40

Nonprofit organizations;
   instant bingo vending machine operation.........................96

Noxious weed act;
   creation of,
   relating to the control and eradication of noxious weeds
   in the state of Kansas........................................77

Noxious weed advisory committee, state;
   creation of..................................................77

Nuclear energy development and radiation control act;
   fees,
   additional fees for noncontiguous sites storing
   radioactive material.......................................66

Nurse aids, certified;
   disposition of fees,
   creating the health occupations credentialing fee fund........32

Nurses and nursing;
   licenses and licensure,
   enacting the nurse licensure compact; authorizing
   criminal history record checks................................42

Nursing, board of;
   appropriations.............................................109

O

Omnibus bill;
   making and concerning appropriations for the fiscal years ending
   June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021,
   June 30, 2022, June 30, 2023, and June 30, 2024,
   for state agencies; authorizing and directing payment of
   certain claims against the state; authorizing certain transfers,
   capital improvement projects and fees; imposing certain
   restrictions and limitations; directing or authorizing
   certain receipts, disbursements, procedures and acts
   incidental to the foregoing......................................109
Open records:
  confidential information, 
  maternal deaths ..................................................................................66

Open records act, Kansas (KORA);
  concerning law enforcement, 
  relating to hiring practices and consideration of prior 
  employment records; Kansas law enforcement training 
  act; central registry ...........................................................................93
  disclosure of records, 
  legislative review of exceptions to disclosure of public 
  records; disclosure of names of voters; agency records 
  concerning a child fatality; disclosure of law enforcement 
  recordings using a body camera or vehicle camera; 
  disclosure of personal information; social security 
  numbers; notice of unauthorized disclosure ...........................................87
  reporting of seizures for forfeiture, 
  establishing the Kansas asset seizure and forfeiture 
  repository; forfeiture fund reports ........................................................26
  secretary of state records open to the public, 
  unlawful use of names derived from public records; 
  exceptions ............................................................................................68

Operation desert storm;
  distinctive license plates ........................................................................63

Operation enduring freedom;
  distinctive license plates ........................................................................63

Operation Iraqi freedom;
  distinctive license plates ........................................................................63

Operator registration act;
  disposition of fees, 
  creating the health occupations credentialing fee fund .......................32

Ophthalmologist or optometrist;
  drivers' licenses electronic online renewal, 
  vision requirements approval ................................................................53

Optometry, board of examiners in;
  appropriations ........................................................................................109

Organ donation;
  drivers' licenses, 
  uniform anatomical gift act ..................................................................31

Organ transplants;
  health and healthcare, 
  ensuring nondiscrimination in access to organ transplants ...............2
pertaining to driver's licenses; identification cards; agents of the deceased; revising the uniform anatomical gift act.............31

P

Palliative care;
health and environment, department of,
establishing the palliative care and quality of life interdisciplinary advisory council and palliative care consumer and professional information and education program.................66

Peace officers' standards and training, Kansas commission on;
appropriations............................................................................109

Personal and real property;
disposition of unclaimed property act,
relating to banks and banking..........................................................75
Kansas appraisal management company registration act,
appraisal management company ownership limitations and removal of appraisers..........................................................69

Pesticide law, Kansas;
documentation,
allowing any documentation required under the Kansas pesticide law to be created or maintained in electronic form........20

Pet animal act;
agriculture, department of, division of animal health,
license, permit and inspection fees..................................................55

Phantom-ware;
automated sales suppression device,
creating the crime of unlawful acts involving an automated sales suppression device; sales and use tax.................................104

Pharmacist and pharmacy;
pharmacy benefits,
enacting the Kansas pharmacy patients fair practices act ............23
records,
department of health and environment access to records regarding maternal deaths in the state of Kansas ......................66

Pharmacy benefits manager;
Kansas pharmacy patients fair practices act....................................23

Pharmacy patients fair practices act, Kansas;
health and healthcare,
insurance; pharmacy benefits ......................................................23
Pharmacy, state board of;
  appropriations.................................................................109

Pittsburg state university;
  appropriations.................................................................109
  industrial hemp, alternative crop research act...............62

Political advertising;
  exceptions to requirements for some social media formats ....88

Possession;
  firearms, unlawful possession of,
    fugitive from justice; illegal alien; convicted domestic
    abuse offender; protection from abuse order; exempting
    certain suppressors ....................................................61

Post audit, division of;
  administrative rules and regulations economic impact, audit
    ..................................................................................117
  appropriations..................................................................109

Poultry facilities;
  animal conversion units; confined feeding facilities,
    concerning the department of health and environment ....12

Pratt, Kansas;
  airport authorities .........................................................39

Prescription drugs;
  pharmacy benefits,
    enacting the Kansas pharmacy patients fair practices act ....23

Probate code;
  adoption,
    concerning children and minors; creating the adoption
    protection act; relating to the placement of children for foster
    care or adoption; Kansas adoption and relinquishment act ....118
  care and treatment of mentally ill and alcohol and substance
  abuse; guardians or conservators,
    relating to the Kansas department for aging and disability
    service and the Kansas department for children and
    families; making certain statutory revisions and updates
    to laws in accordance with prior legislative enactment
    and executive order ........................................................71
  commitment of sexually violent predators,
    concerning the Kansas sexually violent predator act;
    relating to persons in the custody of the secretary for
    aging and disability services; administrative confinement ....94
Procedure, civil;
appeals,
supersedeas bond requirements......................................................103

asbestos trust claims transparency act,
providing for disclosures regarding asbestos trust claims in
civil asbestos actions .....................................................................25

asset seizure and forfeiture,
establishing the Kansas asset seizure and forfeiture
repository; forfeiture fund reports; open records .........................26

protection from abuse act,
persons who may seek protection on behalf of a minor
under the protection from abuse act ............................................110

protection from abuse, stalking, or sexual assault,
concerning rights to a wireless telephone number .......................37

protection from stalking, sexual assault or human trafficking act,
adding and defining human trafficking in the act; persons who
may seek protection on behalf of a minor under the protection
from stalking, sexual assault or human trafficking act ..............110

rules of evidence,
driving under the influence; relating to testing; administrative
penalties; crimes, punishment and criminal procedure ..............106

Property;
exempt from taxation,
reconciling amendments to certain statutes...............................102

Property and casualty insurance;
exempting certain claims handling operations from certain
local ordinances and restrictions during a catastrophic event
threatening life or property..............................................................15

Property valuation, director of;
appraisal of real property before purchase or disposal by the
state or agency thereof;
duties of the judicial administrator and the director of
property valuation..........................................................................79

Protection from abuse act;
wireless services,
concerning rights to a wireless telephone number .....................37

Protection from stalking or sexual assault act;
wireless services,
concerning rights to a wireless telephone number .....................37

Public employees retirement system, Kansas;
appropriations...............................................................................109
Chapter

retirement and pensions,
    repeal of procedures concerning new investments and
divestment of current investment in companies with
operations in Sudan.................................................................58

Public health;
admissions counselors; community mental health and
intellectual disability assistance; confidential communications
and information; food, drugs and cosmetics; health care data;
health care providers,
    relating to the Kansas department for aging and disability
service and the Kansas department for children and
families; making certain statutory revisions and updates
to laws in accordance with prior legislative enactment
and executive order .................................................................71
adult care home administrators, licensure of,
    disposition of fees; creating the health occupations
credentialing fee fund............................................................32
child care facilities,
    exemption from certain licensure and inspection requirements .......30
    relating to individuals maintaining or residing, working or
regularly volunteering at a child care facility; collection of a
fee for fingerprinting such individuals ....................................47
controlled substances,
    excluding industrial hemp from definition of marijuana and
cannabinoids; enacting the alternative crop research act ............62
dietitians,
    disposition of fees; creating the health occupations
credentialing fee fund............................................................32
emergency planning and community right-to-know program,
    relating to emergency response and planning; creating the
Kansas right-to-know fee fund; fee restrictions; secretary
of health and environment, rules and regulations.......................82
food, drugs and cosmetics,
    defining alcoholic candy; confectionery products containing
alcohol and adulterated food products; authorizing sale of
refillable and sealable containers by microbreweries ..................99
health and environment, department of,
    relating to power, duties and functions thereof; providing
for the assessment of fees for noncontiguous sites under
the nuclear energy development and radiation control act;
directing the secretary to study and investigate maternal
General Index

debts; access to records; confidentiality; establishing the
dependent care and quality of life interdisciplinary advisory
council and palliative care consumer and professional
information and education program ........................................... 66

home health agencies,
relating to licensing of professional occupations;
applications of persons with certain criminal and civil
records; disqualification for licensure; Kansas commission
on veterans affairs office; drug screening programs; Kansas
department for aging and disability services regarding
certain providers and facilities; providing for licensure,
extension and background checks of employees ..................... 86

licensure of entities by state board of cosmetology,
senior status license requirements ........................................... 22

nursing, regulation of,
  enacting the nurse licensure compact; authorizing criminal
history record checks................................................................. 42

poultry facilities,
  concerning the department of health and environment;
  relating to animal conversion units; confined feeding facilities ...... 12

professional counselors,
  behavioral sciences regulatory board; licensure; educational
requirements ................................................................. 29

revised uniform anatomical gift act,
  pertaining to driver's licenses; identification cards; agents
  of the deceased ................................................................. 31

speech-language pathologists and audiologists,
  disposition of fees; creating the health occupations
credentialing fee fund ............................................................. 32

treatment facilities,
  relating to license renewal ................................................... 9

uniform controlled substances act,
  relating to substances included in schedules I, II and III .......... 101

Public records, documents and information;
  records open to the public,
  concerning law enforcement; relating to hiring practices and
consideration of prior employment records; open records act;
Kansas law enforcement training act; central registry ............ 93

establishing the Kansas asset seizure and forfeiture
repository; relating to reporting of seizures for forfeiture;
forfeiture fund reports ....................................................... 26
relating to disclosure of records; legislative review of exceptions to disclosure of public records; disclosure of names of voters; agency records concerning a child fatality; disclosure of law enforcement recordings using a body camera or vehicle camera; disclosure of personal information; social security numbers; notice of unauthorized disclosure ............... 87
secretary of state records open to the public, unlawful use of names derived from public records; exceptions ..... 68

Public utilities;
    electric,
        relating to the retail electric suppliers act; concerning termination of service territory; relating to the state corporation commission; concerning regulation of municipal energy agencies; relating to electric cooperatives, regulation of certain transmission services .......................................................... 6
gas safety and reliability policy act,
        gas system reliability surcharge, definitions .................................................. 40
overhead power line accident prevention,
        enacting the uniform arbitration act of 2000 ........................................... 90
powers of state corporation commission,
        relating to transfers of certain balances in motor carrier license fees fund to the state highway fund ........................................... 28

Railroad right-of-way interim use;
    transfer of duties,
        Kansas department of wildlife, parks and tourism ........................................ 74

Real estate;
    appraisal of real property before purchase or disposal by the state or agency thereof,
        duties of the judicial administrator and the director of property valuation .......................................................... 79
authorizing the conveyance of land from the department of corrections to fire district 1 of Leavenworth county ........................................... 19
state park designation,
        Flint Hills trail state park and Little Jerusalem Badlands state park .......................................................... 74

Real estate appraisal board;
    appropriations ........................................................................ 109
Kansas appraisal management company registration act,
    appraisal management company ownership limitations and removal of appraisers; registry fee collection and remittance .......... 69
Real estate commission, Kansas;
appropriaions.................................................................................................109

Recalls;
automobiles and other vehicles,
compensation to dealers from manufacturers.................................................49

Redevelopment authority;
redevelopment district in federal enclave; Johnson and Labette counties,
authorization of franchises for the provision of utilities .........................43

Regents, state board of;
appropriaions.................................................................................................109
Kansas national guard educational assistance act,
relating to participant qualifications and recoupment of assistance.........................36

Registered nurses;
licenses and licensure,
enacting the nurse licensure compact; authorizing criminal history record checks................................................................................42

Repealers;
driving under the influence,
test refusal....................................................................................................106
KPERS, Sudan, repeal of divestment procedures ........................................58
Sabbath restrictions,
concerning service of process; procuring adjournment for trial.........................100

savings and loan code,
including savings and loan associations and savings banks in the state banking code; repealing the savings and loan code; updating the Kansas money transmitter act.........................75

Retail electric suppliers act;
utilities,
concerning termination of service territory; relating to the state corporation commission; concerning regulation of municipal energy agencies; relating to electric cooperatives, regulation of certain transmission services ...............6

Retailers;
alcoholic beverages,
relating to the Kansas cereal malt beverage act; relating to the sale of beer by cereal malt beverage licensees........................................8
eggs,
repackaging requirements...........................................................................14
Retailers' sales tax, Kansas;
cereal malt beverage act, Kansas,
    relating to the sale of beer by cereal malt beverage licensees.........8
motor vehicles,
    relating to certain cash rebates on sales or leases of new
motor vehicles .................................................................115
state sales tax revenues collected on the Kansas state fairgrounds,
    deposit of revenues in state fair capital improvements fund........111

Retirement and pensions;
public employees retirement systems,
    concerning state agencies; financial-compliance audits;
    responsibility for contracting auditors transferred to audited
    agency; technology projects certain vendor restrictions .............89
repeal of procedures concerning new investments and divestment
    of current investment in companies with operations in Sudan .......58

Revenue, department of;
appropriations .................................................................109
drivers' licenses,
    electronic online renewal; vision requirements; reports to
    legislature; approved safety training curriculum for motorcycle
    licenses; renewal period for commercial driver's licenses ..........53
income tax refunds,
    certain Native American veterans ..................................48
reports to legislature,
    online drivers' license renewal effects on state road and
    highway safety ................................................................53
rules and regulations,
    regulating self-service beer or wine; access cards .................99

Revenue, department of, division of alcoholic beverage control;
fees,
    establishing the alcoholic beverage control modernization
    fee and the alcoholic beverage control modernization fund........11

Revenue, department of, division of property valuation;
appraisal of real property before purchase or disposal by the
    state or agency thereof,
    duties of the judicial administrator and the director of
    property valuation .........................................................79

Revised sentencing guidelines;
crimes, punishment and criminal procedure,
    determination of an offender's criminal history classification ....16
Risk-based capital instruction;
insurance,
effective date.................................................................13

Roads and bridges;
county and township roads,
concerning roads and highways; relating to traffic-control
devices, maintenance thereof, counties and townships;
townships special highway improvement fund.........................80
designating a portion of United States highway 50 as SGT
Gregg Steimel and PFC Richard Conrardy memorial highway........5
establishing the joint legislative transportation vision task force,
relating to the evaluation of the state highway fund and the
state highway transportation system; report to the legislature ......113
memorial highways,
contents of signs, master deputy Brandon Collins and mem-
ers of the Kansas highway patrol killed in the line of duty.........78

Rock, state;
designating the state rock as Greenhorn limestone....................34

Rules and regulations;
ageing and disability services, Kansas department for,
electronic monitoring in adult care homes...................................54
regarding certain providers and facilities; providing for
licensure, employment and background checks of
employees; waiver from disqualification ..................................86
agriculture, Kansas department of,
regulating provisions of alternative crop research act,
establishing licensing and renewal fees.................................62
relating to the control and eradication of noxious weeds in
the state of Kansas..................................................................77
all persons, boards, commissions or similar licensing bodies,
relating to licensing of professional occupations; applications
of persons with certain criminal and civil records,
disqualification for licensure.................................................86
attorney general
relating to approval of rules and regulations by the director
of the budget........................................................................117
behavioral sciences regulatory board,
enacting the Kansas telemedicine act....................................98
business impact reporting.......................................................117
children and families, Kansas department for,
regulating juvenile crisis intervention centers..........................107
corrections, department of,
  identify job classifications and duties of security operations
  of correctional institution or juvenile correctional facility...........83
director of budget review and approval ........................................117
healing arts, board of,
  relating to the practice of telemedicine, prescribing drugs
  including controlled substances; enacting the Kansas
  telemedicine act........................................................................98
health and environment, department of,
  emergency planning and community right-to-know act;
  setting fees.................................................................................82
  relating to individuals maintaining or residing, working or
  regularly volunteering at a child care facility; collection of
  a fee for fingerprinting such individuals.....................................47
  relating to practice of telemedicine, Kansas medical
  assistance program; enacting the Kansas telemedicine act;
  providing speech-language pathology and audiology services ......98
insurance department,
  regulating captive insurance companies...................................50
joint committee on administrative rules and regulations,
  report made by committee; membership.................................117
regents, state board of,
  relating to wrongful conviction and imprisonment
  compensation; tuition assistance ..............................................108
revenue, department of,
  distinctive license plates for veterans; Korean war, operation
  desert storm, operation Iraqi freedom and operation enduring
  freedom.......................................................................................63
  drivers' licenses; relating to electronic online renewal...............53
  regulating self-service beer or wine; access cards......................99
rules and regulations board, state;
  membership.............................................................................117
secretary of state,
  relating to approval of rules and regulations by the director
  of the budget.............................................................................117
Russell county;
  industrial hemp,
  pilot research program..............................................................62
Sabbath;
  repealing restrictions,
  concerning service of process; procuring adjournment for trial.....100

Savings and loan associations and savings banks;
  banking codes,
  including savings and loan associations and savings banks
  in the state banking code; repealing the savings and loan
  code; updating the Kansas money transmitter act.........................75

School buses;
  traffic rules and fines,
  overtaking and passing of school buses ....................................72

School district bonds and capital improvement state aid;
  education instruction and financing,
  school equity and enhancement act; appropriations for the fiscal
  year ending June 30, 2019, for the department of education .........57

School districts;
  legislative task force on dyslexia .............................................64
  local option budget ..................................................................70

School equity and enhancement act, Kansas;
  education instruction and financing,
  appropriations for the fiscal year ending June 30, 2019, for the
department of education ............................................................57
  education instruction and financing corrections,
  school equity and enhancement act; BASE aid amounts; school
district local option budgets .......................................................70

Schools;
  education instruction and financing,
  school equity and enhancement act; appropriations for the fiscal
  year ending June 30, 2019, for the department of education .........57
  school district state aid,
  school equity and enhancement act; BASE aid amounts; school
district local option budgets .......................................................70

Scrap metal theft reduction act;
  enforcement dates ....................................................................79

Secretary of state;
  candidacy qualifications,
  qualified elector by filing deadline ............................................116
  elections,
  county commissioners ..................................................................59
lobbyist requirements .................................................................51
publication of election results ....................................................88
records open to the public,
  unlawful use of names derived from public records;
  exceptions ..............................................................................68
rules and regulations,
  relating to approval of rules and regulations by the director
  of the budget ............................................................................117
Sedgwick county;
  urban area designation ...............................................................59
Sentencing;
  certified drug abuse treatment programs .....................................112
  reconciling amendments to certain statutes .................................102
Service of process;
  repealing Sabbath restrictions .....................................................100
Sexually violent predator act, Kansas;
  release, review, and confinement,
    relating to persons in the custody of the secretary for
    aging and disability services; administrative confinement ..........94
Small business;
  civil procedure appeals,
    supersedeas bond requirements ..............................................103
Social security numbers;
  public records,
    redaction of social security number ..........................................87
Special olympics Kansas;
  distinctive license plates ............................................................63
Speech-language pathologists, licensed;
  disposition of fees,
    creating the health occupations credentialing fee fund ...............32
State bank commissioner;
  banking codes and rules and regulations,
    enforcement and dispute resolution ..........................................75
State boards, commissions and authorities;
  alternative crop research advisory board,
    concerning industrial hemp pilot projects and research
    proposals ..................................................................................62
  behavioral sciences regulatory board,
    relating to professional counselors; licensure; educational
    requirements .............................................................................29
  crime victims compensation board,
    definition of collateral source ..................................................79
Kansas highway patrol,  
relating to minimum rank for certain persons ...........................................18

labor and employment,  
relating to licensing of professional occupations;  
applications of persons with certain criminal and civil records, disqualification for licensure, Kansas commission on veterans affairs office; drug screening programs; Kansas department for aging and disability services regarding certain providers and facilities; providing for licensure, employment and background checks of employees ..................................86

law enforcement training center; commission on peace officers' standards and training,  
concerning law enforcement; relating to hiring practices and consideration of prior employment records; open records act; Kansas law enforcement training act;  
central registry ..................................................................................................................93

qualifications for law enforcement officers; misdemeanor crime of domestic violence redefined .................................................................92

lottery, Kansas,  
concerning gaming; relating to lottery ticket vending machines and revenues derived therefrom; relating to instant bingo vending machines; concerning certain debt setoff agreements; sunset date extension ........................................96

nursing, board of,  
enacting the nurse licensure compact; authorizing criminal history record checks ........................................................................................................42

public employees retirement system, Kansas,  
repeal of procedures concerning new investments and divestment of current investment in companies with operations in Sudan .............................................................................58

public employees retirement systems,  
concerning state agencies; financial-compliance audits; responsibility for contracting auditors transferred to audited agency; technology projects certain vendor restrictions .........................89

regents, state board of,  
Kansas national guard educational assistance act; relating to participant qualifications and recoupment of assistance ............................36

private and out-of-state postsecondary educational institution act; fee schedule .........................................................................................67

state highway commission,  
driving under the influence; relating to testing; administrative penalties; crimes, punishment and criminal procedure .........................106
State departments; public officers and employees; administration, department of,
private and out-of-state postsecondary educational institution act; exempting certain postsecondary educational institutions from performance-based budgeting ..........67
relating to exemption from monumental building surcharge for the division of post audit; energy audits, requirements for certain state contracts; payroll deductions for indemnity insurance......................................................................................91
state contracts; relating to application of contract requirements regarding anti-Israel boycotts ...........................................60
administration, secretary of,
authorizing the construction of a permanent statue honoring Dwight D. Eisenhower on the state capitol grounds;
establishing the Dwight D. Eisenhower statue fund......................1
aging and disability services, Kansas department for,
lottery operating fund transfers to the community crisis stabilization centers fund and clubhouse model program fund.......96
state long-term care ombudsman; access to certain records.............38
bank commissioner, state,
powers, duties and experience of certain employees ....................4
batterer intervention program certification; Kansas tort claims;
juvenile justice authority,
relating to the Kansas department for aging and disability service and the Kansas department for children and families; making certain statutory revisions and updates to laws in accordance with prior legislative enactment and executive order .................................................................71
capitol preservation committee,
authorizing the construction of a permanent statue honoring Dwight D. Eisenhower on the state capitol grounds;
establishing the Dwight D. Eisenhower statue fund......................1
capitol, state,
making and concerning appropriations for state agencies;
authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees; imposing certain restrictions and limitations; directing or authorizing certain receipts, disbursements;
procedures and acts incidental to the foregoing ..............................109
children and families, Kansas department for,
creating juvenile crisis intervention centers; the revised
Kansas code for care of children; newborn infant
protection act; powers and duties of the secretary for
children and families .................................................................107
corrections, department of,
children and minors; juvenile justice code; review hearings;
dispositional hearing; case length limits; absconders; juvenile
justice oversight committee.............................................................52
crimes, punishment and criminal procedure; relating to
involuntary manslaughter; aggravated battery; involving
certain violations of driving under the influence of alcohol
or drugs.........................................................................................7
funding for juvenile crisis intervention centers....................107
general fund appropriations, demand transfers and expenditures,
making and concerning appropriations for state agencies;
authorizing and directing payment of certain claims against
the state; authorizing certain transfers, capital improvement
projects and fees; imposing certain restrictions and limitations;
directing or authorizing certain receipts, disbursements,
procedures and acts incidental to the foregoing.......................109
health and environment, department of,
relating to wrongful conviction and imprisonment
compensation; assistance with state health care benefits .........108
information technology,
concerning information systems and communications;
creating the Kansas cybersecurity act; establishing the
Kansas information security office; relating to executive
branch agencies; membership of the information technology
executive council............................................................97
insurance commissioner,
regulating captive insurance companies; providing for
association captive insurance companies, branch captive
insurance companies and special purpose insurance captives........50
judicial branch acts concerning state agencies,
disposition of docket fees for the fiscal years ending June 30,
2020, and June 30, 2021; marriage license information;
notification by courts to the secretary of health and
environment; attorney general enforcement of the scrap
metal theft reduction act; crime victims compensation board;
definition of collateral source; appraisal of real property
before purchase or disposal by the state or agency thereof;
duties of the judicial administrator and the director of
property valuation.................................................................79
labor and employment,
relating to licensing of professional occupations; applications
of persons with certain criminal and civil records; dis-
qualification for licensure; Kansas commission on veterans
affairs office; drug screening programs; Kansas department
for aging and disability services regarding certain providers
and facilities; providing for licensure; employment and
background checks of employees....................................................86

long-term care ombudsman,
access to certain records; review by secretary for aging and
disability services.............................................................................38

moneys, state,
making and concerning appropriations for state agencies;
authorizing and directing payment of certain claims against
the state; authorizing certain transfers, capital improvement
projects and fees; imposing certain restrictions and limitations;
directing or authorizing certain receipts, disbursements,
procedures and acts incidental to the foregoing .........................109

Native Americans,
prohibiting governmental entities from prohibiting the
wearing of tribal regalia and objects of cultural significance.........17

public records,
relating to disclosure of records; legislative review of
exceptions to disclosure of public records; disclosure of
names of voters; agency records concerning a child fatality;
disclosure of law enforcement recordings using a body
camera or vehicle camera; disclosure of personal information;
social security numbers; notice of unauthorized disclosure........87

revenue, department of,
concerning gaming; relating to lottery ticket vending machines
and revenues derived therefrom; relating to instant bingo
vending machines; concerning certain debt setoff agreements ......96

salaries and assistants,
relating to banks and banking.........................................................75

state agencies,
financial-compliance audits; responsibility for contracting
auditors transferred to audited agency; technology projects
certain vendor restrictions.............................................................89

state employee benefit programs,
indemnity insurance .......................................................................91

state treasurer,
establishing the Dwight D. Eisenhower statue fund.................1
savings programs; relating to beneficiaries of ABLE accounts, transfers, qualified education expenses; income taxation, deduction for contributions ............................................................114
tort claims act, Kansas, concerning civil actions and civil procedure; relating to wrongful conviction and imprisonment; compensation; tuition assistance; state health care benefits.................................................................108

State employees;
state health plan coverage commencing January 1, 2019, coverage for amino acid-based elemental formula..........................76 voluntary state employee benefits and payroll deductions, indemnity insurance .................................................................91

State employees health care commission;
state employee benefit programs, indemnity insurance ........................................................................................................91
state health plan coverage commencing January 1, 2019, coverage for amino acid-based elemental formula..........................76

State fair;
sales tax revenues collected on the fairgrounds, deposit of revenues in state fair capital improvements fund........111

State fair board;
appropriations ..........................................................................................109

State fish;
designating the state fish as channel catfish ................................................34

State gemstone;
designating the state gemstone as jelinite ..................................................34

State institutions and agencies; historical property;
university of Kansas; Topeka and Osawatomie state hospitals; Ellsworth home for the aged; Norton state hospital; tuberculosis hospital,
relating to the Kansas department for aging and disability services and the Kansas department for children and families; making certain statutory revisions and updates to laws in accordance with prior legislative enactment and executive order ........................................................................................................71

State mineral;
designating the state mineral as galena ..........................................................34

State property;
appraisal of real property before purchase or disposal by the state or agency thereof,
duties of the judicial administrator and the director of property valuation .........................................................................................................................79
authorizing the conveyance of land from the department of corrections to fire district 1 of Leavenworth county ..................................................19
state park designation,
   Flint Hills trail state park and Little Jerusalem Badlands state park.................................................................74
State rock;
designating the state rock as Greenhorn limestone.............................................................34
State treasurer;
appropriations ..........................................................................................................................109
candidacy qualifications,
   qualified elector by filing deadline ......................................................................................116
docket fees,
   disposition of docket fees for the fiscal years ending June 30, 2020, and June 30, 2021 .........................................................79
savings programs,
   relating to beneficiaries of ABLE accounts, transfers, qualified education expenses; income taxation, deduction for contributions ........................................................................114
Statewide broadband expansion planning task force;
creation of ..............................................................................................................................................65
Statutes; administrative rules and regulations and procedure;
rules and regulations,
   relating to approval of rules and regulations by the director of the budget; reporting impact on business; joint committee on administrative rules and regulations; report made by committee; audit; state rules and regulations board; membership ....................................................................................117
Stock bank;
state banking code,
   defined .................................................................................................................................................75
Students;
at-risk, bilingual, special education,
   weighting; school equity and enhancement act; appropriations for the fiscal year ending June 30, 2019, for the department of education ........................................................................................................57
Swatting;
crimes, punishment and criminal procedure,
   increased criminal penalties ........................................................................................................45
Swine confined animal feeding requirements;
exemptions,
   Prairie Spirit rail trail state park and Flint Hills trail state park ......74
General Index

Chapter

T

Task force;
creation of,
joint legislative transportation vision task force...............................113
legislative task force on dyslexia.........................................................64
statewide broadband expansion planning task force .........................65

Tax appeals, state board of;
appropriations.......................................................................................109

Taxation;
  alcoholic beverages,
  relating to the Kansas cereal malt beverage act; relating to
  the sale of beer by cereal malt beverage licensees.............................8
  automated sales suppression device,
  liability for sales and use tax ...........................................................104
  gaming revenues,
  making and concerning appropriations for state agencies;
  authorizing and directing payment of certain claims against
  the state; authorizing certain transfers, capital improvement
  projects and fees; imposing certain restrictions and limitations;
  directing or authorizing certain receipts, disbursements,
  procedures and acts incidental to the foregoing...............................109
  income tax,
  deduction for contributions to ABLE savings programs;
  relating to beneficiaries of ABLE accounts, transfers,
  qualified education expenses..........................................................114
  reconciling amendments to certain statutes.................................102
  Native American veterans,
  relating to income tax refunds.......................................................48
  property exempt from taxation,
  reconciling amendments to certain statutes.................................102
  property exempt from taxes; retailers' tax,
  relating to the Kansas department for aging and disability
  services and the Kansas department for children and
  families; making certain statutory revisions and updates
  to laws in accordance with prior legislative enactment
  and executive order ...........................................................................71
  retailers' sales tax, Kansas,
  relating to certain cash rebates on sales or leases of new
  motor vehicles ..................................................................................115
  sales tax revenues collected on the fairgrounds,
  deposit of revenues in state fair capital improvements fund.........111
state parks,
exemption of state park property from property and ad
valorem taxes.................................................................74

Technical professions, state board of;
appropriations.............................................................109

Telecommunications;
broadband,
statewide broadband expansion planning task force ............65
emergency communication services,
establishing the state interoperability advisory committee ........85
emergency telephone services,
certain audits by the division of post audit..........................10, 95
wireless services,
concerning rights to a wireless telephone number .................37

Towaway trailer transporter;
size, weight and load of vehicle,
length of vehicles, certain vehicle combinations.....................72

Township board;
defined as governing body of township,
enabling use of special highway improvement fund.................80

Traffic laws;
rules, limits and fees,
concerning passing waste collectors on streets and highways;
overtaking and passing of school buses; operation of golf carts,
required equipment for night use; length of vehicles, certain
vehicle combinations; gross weight limits, emergency vehicles.....72

Transportation;
airport authorities,
Pratt .................................................................39

establishing the joint legislative transportation vision task force,
relating to the evaluation of the state highway fund and the
state highway transportation system; report to the legislature ......113
student,
school district transportation weighting; school equity and
enhancement act; appropriations for the fiscal year ending
June 30, 2019, for the department of education .....................57

Transportation, department of;
appropriations..........................................................109

Transportation, secretary of;
designating a portion of United States highway 50 as SGT Gregg
Steimel and PFC Richard Conrardy memorial highway .............5
memorial highways,
    contents, location and funding of signs; master deputy
Brandon Collins and members of the Kansas highway
patrol killed in the line of duty .......................................................... 78

**Treatment facilities;**
    accreditation and license renewal ............................................. 9

**Trial adjournment;**
    repealing Sabbath restrictions ................................................ 100

**Trust instruments;**
    arbitration,
        enacting the uniform arbitration act of 2000; relating to
    mediation or arbitration of disputes concerning trust
    instruments ..................................................................................... 90

**Tuition and fees;**
    postsecondary education,
        Kansas national guard educational assistance act; relating
    to participant qualifications and recoupment of assistance .......... 36
    postsecondary educational institutions,
        private and out-of-state postsecondary educational institution
    act; fee schedule; exempting certain postsecondary
    educational institutions from performance-based budgeting ....... 67

**U**

**Unfair trade and consumer protection;**
    arbitration,
        enacting the uniform arbitration act of 2000; relating to
    mediation or arbitration of disputes concerning trust
    instruments ..................................................................................... 90
    fair credit reporting,
        security freeze on consumer report; fees .................................. 44
    scrap metal theft reduction act,
        attorney general enforcement dates ......................................... 79

**Uniform anatomical gift act, revised;**
    pertaining to driver's licenses; identification cards; agents of
    the deceased .................................................................................. 31

**Uniform arbitration act;**
    repealing current act and enacting uniform arbitration
    act of 2000,
        relating to mediation or arbitration of disputes concerning
    trust instruments ............................................................................. 90
General Index

Chapter

Uniform commercial code;
secretary of state records open to the public,
unlawful use of names derived from public records;
exceptions.............................................................................................68

University of Kansas;
appropriations......................................................................................109
industrial hemp,
alternative crop research act.............................................................62

University of Kansas medical center;
appropriations......................................................................................109

Utilities, public;
authorization of franchises for the provision of utilities, re-
development district in federal enclave; Johnson and Labette
counties; powers of authority; economic development......................43
gas system reliability surcharge,
definitions.............................................................................................40

Vehicle dealers and manufacturers licensing act;
facility improvements; performance measurements; recall repairs ......49
renewal of licenses..................................................................................27

Vending machines, lottery ticket;
Kansas lottery act,
relating to instant bingo vending machines..........................................96

Veterans;
distinctive license plates,
Korean war, operation desert storm, operation Iraqi
freedom and operation enduring freedom..............................................63
Native American veterans,
relating to income tax refunds.............................................................48

Veterans affairs office, Kansas commission on;
appropriations......................................................................................109
drug screening,
added to definition of "safety sensitive positions" requiring
employee drug screening......................................................................86

Veterinary examiners, state board of;
appropriations......................................................................................109

Vision requirements;
drivers' licenses,
electronic online renewal......................................................................53
General Index

Voters;
  disclosure of names of voters .......................................................... 87

W

Waste collectors;
  traffic rules and fines,
    concerning passing waste collectors on streets and highways .......... 72

Water and soil pollution:
  poultry facilities,
    relating to animal conversion units; confined feeding
    facilities; dry manure system ......................................................... 12

Water office, Kansas;
  appropriations .............................................................................. 109

Water resources division of the Kansas department of agriculture;
  chief engineer,
    relating to multi-year flex accounts application deadlines .......... 21

Water slides;
  attendant requirements ................................................................. 73, 84

Waters and watercourses;
  appropriation of water for beneficial use,
    relating to multi-year flex accounts application deadlines .......... 21
  groundwater management districts,
    water user charges .................................................................... 24
  resource planning,
    making and concerning appropriations for state agencies;
    authorizing and directing payment of certain claims against
    the state; authorizing certain transfers, capital improvement
    projects and fees; imposing certain restrictions and
    limitations; directing or authorizing certain receipts,
    disbursements, procedures and acts incidental to
    the foregoing .................................................................................. 109

Weed free certification;
  alfalfa, grass, hay or other forage, straw or mulch,
    use on state land ........................................................................... 77

Weed supervisor;
  duties ............................................................................................... 77

Wichita, city of;
  distinctive license plates ................................................................. 63

Wichita state university;
  appropriations .................................................................................. 109
industrial hemp,  
alternative crop research act...............................................................62

Wildlife, parks and tourism, Kansas department of;  
appropriations......................................................................................109  
licenses, permits, stamps and other issues,  
expanding the annual game bird hunting season in  
controlled shooting areas.................................................................35  
state parks,  
establishing the Flint Hills advisory council; designating Flint  
Hills trail state park and Little Jerusalem Badlands state park...........74

Wireless services provider;  
protection from abuse,  
concerning rights to a wireless telephone number .........................37

Workers compensation;  
death benefits,  
initial payments; legal heirs, dependents; funeral expenses;  
conservatorship; adequacy and equivalency with respect to  
other benefit limits; high school children over 18 years of age........46

Wrongful conviction and imprisonment;  
compensation,  
tuition assistance; state health care benefits .................................108